



Voluntary Stewardship Program

Frequently Asked Questions

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Acronyms

AG:	Agriculture
AO:	Agricultural Operators (cooperators)
BOCC:	Board of County Commissioners
CA:	Critical Areas
CAO:	Critical Areas Ordinance
CD:	Conservation District
CO:	Cooperators (agricultural operators)
CREP:	Conservation Reserve Enhancement Program
ECY:	Washington State Department of Ecology
GMA:	Growth Management Act
GMHB:	Growth Management Hearings Board
ILA:	Inter-local Agreement
NRCS:	Natural Resource Conservation Service
RFP:	Request for Proposals
SAC:	VSP Statewide Advisory Committee
SCC:	Washington State Conservation Commission
SCC-ED:	Executive Director, Washington State Conservation Commission
SEPA:	State Environmental Policy Act
SMP:	Shoreline Management Plan
SP:	VSP Stewardship Plans
TA:	Technical Assistance
TP:	VSP Technical Panel
USDA:	United States Department of Agriculture
VSP:	Voluntary Stewardship Program
WDFW:	Washington State Department of Fish and Wildlife
WG:	VSP WG
WP:	VSP Work Plan
WSDA:	Washington State Department of Agriculture

General

Question:

What is the Voluntary Stewardship Program?

Answer:

The Voluntary Stewardship Program (VSP) is an optional, incentive-based approach to protecting critical areas while promoting agriculture. The VSP is allowed under the Growth Management Act (GMA) as an alternative to traditional approaches to critical areas protection, such as “no touch” buffers. Twenty seven counties have “opted in” to the VSP by nominating one or more watersheds in their county where the program would apply.

Program Goals – [RCW 36.70A.700](#):

- Promote plans to protect and enhance critical areas 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.
- 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 program success.
- Improve compliance with other laws designed to protect water quality and fish habitat.
- Rely upon voluntary stewardship practices as the primary method of protecting critical areas and not require the cessation of agricultural activities.

Question:

How did VSP get started – why is it needed?

Answer:

The GMA was passed by the Washington State Legislature in 1990 and 1991 to, achieve a number of goals, one of which was to protect critical areas. All counties must adopt a CAO protecting CA. After GMA became law, several counties exempted agriculture from CAO. However, after several court cases, the trend in early 2000's became that agriculture was not exempt from CAO requirements. These trends lead to concern in the agriculture community about regulation impacting agriculture value. Environmentalists also expressed concerns of agriculture impact to CA – both ongoing and future agriculture. Counties became concerned about costs of defending GMA cases in the court system.

In 2006, [Initiative 933](#) addressing the taking of agricultural lands due to regulations was proposed, but failed by 60% at the ballot box. In 2007, the Washington State Supreme Court, in *Swinomish v. Skagit Co.*, ruled that agriculture is not exempt from CA requirements of GMA - counties must regulate agriculture in CAO. In 2007 the Legislature charged the Ruckelshaus Center to examine the conflict between protecting agricultural land and protecting critical areas in local ordinances adopted under the GMA. In 2010 an agreement was reached and legislation introduced in 2011 – [ESHB 1886](#). However, funding was not allocated until 2015.

Under the VSP statute, counties are not obligated to implement VSP until funding is provided. Counties are given two options under VSP: a) Opt-in to the VSP, or b) 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. By the opt-in date of January 21, 2012, 28 of 39 counties opted-in. Since then, one county (Skamania), has opted out, so 27 counties remain.

Question:

What is the statutory citation for VSP?

Answer:

VSP is found in [RCW Chapter 36.70A](#), Sections 700-904.

Question:

What are the five critical areas protected under the GMA?

Answer:

The five critical areas protected under the GMA are wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. [RCW 36.70A.030\(5\)](#).

Question:

How does a county opt-in to VSP?

Answer:

Counties were required to adopt an ordinance or resolution opting-in to VSP. 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 also elect to have the county participate in VSP, identify the watersheds that will participate in VSP; and nominate watersheds for consideration by the SCC as state priority watersheds. Ordinances adopted by the counties who opted-in to VSP can be found on the [SCC web page](#).

