

VOLUNTARY STEWARDSHIP PROGRAM

POLICY STATEMENT: TECHNICAL PANEL AND STATEWIDE ADVISORY COMMITTEE FRAMEWORK FOR TECHNICAL REVIEW OF VSP WORK PLANS MARCH 2017

SUMMARY

The Conservation Commission is empowered to establish policies and procedures for implementing the Voluntary Stewardship Program (VSP).¹ The following work plan (WP) policies and procedures shall apply when work groups submit their work plans for consideration to the VSP Technical Panel (TP) and Statewide Advisory Committee under RCW Chapter 36.70A. The purpose of this document is to establish the decision-making framework that the VSP Technical Panel and Statewide Advisory Committee shall use in processing VSP work plans.

BACKGROUND

The VSP was codified in RCW Chapter 36.70A. The Conservation Commission (Commission) is charged with administering the VSP.² As part of its duties to administer the VSP, the Commission must establish a Technical Panel (TP)³ and Statewide Advisory Committee (SAC).⁴ The TP is comprised of the directors or director designees of the following agencies: the Department of Fish and Wildlife; the Department of Agriculture; the Department of Ecology; and the Commission.⁵ The SAC is comprised of representatives of county, agricultural, and environmental organizations and invited tribal governments.⁶

The Commission, in conjunction with the TP, must review and evaluate work plans submitted for approval under RCW 36.70A.720 (2)(a) and RCW 36.70A.725; and five year status reports submitted under RCW 36.70A.720(2)(b). Five year status reports are those that require, not later than five years after the receipt of funding for a participating watershed, that the watershed group must report to the director and the county on whether it has met the work plan's protection and enhancement goals and benchmarks.⁷ After TP evaluation, if the Commission's Executive Director (Director) does not approve a work plan (WP) within two years and nine months after receipt of funding, the Director must submit the WP to the SAC for resolution.⁸

¹ [RCW 36.70A.705\(2\)\(a\)](#)

² [RCW 36.70A.705\(1\)](#)

³ [RCW 36.70A.705\(2\)\(d\)](#)

⁴ [RCW 36.70A.745](#)

⁵ [RCW 36.70A.703\(11\)](#)

⁶ [RCW 36.70A.745\(1\)\(a\)](#)

⁷ [RCW 36.70A.720\(2\)\(b\)\(i\)](#)

⁸ [RCW 36.70A.725\(5\)](#)

VSP WORK PLAN

Upon receipt of a work plan (WP) submitted to the director of the Commission under RCW 36.70A.720 (2)(a), the Director must submit the work plan to the TP for review.⁹

The TP shall review the WP and report to the director within forty-five days after the director receives the WP. *The TP shall assess whether at the end of ten years after receipt of funding, the WP, in conjunction with other existing plans and regulations, will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.*¹⁰

If the TP determines the proposed WP will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed, then the TP must recommend approval of the WP; and the director must approve the WP.¹¹

If the TP determines the proposed WP will not protect critical areas while maintaining and enhancing the viability of agriculture in the watershed, then the TP must identify the reasons for its determination; and the Director must advise the watershed group of the reasons for disapproval.¹²

The watershed group may modify and resubmit its WP for review and approval consistent with RCW 36.70A.725 (4). If the Director does not approve a WP submitted under RCW 36.70A.725 within two years and nine months after receipt of funding, the Director shall submit the WP to the SAC for resolution.¹³

The SAC is comprised of appointees made by the Commission, consisting of: two persons representing county government, two persons representing agricultural organizations, and two persons representing environmental organizations.¹⁴ The Commission, in conjunction with the Governor's Office, shall also invite participation by two representatives of tribal governments.¹⁵ SAC members serve two-year terms. The role of the SAC is to advise the commission and other agencies involved in development and operation of the program.¹⁶

If the SAC recommends approval of the WP, the Director must approve the WP.¹⁷ If the Director does not approve a WP for a watershed within three years after receipt of funding, the provisions of RCW 36.70A.735 (2) apply to the watershed.¹⁸

⁹ [RCW 36.70A.725\(1\)](#)

¹⁰ [RCW 36.70A.725\(2\)](#)

¹¹ [RCW 36.70A.725\(3\)\(a\)](#)

¹² [RCW 36.70A.725\(3\)\(b\)](#)

¹³ [RCW 36.70A.725\(5\)](#)

¹⁴ [RCW 36.70A.745\(1\)\(a\)](#)

¹⁵ [RCW 36.70A.745](#)

¹⁶ [RCW 36.70A.745\(2\)](#)

¹⁷ [RCW 36.70A.725\(5\)](#)

