Voluntary Stewardship Program
Joint Statewide Advisory Committee & Technical Panel Meeting
Wednesday, January 4, 2017
8:30am – 12:00pm

Facilitator – Bill Eller, VSP Coordinator, WSCC

JOINT STATEWIDE ADVISORY COMMITTEE AND TECHNICAL PANEL MEETING

Attendees in Lacey:  Brian Cochrane, WSCC; Lauren Driscoll, ECY; Zach Meyer, ECY; Jennifer Holderman, Mason CD; Matt Muller, WDFW; Terry Willis, VSP Grays Harbor; John Klein, CCS/GH & Lewis; Col. Ronald Averill, Lewis County Farm Bureau; Jim Goche, Thurston Co. Pilot Project; Fred Evander, Lewis County; Lee Napier, Lewis County; Neil Aaland, VSP Facilitator; Maya Buhler, Thurston Co.; Charissa Waters, Thurston Co.; Jeff Killelea, Thurston Co.; John Small, Anchor QEA; Ben Floyd, Anchor QEA; Jody Suhrbier, Dispute Res. Ctr. Thurston; James Myers, Nisqually; Erin Ewald, Taylor Shellfish; Kelly McLain, WSDA; Evan Sheffels, WSFB

Colville: Commissioner Wes McCart, Stevens County (SAC), Adam Cares, Stevens County; Andrew Engel

Webinar:  Greg Abramson; Barbara Adkins; Audrey Ahmann; Bob Amrine; Carmen Andonaegui; Duane Bartels; Tess Brandon; Brian Cochrane; Michelle Cooke; Tim Crose; Genevieve Dial; Andy Dunau; Vivian Erickson; Gary Graff; Renee Hadley; Greta Holmstrom; Darin Houpt; Angie Hubbard; Scott Kuhta; LINDA LYSHALL; Anna Lael; Marie Lotz; Kim Lyonnais; Alicia McClendon; Mark Nielson; Lloyd Odell; Eric Pentico; Brandon Roozen; Aaron Rosenblum; Kelly Rupp; Sarah Sandstrom; Nora Schlenker; Michael See; Ron Shultz; Megan Stewart; Kara Symonds; Jennifer Thomas; Stu Trefry; Leah VanderStoep; Ryan Walters; Kathleen Whalen; Amy Windrope; Brian Mahoney; COL RONALD AVERILL; Elsa Bowen; Don Brigham; Joan Folwell; Carolyn Kelly; Wes McCart; Kevin Scribner; Charissa Waters; Jeff Klundt

8:30 am:  Opening Comments, Introductions, Session Objective & Agenda

8:35 am:  VSP Program Status – Bill Eller / Ron Shultz
- SAC membership update

Ron Shultz gives an update on the WSCC’s efforts to recruit environmental members to the SAC. No response from letters sent to three environmental groups (Futurewise, Nature Conservancy, Environmental Council). Will keep trying. Sandra Romero – no longer Thurston County Commissioner. Will work with the Association of Counties to get a replacement.

- Regional meeting update

MINUTES CONTINUES ON NEXT PAGE
Bill Eller presents the agenda for the two upcoming day-long regional meetings in Jan 24th in Moses Lake and in Jan 27th Lacey. Topics include those identified in the October / November 2016 survey.

- VSP monitoring document – hold over till February
  Bill Eller says WDFW is still working on this item.

- Other issues – Kelly’s trip to Florida
  Kelly McLain gives a summary of her trip to Florida to a conference that dealt with BMP’s, monitoring, and resources for work groups. Kelly explained management v. structural BMP’s and how BMP’s are monitoring by water districts in Florida.

Leah VanderStoep wants Kelly to email her the information. Kelly agrees.

Kelly McLain explains that there is a technical service manual available as well.

Thurston County informal presentation to the Technical Panel – Thurston County

Charissa Waters presents their work so far on their work plan using a PowerPoint presentation. She says that they have had some participation by environmental folks, but not much from the tribes.