Question:

Did my county include all watersheds in our opt-in ordinance?

Answer:

A list of county resolutions can be found on the [SCC VSP web page](#).

Question:

Which counties opted-in to VSP?

Answer:

27 of 39 Washington State counties opted-in to VSP. A map of which counties opted-in can be found on the [SCC web page](#), and also is reproduced below.

COUNTIES OPTING-IN TO THE VOLUNTARY STEWARDSHIP PROGRAM



As of January 2016

Dates, Timelines and Funding

Question:

What are the timelines for getting the WP done?

Answer:

	ACTION	TIMELINE
1	Receipt of funding to create VSP WP.	Receipt of funding
2	Prepare a WP within 18 months after receipt of funding.	+18 months
3	Approve the WP. The Executive Director of the SCC and the TP (see RCW 36.70A.735) approves the WP within two years and nine months after receipt of funding. The TP has 45 days to review and provide a response to the Executive Director. <ul style="list-style-type: none"> - If no agreement in two years and nine months, the WP is sent to the SAC. - If no agreement in three years, the WP does not go into effect and an alternative regulatory path must be selected (see RCW 36.70A.735). 	+30 months
4	Provide a written report of the status of plans and accomplishments to the BOCC and SCC within 60 days after the end of each biennium.	August 2017, 2019, et seq.
5	Report on whether goals and benchmarks have been met, and every five years after that.	+60 months
6	Adaptive management or additional voluntary actions and funding may need to be identified if goals and benchmarks are not met.	+60 months and ongoing

Question:

County commissioners would benefit from having a “cheat sheet” with key dates and timelines for them.

Answer:

See table above.

Question:

When does the 60-day clock start?

Answer:

October 23, 2015 is the day that the SCC notified BOCC's that funding was available, and the 60-day clock started on that day. "Funds being available" is not defined in the VSP statute. The SCC has interpreted the date that funds have been made available to be October 23, 2015. Sixty days from there would be December 23, 2015. However, a county will not be held accountable to this timetable if they are demonstrating progress.

Question:

When does the 2-year, 9-month clock start?

Answer:

See table above.

Question:

What is the timeline for final approval of a VSP work plan?

Answer:

Overall timeline is a county VSP work plan must be approved by the director of the SCC within 3 years of the receipt of funds by the county. RCW 36.70A.725(6). "Receipt of funds" is defined as: "...the date a county takes legislative action accepting any funds as required in RCW 36.70A.715(1) to implement the program." RCW 36.70A.703(9). If a work plan has been submitted by the county WG to the SCC for review, and the SCC has submitted the work plan to the technical panel, if no approval has been received within two years nine months of the receipt of funds the SCC will submit the work plan to the statewide advisory committee for review. RCW 36.70A.725(5).

Question:

How long is VSP funded for?

Answer:

The Legislature chose to providing funding for VSP out of the operating funds of the SCC, not capital funds. Therefore, every fiscal year the SCC must request from the Legislature continued funding for VSP. The full amount of the VSP allocation (currently \$150,000 per county per fiscal year) is available at the beginning of the biennium.

Based on the number of VSP counties, the SCC estimates asking for \$9,000,000 a biennium.

Question:

When must the WP be completed by, and what if funding runs out in that time?

Answer:

The WG has two years and nine months to complete the WP. That length of time is more than a biennium. In the event that the WP isn't completed in one full biennium, the allocated funds can be split up into a monthly allocation so that funding can be complete up until the end of the nine months.

Legal and Contracting

Question:

What do we do if my county didn't include all watersheds in the county in our opt-in ordinance?

Answer:

For those watersheds that the BOCC has identified as NOT participating in VSP, the BOCC must "review and, if necessary, revise development regulations adopted under this chapter to protect critical areas as they specifically apply to agricultural activities" for any watershed not participating in the program. [RCW 36.7aA.710\(6\)\(a\)](#).