¹⁸ [RCW 36.70A.725\(6\)](#)

WORK PLAN CONTENTS

Each work group must develop a WP to protect critical areas while maintaining the viability of agriculture in the watershed, and each WP, in development and implementation, must¹⁹:

- a) Review and incorporate applicable:
 - Water quality data and plans,
 - Watershed management data and plans,
 - Farmland protection data and plans, and
 - Species recovery data and plans;
- b) Seek input from tribes, agencies and stakeholders;
- c) Develop goals for participation by agricultural operators conducting commercial and noncommercial agricultural activities in the watershed necessary to meet the protection and enhancement benchmarks of the WP;
- d) Ensure outreach and technical assistance is proved to agricultural operators in the watershed;
- e) Create measurable benchmarks that, within ten years after receipt of fund, are designed to result in:
 - i. The protection of critical area functions and values, and
 - ii. The enhancement of critical area functions and values through voluntary, incentive-based measures;
- f) Designate the entity or entities that will provide technical assistance;
- g) Work with the entity providing technical assistance to ensure that individual stewardship plans contribute to the goals and benchmarks of the WP;
- h) Incorporate into the WP existing development regulations relied up to achieve the goals and benchmarks for protection;
- i) Establish baseline monitoring for:
 - i. Participation activities and implementation of the voluntary stewardship plan 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 evaluation, institute adaptive management, and provide a written report of the status of plans and accomplishments to the County and to the Commission within sixty 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.

FIVE YEAR VSP STATUS REPORT

Upon receipt of a five year status report by a watershed group under RCW 36.70A.720 (2)(b) that the WP goals and benchmarks have been met, the Director must consult with the SAC.²⁰

If the Director concurs with the watershed group's five year status report, the watershed group shall continue to implement the WP.²¹ If the Director does not concur with the

¹⁹ [RCW 36.70A.720](#)

²⁰ [RCW 36.70A.730\(1\)](#)

²¹ [RCW 36.70A.730\(1\)](#) and [RCW 36.70a.720\(2\)\(c\)\(i\) and ii\)](#)

watershed group five year status report, the Director shall consult with the SAC and follow the procedures in RCW 36.70A.730 (2).

If either the Director or the watershed group, following receipt of a five year status report under RCW 36.70A.730 (1), or RCW 36.70A.720 (2)(b), concludes that the WP goals and benchmarks for protection have not been met, the Director must consult with the SAC for a recommendation on how to proceed.²²

If the watershed group determines the protection goals and benchmarks have not been met, it must propose and submit to the Director an adaptive management plan to achieve the goals and benchmarks that were not met.²³ If the watershed group determines the enhancement goals and benchmarks have not been met, the watershed group must determine what additional voluntary actions are needed to meet the benchmarks, identify the funding necessary to implement these actions, and implement these actions when funding is provided.²⁴

If the Director does not approve the adaptive management plan under RCW [36.70A.730](#), the watershed is subject to RCW [36.70A.735](#).²⁵

If the Director, acting upon recommendation from the SAC, determines that the watershed is likely to meet the goals and benchmarks with an additional six months of planning and implementation time, the Director must grant an extension.²⁶ If the Director, acting upon a recommendation from the SAC, determines that the watershed is unlikely to meet the goals and benchmarks within six months, the watershed is subject to [RCW 36.70A.735](#).

Any watershed that fails to meet its goals and benchmarks for protection within the six-month time extension under subsection (2) of this section is subject to [RCW 36.70A.735](#).²⁷

FAILURE TO HAVE A WORK PLAN OR TO MEET WORK PLAN GOALS AND BENCHMARKS

If a participating watershed does not have a WP approved by the Director as provided in [RCW 36.70A.725](#) or the work plan's goals and benchmarks for protection have not been met as provided in [RCW 36.70A.720](#), then within 18 months the county must develop its own WP, adopt regulations previously adopted by another local government to protect critical areas, adopt Department of Commerce critical area regulations, or review, and if necessary, revise development regulations certified by the department as protective of critical areas in areas used for agricultural activities.²⁸

²² [RCW 36.70A.730\(2\)](#)

²³ [RCW 36.70A.720\(2\)\(b\)\(iii\)](#)

²⁴ [RCW 36.70A.720\(2\)\(b\)\(iv\)](#)

²⁵ [RCW 36.70A.720\(2\)\(b\)\(iii\)](#)

²⁶ [RCW 36.70A.730\(2\)](#)

²⁷ [RCW 36.70A.730\(3\)](#)

²⁸ [RCW 36.70A.735](#)

TECHNICAL PANEL CHECKLIST FOR WORK PLAN COMPLETENESS

1.0 PROCEDURAL ELEMENTS

1.1 INFORMAL REVIEW PROCESS - PRIOR TO FORMAL SUBMITTAL OF A WORK PLAN TO THE TECHNICAL PANEL

To help facilitate the review process, a county may elect to have an informal review of their WP by the TP. An informal review of a WP may be requested by the county or its representative by contacting Commission staff. The decision to hold an informal review is made by Commission staff in consultation with the TP, if available.