Ron Shultz reminds Charissa and other work groups to show their work on getting tribes and environmental folks engaged in the work group process.

Jim Goche asks about the distinction between farmers / private and state agencies as members of the work group.

Charissa Waters explains about the five agricultural viability elements that Thurston considered. The VSP definition of agricultural activities is broad – commercial and non-commercial. Shellfish will be included in the work plan. NASS data doesn’t capture small, non-voluntary reporting of agricultural activities. NASS has a regional office in Olympia. It is hard to get a handle on how much agriculture is going on in Thurston County. Thurston County – real data is hard to come by for agricultural activities – hinders benchmarks and goals. She explains the methodology for determining agricultural activities. Thurston County has established a VSP web page. Thurston County is relying on adaptive management of the work plan. Washington State Farm Bureau policies 210, 211 on agricultural viability. Soil types are not identified in the work plan.

John Stuhlmiller says that protection is in the statute, but enhancement is voluntary.

The Technical Panel and Statewide Advisory Committee addressed questions and statements to Charissa Waters on the work plan.
- number of acres protected under VSP doesn’t necessarily mean “no net loss” of land.
- difficulty in dealing with watershed scale v. individual farms.
- Category 4 wetlands – how is that addressed – must know wetland category system.
- Commissioner McCart – no net loss of acres – no net loss of functions and values of critical areas is the way to think and measure under VSP.
- Lauren Driscoll – no net loss of area? Where might that occur?

Jim Goche says that Thurston County is struggling to find the right working – acres v. functions and values.

More questions and statements from the Technical Panel and Statewide Advisory Committee – Frequently flooded areas should take into account FEMA flood mapping (NFIP) levels and categories.
- direct and indirect VSP participation – Chapter 3 – agricultural viability activities and incentives.
- conservation practices – NRCS as BAS? How are non-NRCS practices evaluated in the work plan? NRCS practices only, or equivalent can be used if it protects the critical areas. Fund source will also strive what standard to use. Self-funded activities no necessarily NRCS standards, but does it protect critical areas?
- Regulatory probability, not certainty.
- Ron Shultz discusses the various goals as presented in the PowerPoint – programmatic, economic, environmental.
- Brian Cochrane says that the information relied on in the work plan needs to be there in an appendix or in the work plan. There needs to be a description somewhere. Ron Shultz says some specificity is warranted as the work plan is reviewed every 5 years.

Jim Goche asks about who is doing what – the work group, the county or the Commission. The County Prosecutor has said the work group is not part of the county. The Commission has opined that the work group is a public agency rather than a planning committee, and that raises a number of legal questions, so the question really comes back to the Commission, and that is what exactly is this entity that our volunteers have been working in and in the future are we expected, whoever is still coming to the meetings, to execute the plan we came up with and other requirements and another question that can be asked is what are the other counties doing – how have they set up their work groups, so can you give us some direction.

Ron Shultz says the Commission considers the work group to be a public entity for purposes of the OPMA. Who is the entity that moves forward? The RCW says the work group and identify who is in the work group and who will do technical assistance and outreach components of that. The county identified the work group – the entity to keep the work group going. Whoever the county identifies, that is who is going to be the lead. So, your next question is, how are other counties structured, it varies. Some counties have said the county is the lead in the work group process. In others, the county said the conservation district is the lead. It varies by county. I would have to check in with the Thurston County Prosecutor. Our assistant attorney general says the work groups are subject to the OPMA – no written opinion needed. What the entity that maintains that existence is another question – the statute is not entirely clear. The work group doesn’t absolve the county of its responsibility for critical areas. If the work group fails, it all goes back to the county. Their obligation under GMA doesn’t go away. VSP is an alternative path within GMA to accomplish your requirements. I would have to talk to the Thurston County Prosecutor to see why he thinks the work group isn’t part of the county – I believe it is.
Jim Goche – it would be good to have a round-robin on that. One would be, if the volunteers who are serving on the work group have legal requirements, it would be good to know what our scope is and what are due diligence requirements are to keep ourselves individually on the good side of the law and two make sure when we put together the work plan, we’re addressing the procedural requirements that are necessary to have a successful plan.