Question:

Can the WG choose to not address all watersheds in the county in the work plan?

Answer:

Yes, but the WG must address all watersheds identified by the BOCC in the BOCC's ordinance opting into VSP.

Question:

What is VSP's relationship to the Growth Management Act?

Answer:

The legislation creating VSP ([ESHB 1886](#)) added new sections to the GMA statute, codified at [RCW 36.70A.700-760](#). VSP is an alternative approach to protecting critical areas in areas used for agricultural activities. [RCW 36.70A.710](#). The VSP focus is on agricultural activities rather than AG land designations. Agricultural activities include all agricultural uses and practices, as defined in [RCW 90.58.065](#).

Question:

How is VSP different from traditional GMA?

Answer:

VSP is different than regulation under the GMA. VSP protects critical areas through voluntary actions on the part of participants at the watershed level, developed by a multi-stakeholder WG, and is based on measurable objectives that are monitored and adaptively managed. Adaptive management would identify benchmarks that are not being met and provide actions that would meet them. In a VSP county while the county is implementing their WP, the landowners who are not doing a SP are not subject to GMA regulation. However, all other regulations would still apply (Clean Water Act, SEPA, etc). For landowners in counties participating in VSP who fail to meet those regulations, they would be subject to the penalties and processes under those particular regulations, but not under VSP or GMA.

A key distinction between “traditional GMA” approach to protection of critical areas and the VSP approach is that the “Traditional GMA” approach – is that GMA 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. The VSP approach – relies on evaluation *at a watershed scale*. Demonstrate progress on work plan goals every five years. The Focus is on critical area function rather than per parcel.

Another key distinction between “traditional GMA” approach to protection of critical areas, and VSP approach is that under VSP, reporting to the SCC on progress for achieving the goals of protection of critical areas, with protection and enhancement of viability of agriculture, is required. The State agency (the SCC) evaluates WP progress and may disagree with the WG. As a result the WG, and thus the BOCC, may be kicked out of VSP if not achieving or adaptively management to get to goals.

Question:

What is VSP's relationship to the Shoreline Management Act ([RCW Chapter 90.58](#))?

Answer:

The Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by Washington State voters in 1972. The SMA requires local jurisdictions to adopt a shoreline master program (SMP) with goals, policies, and shoreline environment designations designed to promote preferred shoreline uses (water dependent, water related, and water oriented (such as ports, marinas and docks; boat repair and sales; recreation sites), environmental protection, and public access. The SMP goals and policies are considered part of a jurisdiction's GMA Comprehensive Plan and the SMP regulations are considered part of a jurisdiction's development regulations.

Unlike GMA which is countywide, the SMA applies to a smaller shoreline jurisdiction area: streams of 20 cubic feet per second or greater, lakes of 20 acres or greater, lands within 200 feet of the ordinary high water mark of these water bodies and floodways, and associated wetlands.

SMP Guidelines ([WAC 173-26](#)) indicate that critical area regulations are to be included in the SMP when updated. SMPs are to "provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060." [RCW 36.70A.480\(4\)](#). Until such time as the SMP Update occurs, the GMA critical area regulations addressing shorelines apply. ([RCW 36.70A.480](#)).

When the SMP is updated, it would appear that the WP could be applied to critical areas in shoreline jurisdiction where agriculture is occurring because the GMA specifically integrates the SMP goals into the GMA ([RCW 36.70A.480\(1\)](#)), the SMP guidelines indicate the definitions of critical areas are the same as the GMA's ([WAC 173-26-221\(2\)\(a\)](#)), and VSP is included in the GMA statute and applies to unincorporated properties in watersheds and is not restricted in its application within the shoreline jurisdiction.

Question:

How does a shoreline management plan interact with VSP?

Answer:

The interaction between the SMA ([RCW 90.58](#)) and VSP has yet to be fully determined.

Question:

How does SEPA apply to VSP?