Review will be limited to the elements in RCW Chapter 36.70A. During and after an informal review, the TP may choose, as it is able, to make comments back to the county. Comments are discretionary and non-binding.

Informal review is unavailable once formal review is initiated. Informal review will likely not be available after June 2018.

1.2 FORMAL SUBMITTAL OF THE WORK PLAN TO THE TECHNICAL PANEL

Prior to submittal, a completed WP addresses elements (C)(1) a-l below and any other essential elements contained in RCW Chapter 36.70A, sections 700-760.

The Commission shall acknowledge receipt of a WP in writing to the submitting county.²⁹ The acknowledgment by the Commission shall include a notice of the commencement and expiration of the 45 day time period in RCW 36.70A.725 (2). The receipt of the WP to the Director commences the 45 time period.

The Director shall submit the WP to the TP for review.³⁰ The submittal of the WP to the TP for review shall commence with a letter from the Director to the TP. The letter shall include the expiration date of the 45 day time period in RCW 36.70A.725 (2), the date for the formal review assessment meeting, and a link to the submitted WP. Notice shall be given to the TP as soon as practicable after the start of the 45 day period.

The Commission will provide a public comment period of up to 14 days after each formal WP submittal. Comments will be collected and provided to the Technical Panel for their consideration. Public comment should focus on compliance with RCW 36.70A.720 and RCW 36.70A.725.

²⁹ [RCW 36.70A.725\(1\)](#)

³⁰ [RCW 36.70A.725\(1\)](#)

Upon receipt of the letter from the Director to the TP, each member agency on the TP shall deliberate with its own staff prior to the TP WP approval meeting. During this deliberative process, TP members shall not discuss or otherwise communicate about the substance of the submitted WP among each other outside of TP meetings. Meetings of the TP are subject to the Open Public Meetings Act.

1.3 WORK PLAN FORMAL APPROVAL MEETING PROCEDURE

The approval of a WP by the TP shall occur at a meeting open to the public. During that WP approval meeting, TP members are free to discuss all aspects of the submitted WP. The TP shall conduct as many WP approval meetings as necessary to complete the approval of the WP, provided those meetings occur within the 45 day period in RCW 36.70A.725 (2).

A representative from the submitting county, chosen by the work group, shall be invited by the Commission to attend the formal WP approval meeting to answer questions about the WP from the TP, if any. The TP has 45 days after the director receives the work plan to assess whether at the end of ten years after receipt of funding, the work plan, in conjunction with other existing plans and regulations will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.³¹

During a WP approval meeting, a formal vote shall be solicited from each TP member. A majority of votes in favor of the WP shall constitute an “approval” of the WP. In the event of a tie, the WP is deemed “disapproved.” The decision of the TP on the WP shall be communicated back in writing to the submitting county by the Director. If the TP does not approve of the submitted WP, then the TP must identify the reasons for its disapproval; and the Director must advise the WG of the reasons for disapproval.

Prior to the expiration two years and nine months after receipt of funding, the WG may modify and resubmit its WP to the TP for review and approval.³² Any additional review time granted on a resubmission is subject to the expiration of the two years and nine months.

³¹ [RCW 36.70A.725\(2\)](#)

³² [RCW 36.70A.725\(4\)](#)

2.0 SUBSTANCE ELEMENTS

- A. Submittal of Work Plan: the Commission’s director, upon receipt of a WP, must submit the WP to the TP.³³
- B. Criteria for approval: *At the end of 10 years, will the work plan, in conjunction with other existing plans and regulations, protect critical areas while maintaining and enhancing the viability of agriculture?*³⁴

Tips: Identify the five CA’s and Ag activities as data is available and as of July 22, 2011.³⁵ Are the five CA’s and Ag activities clearly described or identified (e.g. in a narrative, mapped, etc.)?

- C. Necessary Elements of Work Plan: The designated watershed group must develop a WP to protect critical areas while maintaining the viability of agriculture in the watershed.³⁶

1. The WP must:

- A. Review and incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans.

TIPS: Are the methods used to identify Ag activities and CA’s repeatable? How is baseline defined? Is it mapped? If not mapped, then is the baseline described in a narrative or some other fashion? For example: Are 303D lists or listed species plans incorporated? Provide a list of plans reviewed or incorporated. Describe what the Work Group incorporated from that data and other plans into their goals and benchmarks.