Answer:

[RCW 43.21C.0301\(1\)](#) says that “Decisions made under [RCW 36.70A.720](#) pertaining to work plans, as defined in [RCW 36.70A.703](#), are not subject to the requirements of [RCW 43.21C.030\(2\)\(c\)](#).” As a result, the decision by the SCC-ED on a WP is not subject to SEPA review requirements. The SCC-ED’s decision to approve or not approve a WP can still be appealed, and that decision would be appealed to superior court as the SCC does not have any policy or regulation that would otherwise apply.

Question:

Can an approved VSP plan be appealed? If so, who would hear the appeal?

Answer:

Yes, an approved VSP plan can be appealed. It would be an appeal of the Commission decision to sign. It is not clear to whom the appeal would be made – to either the GMHB or to Thurston Superior Court. A VSP work plan is not final until approved by the director of the Conservation Commission. The appeal of the decision to approve the work plan is not addressed in the petitions subject to review by the GMHB. The only VSP actions subject to review by the GMHB are certain actions the county must take after the failure of the work plan. Under the Administrative Procedures Act (APA), final agency actions are subject to appeal to superior court. Since the VSP statute is silent on the proper venue of an appeal of the final action of approval of a work plan, then the provisions of the APA would likely apply. The director of the Conservation Commission’s final approval of a work plan would therefore be appealed to superior court. The GMHB may receive petitions relating to:

- Whether the approval of a work plan is not in compliance with the requirements of the program;
- Whether the regulations adopted by Commerce are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or
- That Commerce certification is erroneous.

Question:

Can amendments to a local Critical Areas Ordinance associated with the VSP plan adoption be appealed?

Answer:

Yes, amendments to a CAO associated with the VSP can be appealed. It would be an appeal of the county decision to amend.

Question:

Did the Supreme Court decision say that the GMA did not require rebuilding critical areas, only to maintain what is there and to protect AG land and its productivity?

Answer:

Yes, the court did say GMA does not require rebuilding critical areas. The requirement is to protect them.

Question:

Does the VSP apply to AG lands or AG activities?

Answer:

Agricultural activities, wherever they occur, is what is protected under the critical areas ordinance (CAO) and, therefore what VSP must work to protect. Agricultural activities include all agricultural uses and practices, as defined in [RCW 90.58.065](#). Trees would be included if they fall under the agricultural activities definition. Some other statutes related to air quality, water quality, or construction permits (etc) will still need to be adhered to – AG in VSP doesn't exempt landowner from compliance with other laws, rules, regulations or permitting requirements. How the WP is structured will influence this process. The WP sets the agricultural activities which sets the practices to protect the critical areas. Water quality is not a critical area to protect, so it is not covered under VSP, but will be covered by ECY (ECY can still regulate).

Question:

What is the definition, in the VSP statute, of “funds being available”?

Answer:

“Funds being available” is not defined in the VSP statute. The SCC has interpreted the date that funds have been made available to be October 23, 2015. Sixty days from there would be December 23, 2015. However, a county will not be held accountable to this timetable if they are demonstrating progress.

Question:

What does “acknowledge receipt of funds” mean?

Answer:

“Acknowledge receipt of funds” means that the BOCC has signed the contract with the SCC. Doing so triggers the timeline to complete the WP.

Question:

Should the BOCC, at any time, take official action on the WP?

Answer:

No. No official action is needed by the BOCC on the WP. When the WP is ready, the BOCC and WG forward the WP to the executive director of the SCC for further processing. VSP shifts the decision point from counties to the SCC. The final decision made on the WP is the trigger for an appeal. The WP is not approved by the BOCC or WG. The BOCC delegates the process of crafting the WP to the WG, and the WG sends the WP to the SCC. The approval of the WP by the SCC is the appealable decision. The BOCC never adopts the WP by resolution.

Question:

Can the BOCC sign the contract directly with the CD?

Answer:

The BOCC must acknowledge receipt of the SCC funds. However, the SCC can work out a payment structure to pay directly to the entity running the WG. That entity could be the CD. The SCC can also use the traditional method of contracting directly with the BOCC and have the BOCC administer the funds to the entity in charge of the WG.