- B. Seek input from tribes, agencies, and stakeholders.

TIPS: Explain how you have sought and obtained, or not obtained, participation by the tribes, agencies or other stakeholders. Show documentation of your efforts.

- C. Develop goals for participation by agricultural operators conducting commercial and noncommercial agricultural activities in the watershed necessary to meet the protection and enhancement benchmarks of the work plan.

TIPS: What is your goal for how many people are participating? How will you evaluate landowner participation and whether or not the participation will get

³³ [RCW 36.70A.725\(1\)](#)

³⁴ [RCW 36.70A.725\(2\)](#)

³⁵ [RCW 36.70A.720\(1\)](#), [RCW 36.70A.703\(8\)](#), [RCW 36.70A.725\(2\)](#)

³⁶ [RCW 36.70A.720 \(a-l\)](#)

you to your goal? Explain whether or not your landowner participation is meeting your goals and benchmarks for protection and enhancement. If you lose landowner participation, how will you continue to meet your protection and enhancement benchmarks? How are you balancing the protection of the critical area with the viability of agriculture?

- D. Ensure outreach and technical assistance is provided to agricultural operators in the watershed.

TIPS: The outreach plan should be adequate to reach enough participants to achieve the WP goals and objectives. Who did you reach and why did you reach those particular landowners. How does reaching those landowners contribute to achieving the WP goals and objectives? Are there any opportunities to partner on outreach? Describe those opportunities. Is each critical area being covered by outreach? Why or why not?

- E. Create measurable benchmarks that, within ten years after the receipt of funding, are designed to result in (i) the protection of critical area functions and values and (ii) the enhancement of critical area functions and values through voluntary, incentive-based measures.

TIPS: Identify measurable programmatic and implementation goals and benchmarks.³⁷ Identify the five CA's and Ag activities as data is available and as of July 22, 2011.³⁸ Are the five CA's and Ag activities clearly described or identified (e.g. in a narrative, mapped, etc.)? Are the methods used to identify Ag activities and CA's repeatable? How is baseline defined? Is it mapped? If not mapped, then is the baseline described in a narrative or some other fashion? Which CA's will be monitored? Is there a nexus between the goals and benchmarks and monitoring? Are the monitoring methods likely to demonstrate progress towards the goals and benchmarks? Is adaptive management described and is there a nexus to monitoring?

- F. Designate the entity or entities that will provide technical assistance.

TIPS: Can you demonstrate that "Does the entity or entities providing landowner technical assistance possess the expertise, funding, and relationships with the ag community necessary to provide technical assistance?"

- G. Work with the entity providing technical assistance to ensure that individual stewardship plans contribute to the goals and benchmarks of the work plan.

³⁷ [RCW 36.70A.720\(1\)](#)

³⁸ [RCW 36.70A.720\(1\)](#), [RCW 36.70A.703\(8\)](#), [RCW 36.70A.725\(2\)](#)

TIPS: Can you show how the interaction will occur will the entity that is providing the technical assistance contribute to the goals and benchmarks of the work plan? What is the process the technical provider will use to ensure that the individual stewardship plans contribute to the goals and benchmarks. Are the methods used to identify Ag activities and CA's repeatable?

- H. Incorporate into the work plan any existing development regulations relied upon to achieve the goals and benchmarks for protection.

TIPS: Have you identified any existing development regulations if you are relying on them to achieve the goals and benchmarks for protection?

- 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.

TIPS: (i) Have you identified measurable programmatic and implementation goals and benchmarks.³⁹ Have you identified the five CA's and Ag activities as data is available and as of July 22, 2011 and how does your monitoring relate to those?⁴⁰

(ii) What is your process for identifying stewardship plan activities?

(iii) Have you identified measurable programmatic and implementation goals and benchmarks.⁴¹ Have you identified the five CA's and Ag activities as data is available and as of July 22, 2011 and how does your monitoring relate to those?⁴² Are the five CA's and Ag activities clearly described or identified (e.g. in a narrative, mapped, etc.)? Are the methods used to identify Ag activities and CA's repeatable? How is baseline defined? Is it mapped? If not mapped, then is the baseline described in a narrative or some other fashion? Which CA's will be monitored? Is there a nexus between the goal, the monitoring, and the effects? Are the monitoring methods likely to produce progress towards the goals and benchmarks? Is adaptive management described and is there a nexus to monitoring? How does the baseline monitoring relate to your goals and benchmarks?

Please refer to the VSP document entitled “**Monitoring Tips for Local Voluntary Stewardship Workgroups**” located [here](#).

³⁹ [RCW 36.70A.720\(1\)](#)

⁴⁰ [RCW 36.70A.720\(1\)](#), [RCW 36.70A.703\(8\)](#), [RCW 36.70A.725\(2\)](#)

⁴¹ [RCW 36.70A.720\(1\)](#)

⁴² [RCW 36.70A.720\(1\)](#), [RCW 36.70A.703\(8\)](#), [RCW 36.70A.725\(2\)](#)

- J. Conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and to the commission within sixty days after the end of each biennium.

TIPS: Have you identified who is doing the periodic evaluations? Have you developed a plan for adaptive management? How does adaptive management relate to monitoring? How will you know when you have to adaptively manage? Have you established who will write the report? Do you have a secession plan for work group membership?

- K. Assist state agencies in their monitoring programs, and

TIPS: Have you identified partnering opportunities with state agencies for monitoring that relate to the work plan goals, why or why not? How can the county work group engage with state agencies on monitoring that agencies are doing in the work group area to better integrate monitoring into the work plan goals? Please refer to the VSP document entitled “**Monitoring Tips for Local Voluntary Stewardship Workgroups**” located [here](#).

- L. Satisfy any other reporting requirements of the program.

TIPS: Are there any other reporting requirements that need to be met and is the work group structured to meet those requirements?

STATEWIDE ADVISORY COMMITTEE GUIDELINES UPON WORK PLAN REJECTION BY THE TECHNICAL PANEL

If the Director does not approve a WP submitted under RCW 36.70A.725 within two years and nine months after receipt of funding, the Director shall submit the WP to the SAC for resolution.⁴³

The SAC is comprised of appointees made by the Commission, consisting of: two persons representing county government, two persons representing agricultural organizations, and two persons representing environmental organizations.⁴⁴ The Commission, in conjunction with the Governor's Office, shall also invite participation by two representatives of tribal governments.⁴⁵ SAC members serve two-year terms. The role of the SAC is to advise the commission and other agencies involved in development and operation of the program.⁴⁶

3.0 RESOLUTION OF THE WORK PLAN BY THE STATEWIDE ADVISORY COMMITTEE

The submittal of the WP to the SAC for review shall commence with a letter from the Director to the SAC. The letter shall include the expiration date of the three years after receipt of funding time period in RCW 36.70A.725 (6), the date for the resolution meeting, a link to the submitted WP and the reasons the TP disapproved of the WP. The SAC will consider the submitted WP and the reasons for the TP disapproval of the WP in its decision on the WP. Notice shall be given to the SAC as soon as practicable.

Upon receipt of the letter from the Director to the SAC, each member on the SAC shall deliberate on their own prior to the SAC WP resolution meeting. During this deliberative process, SAC members shall not discuss or otherwise communicate about the substance of the submitted WP among each other outside of SAC meetings. Meetings of the SAC are subject to the Open Public Meetings Act.

3.1 SAC WORK PLAN RESOLUTION MEETING PROCEDURE

The resolution of a WP by the SAC shall occur at a meeting open to the public. During that resolution meeting, SAC members are free to discuss all aspects of the WP. The SAC shall conduct as many resolution meetings as necessary to complete the resolution of the WP, provided those meetings occur before the expiration of the three years.⁴⁷

Before a SAC WP resolution meeting, the county will be notified of the meeting date, time and location. A representative from the submitting county, chosen by the work group, shall be invited by the Commission to attend the formal WP approval meeting to answer questions

⁴³ [RCW 36.70A.725\(5\)](#)

⁴⁴ [RCW 36.70A.745\(1\)\(a\)](#)

⁴⁵ [RCW 36.70A.745](#)

⁴⁶ [RCW 36.70A.745\(2\)](#)

⁴⁷ [RCW 36.70A.725\(6\)](#)

about the WP from the TP, if any. During a WP resolution meeting, a formal vote shall be solicited from each SAC member. A majority of votes in favor of the WP shall constitute an “approval” of the WP. In the event of a tie, the WP is deemed “disapproved.” The decision of the SAC on the WP shall be communicated back in writing to the submitting county by the Director. A quorum of the SAC for purposes of the resolution meeting is a majority of those SAC members present for the decision (4).

If the SAC recommends approval of the WP, the Director must approve the WP.⁴⁸ If the Director does not approve a WP for a watershed within three years after receipt of funding, the provisions of RCW 36.70A.735 (2) apply to the watershed.⁴⁹

⁴⁸ [RCW 36.70A.725\(5\)](#)

⁴⁹ [RCW 36.70A.725\(6\)](#)