Question:

Does VSP require that the critical areas be enhanced or protected?

Answer:

Current funding for VSP provides for protection of critical areas. Funding to enhance critical areas has not yet been provided, but both protection and enhancement should be included in the WP.

Question:

Must all counties adopt a CAO?

Answer:

Yes, all counties must adopt a critical areas ordinance protecting critical areas.

Question:

How will the WG and/or BOCC receive reimbursement for work performed?

Answer:

Reimbursement is by invoice for work performed. If the BOCC has contracted the duties of the WG to another entity that other entity could invoice for work performed - the BOCC wouldn't need to sign the invoice.

Participation

Question:

What about absentee landowners? What about situations where there is a lessee of the land? Is it with the operator or with the landowner?

Answer:

The WG is tasked with developing goals for participation by “agricultural operators” to meet the benchmarks of the WP. [RCW 36.70A.720\(1\)\(c\)](#). Agricultural operators is not defined by the statute, other than “commercial and noncommercial agricultural operators participating in the program are eligible to receive funding and assistance under watershed programs.” [RCW 36.70A.720\(5\)](#).

Question:

Can a landowner choose not to participate in the local VSP program?

Answer:

Yes. Landowners are not required to participate, and if they choose to participate they are free to withdraw at any time without penalty. [RCW 36.70A.760](#). But, landowners must still comply with any new or existing contractual agreements for which they have obligated themselves for the installation of a practice.

Question:

What are the consequences if a landowner doesn't participate?

Answer:

The WG must examine landowner participation in the WP and set goals and benchmarks for participation such that the WP goals are being met. If the WP goals are not being met, the WG must use principals of adaptive management to achieve or

modify those goals. However, even if the WG “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\(2\)](#). If a landowner withdraws from the program and any applicable contractual obligations for management practices are no longer in effect, the WG must account for any loss of protection resulting from such withdrawals when establishing goals and benchmarks for protection in the work plan. RCW 36.70A.720(2)(b)(iii)-(iv) and RCW 36.70A.760.

Question:

If a Tribe is invited to participate in the WG but doesn’t, does that lack of participation halt the process?

Answer:

Tribes are invited to participate, but if they don’t, it doesn’t stop the process – the WG can still proceed.

Question:

Can a landowner be forced, under VSP, to comply with land use regulations?

Answer:

VSP is voluntary. A landowner not doing a SP is not subject to other local critical area regulations. However, other applicable laws still apply (such as water quality and permitting) and regulatory entities (ECY, WSDA) still have the ability to regulate under those other laws.

Question:

Does VSP apply to state lands?

Answer:

VSP applies to private lands only, not state, federal or tribal.

Stewardship Plans (SP)

Question:

In VSP, there is no requirement that landowners must complete an “individual stewardship plan” under [RCW 36.70A.750](#), correct?

Answer:

Correct, there’s no requirement for a landowner to complete an individual stewardship plan. That’s why it’s voluntary.

Question:

What are Stewardship Plans (SP’s)?

Answer:

SP’s are not defined in the VSP statute. However, SP’s are written by the entity doing VSP implementation outreach, as designated by the WG in the WP. The SP could be a watershed-based checklist of practices and programs that further the goals and benchmarks of the WP. The approval process for the SP is set up by the WG. SP’s do not necessarily need to meet NRCS standards. NRCS may require their own plan to meet their purposes.

Question:

Technically, under VSP, whatever the WG’s WP includes (which might include an individual SP) is what a landowner would have to agree to in order to participate, correct?

Answer:

Not necessarily. The WP would have a place for individual SP’s. These SP’s would address critical areas identified by the WG in the WP. The WG would identify the critical areas in the watershed and approaches to protect the critical areas through existing programs. For example, a landowner may want to implement a CREP agreement as part of the SP. The landowner would have to follow the CREP buffer requirements. There doesn’t have to be buffers etc, in the work plan. But the WG has to monitor and every 5 years report on progress for stewardship plans and CAO protections.

Question:

When developing the SP can a landowner identify existing protections on the property?

Answer:

Yes. For example, the plan would identify a riparian area as critical habitat but also indicate the landowner is implementing a CREP buffer to protect these resources.

Question:

Are SP's confidential, just like farm plans?

Answer:

Federal regulation Section 1619 prohibits farm plans from disclosure if they are used as part of a federal cost-share program. VSP SP's are not like farm plans. SP's only address those areas that address critical areas. SP's are not necessarily a full-blown NRCS farm plan. Farm plans are not disclosable, but are confidential – meaning they can be shared among governments (for example, a county to the SCC). SP's can be discussed in the WG, but are not disclosable.

Voluntary

Question:

The word “must” is used in terms of the developed plan being implemented. That doesn't sound very voluntary. Also “progress” is used in this discussion. One wonders how progress is defined.

Answer:

“A watershed group [WG] designated by a county under RCW [36.70A.715](#) must develop a work plan to protect critical areas while maintaining the viability of agriculture in the watershed. The work plan must include goals and benchmarks for the protection and enhancement of critical areas.” [RCW 36.70A.720](#). In developing and implementing the WP, the WG must do a number of things set out in statute. However, “must” is never used in relation to AO's who participate in VSP. While there are certain things that the WG must do, there is nothing that the AO “must” do. So, assuming the reference in the above question is to the overall WP, yes the larger WP must be implemented. Otherwise the county will be out of VSP and back to the traditional GMA approach. The “voluntary” piece is the landowner participation. Whether the landowner engages to complete a SP is a voluntary decision by the landowner. There is no requirement in VSP for the landowner to have a plan.

Work Plans (WP)

Question:

What is required to be addressed in the WP?

Answer:

The requirements of the WP are set out in [RCW 36.70A.720](#). WP must contain goals and benchmarks for the protection and enhancement of critical areas. The WP must be approved by the SCC-ED, and the WDFW, WSDA, and ECY. In developing and implementing the WP, the WG must:

- (a) Review and incorporate applicable existing 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;
- (d) Ensure outreach and technical assistance;
- (e) Create measurable benchmarks through voluntary, incentive-based measures;
- (f) Designate who will provide technical assistance;
- (g) Ensure that individual SPs contribute to the goals and benchmarks of the WP;
- (h) Incorporate into the WP any existing development regulations relied upon to meet the goals and benchmarks;
- (i) Establish baseline monitoring for (i) participation activities 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;
- (k) Assist state agencies in their monitoring programs; and
- (l) Satisfy any other reporting requirements of the program.

Question:

Who is responsible to develop the WP under VSP?

Answer:

Each BOCC designates the participating watersheds and accepted grant funds to develop the WP. However, the BOCC, by itself, will not create or administer the WP. Instead, WP will be developed and implemented by the WG designated by the BOCC. The WG must include broad representation of key watershed stakeholders and, at a minimum, representatives of agricultural and environmental groups and tribes that agree to participate. In forming the WG, the BOCC should encourage existing lead

entities, watershed planning units, or other integrating organizations to serve. The BOCC may designate itself, a tribe, or another entity to coordinate the WG. Once completed, the WP must be approved by the SCC-ED, and the WDFW, WSDA, and ECY to become effective.

Question:

What guidance will the Statewide Advisory Committee and the Commission's Executive Director have to follow in approval? What guidance is there for the local Workgroup to use?

Answer:

As for "progress", this is an evaluation made every five years based on what the county has identified in their WP as their goals and benchmarks. The SCC will be working with the VSP TP and the SAC to develop templates for this part of VSP.

Question:

How is a WP transmitted to the SCC?

Answer:

The WG is tasked with developing and submitting the WP to the SCC-ED for approval. [RCW 36.70A.720\(2\)\(a\)](#). At no point is the work plan approved by the county legislative authority or by the WG itself. Indeed the development of the work plan by the WG is an activity delegated to the WG by the county.

The VSP statute directs the WG and not the county legislative authority to submit the work plan to the director of the Conservation Commission. The VSP statute does not require an affirmative act of either the county legislative authority or the WG to approve the work plan or even to authorize the transmittal of the work plan to the director of the Conservation Commission.

Therefore there is no final action on the work plan at the point the work plan is submitted to the director of the Conservation Commission. The process of developing and approving the work plan is not completed yet. The submittal of the work plan to the Conservation Commission merely changes the venue of the next phase of the work plan development and approval process.

Once a county has completed a work plan, it is submitted to Commission Director for approval. Director submits the plan to a technical panel who has 45 days to review and make recommendation to the director. If no, director to work with the local WG and Statewide Advisory Panel for revisions. Once final approval, must implement. Every

5 years, local WG must report on progress to the Conservation Commission. If not making progress, must correct or be kick back into “traditional GMA approach”.

Question:

What’s the baseline data that is to be used?

Answer:

Data analysis is to be determined by the WG. July 22, 2011 is the baseline date.

Question:

How far back in years can the WG look to capture practices already installed and include them as part of the VSP work plan? What is the baseline date from which the WP progress will be judged?

Answer:

The VSP statutes defines “protect” to mean preventing the degradation of values and functions of critical areas as of July 22, 2011. That date is the effective date of the legislation creating VSP. Therefore, it would be appropriate to capture those practices in place as of July 22, 2011 in the work plan and describe how those practices are protecting critical areas.

Question:

If programs needed to meet goals of the WP do not exist in the county, how can those programs be made available to landowners?

Answer:

The WG should identify the needed programs, then establish an outreach effort to bring those programs to the county. It is suggested that the WG work directly with the State Legislature and the entities running the needed programs (USDA, NRCS, etc.) to bring those programs to the county.

Question:

Do you have any examples of a WP?

Answer:

Yes. Chelan County has discussed what might be in a WP in a [draft white paper](#). A template will be available soon.

Question:

What are each entities responsibilities in relation to the WP development?

Answer:

ENTITY	RESPONSIBLE FOR	NOT RESPONSIBLE FOR
BOCC	<ul style="list-style-type: none"> ▪ Opting into VSP ▪ Designating participating watersheds ▪ Nominating priority watersheds ▪ Soliciting letters of interest for VSP WG ▪ Accepting funding and contract from SCC ▪ Conferring with tribes and stakeholders ▪ Designating VSP WG participants ▪ Designating VSP WG administration ▪ Protecting CA under Section 9 if WP not approved within three years of funding ▪ Protect CA under Section 9 if WP goals and benchmarks not met after adaptive management efforts 	<ul style="list-style-type: none"> ▪ Regulating CA on lands used for AG activities (unless narrow exceptions apply) ▪ Requiring AG operations to discontinue AG activities legally existing before July 22, 2011 ▪ Preventing a CO from withdrawing from VSP ▪ Requiring a CO to continue voluntary measures after expiration of applicable contract ▪ Prohibit the voluntary sale or lease of land for conservation purposes ▪ Interfering with or supplanting the ability of a CO to work with a CD or participate in conservation programs ▪ Limiting the authority under VSP of a state agency, local government or CO to carry out obligations under any other federal, state or local law ▪ VSP doesn't grant counties or state agencies additional authority to regulate CA on lands used for AG activities
WG	<ul style="list-style-type: none"> ▪ Developing 10 year WP to protect CA while maintaining and enhancing AG viability ▪ Seeking input from tribes, agencies, and stakeholders ▪ Determining planning area, where AG activities overlap with designated CA ▪ Designating a TA provider and CO participation TA process ▪ Ensure TA provided to CO ▪ Develop SP approach ▪ Set protect & enhance goals & benchmarks designed to result in protection of CA and voluntary enhancement of CA within 10 years of funding ▪ Incorporate development regs into WP (existing as of opt-in date) ▪ Review, rely upon and incorporate existing programs, plans and data related to water quality, watershed management, farmland protection and species recovery ▪ Establish CA protection baseline and baseline monitoring plan ▪ Ensure SP process contributes to meeting goals and benchmarks ▪ Submit biennial status reports to BOCC and SCC on VSP plans and accomplishments; and 5-year goals and benchmarks report to BOCC and SCC-ED ▪ Do adaptive management if protection goals and benchmarks not being met ▪ Determine additional voluntary stewardship actions and funding needed if VSP enhancement goals and benchmarks not being met ▪ Account for potential withdrawals when establishing goals and benchmarks 	<ul style="list-style-type: none"> ▪ Developing stewardship practices that may have unintended adverse consequences for other habitats, species and CA. ▪ Administering the VSP in a manner that prevents eligibility for environmental incentives ▪ Require CO to implement additional practices if the WG determines that additional or different practices are needed to achieve goals and benchmarks ▪ The presumption that CO implementing SP's are presumed to be working toward protection and enhancement of CA ▪ CO who may volunteer to implement such additional or different practices and are eligible for funding to revise practices upon volunteering
SCC & TP	<ul style="list-style-type: none"> ▪ TP has 45 days after WP submission to make recommendation to SCC-ED on approval ▪ Approve the WP if, at the end of 10 years, considering the WP and other plans and regs: a) CA will be protected, and b) AG viability will be maintained and enhanced ▪ If SAC recommends approval, the SCC-ED must approve ▪ SCC-ED determines whether WP goals and benchmarks are being met for a) protection and b) enhancement 	
SAC	<ul style="list-style-type: none"> ▪ Determines priority watersheds ▪ Resolves approval disagreements – if WP not approved within two years and nine months of funding, the WP goes to the SAC for resolution ▪ Consults with SCC-ED on whether goals and benchmarks are being met 	

WG (WG)

Question:

Can one entity facilitate the WG and also write the WP?

Answer:

Facilitation of the WG and writing the WP can be done by one entity, or it can be separated out so that two separate entities perform that work. The choice is up to the BOCC and the WG.

Question:

Does a BOCC have to do a RFP for the WG?

Answer:

Whether or not the BOCC must do an RFP is not set out in the VSP statute, so it is recommended that the BOCC follow its own internal policy. A RFP can be done. Whitman, Yakima and a few other counties are using the RFP process. An ILA can also be used. If an ILA is already in place with the entity who will run the WG, an RFP is not needed.

Question:

How does the WG function?

Answer:

There is no WG “job description” or template for how the WG is organized or functions. There are many different methods that could be used related to group facilitation and structure. A good resource is the coordinated resource management (CRM) model. The WG will set the parameters on how it operates and how it recruits members. It is recommended that the WG have a succession process as the WG will remain in existence for the duration of the BOCC’s involvement with VSP. WG duties can be separated out for efficiency – for example, there could be a separate meeting facilitator for the WG and another entity charged with report writing and data collation.

Question:

How might a WG craft its WP goals to protect critical areas?

Answer:

A suggested method for setting out goals could be a series of goals and benchmarks such that the “implementation of the WP result in a demonstrable increase in _____.”

Question:

How many persons or entities need to be on the WG?

Answer:

There is no guidance on the number of seats, participants, or entities on the WG. The statute only speaks to the composition of the WG. It requires representation from environmental and agricultural interests and invited tribes. It’s really up to each WG to determine its own composition, but each WG should try to be as inclusive as possible. Some WG’s have included representatives of various groups (AG and environmental) as well as other stakeholders, especially individual farmer landowners. Certain groups are hard to get representation from (environmental, state agency) due mostly to capacity issues. The WG should strive for a balance representation of interests on the WG.

VSP Administration

Question:

How will there be some centralized coordination at the state level of the local state agency staff with their questions and concerns?

Answer:

Questions regarding VSP coordination should be directed to Bill Eller, VSP Coordinator, 509.385.7512 or beller@scc.wa.gov.

Question:

What four state agencies are on the TP?

Answer:

WDFW, WSDA, ECY and SCC are the four state agencies.