Ron Shultz – again, keep in mind, you are using the phrase public agency in terms of the OPMA. In terms of liability of any work group member, you are not creating any obligation in the work plan for participation. Participation in the work plan is voluntary. So there is no obligation and it doesn’t impair any of the rights or obligations of landowners through the work plan.

Jim Goche – I don’t want to take up a lot of time here, we’ve got a couple of lawyers who sit on the Committee, and there are questions that need to be answered. One of the things we’ve been thinking of is asking for a legal opinion, but we don’t know who to ask for that because the agency.....

Ron Shultz – you and I can talk about it separately, we don’t need to take up more time.

Jim Goche – so flag it as an issue.

Neil Aaland asks if the Technical Panel sees any holes in Thurston’s plan as presented.

Brian Cochrane says effectiveness monitoring needs to be shown, to match functions and values.

Amy Windrope agrees. Need to be a level of detail than what was in the matrix – in the appendix.

Kelly McLain is concerned with the connection of the metric and benchmarks at the watershed scale – that needs to be clear. Cross-walk the connections between agricultural viability and the critical areas and monitoring.

Brian Cochrane says effectiveness monitoring will who if the BMP’s are meeting the need.

A general discussion of effectiveness monitoring occurs. This includes a discussion of making sure to monitor meaningful and relevant matrices. Identify effective things to monitor. Monitor effectiveness of the BMP’s at the watershed scale. The trick will be to correctly identify the scope and scale of the effectiveness of that BMP.

Ron Shultz says the work plan must determine the scope and scale.

Amy Windrope says effectiveness monitoring is difficult, but you can come up with proxies for monitoring – just need to show the connections. If you add more trees, you will get more shade in the riparian areas. So just by adding more trees, there will be benefits, that is what the science is telling us. I think those kinds of assumptions are supported by the science and should be laid out in the work.
John Stuhlmiller says to remember the baseline – July 2011. You could have a plan that says a farmer agrees to do what he was doing in July 2011 and you have achieved protection. There is a lot of play in this. There is a pragmatic side is what you can really measure. Don’t pick something outside the control of agriculture.

Amy Windrope agrees – go practical, and go with things that are actually measurable.

Kelly McLain says we’ve had this conversation in a lot of the counties. Just continue to farm as you have since 2011. If a housing development goes in a wetland after that, that is a different conversation.

Jim Goche says it sounds like part of the answer to Neil’s question then is to show your work – to show your rational. There are a lot of questions. This is a brand new program. We are changing paradigms here. We have to try new stuff and see works and change it. Is it fair to say that what the technical panel is saying is show your work, show your rational and if its reasonable we’ll give it a try.

Kelly McLain says she thinks so.

Brian Cochrane says unless you miss something and it flies in the face of what we know doesn’t work – going down a path we know doesn’t work.

Lauren Driscoll agrees.

[speaker unidentified] How do we know how much agricultural land really exists? As a farmer who must live with all this, I’m here to CYA and to also try to help as a volunteer to make sense out of things. Chicken and egg. Let’s give some of this a try. We could go back to the RCWs – they are always there. We could develop something that is a better alternative. I would appreciate the group to remember where we came from – something wasn’t working. We are trying to find something better. Chicken and egg. I appreciate a member of the committee your effort. Let’s all work toward the same goal. As a landowner i’ll be able to work with it.

Kelly McLain says we are all flying this plane as we are building it. Outside the traditional path is fine. You get to be creative and innovative. VSP is an adaptive process. In 5 years if you say we are going another way, that is fine.

Ron Shultz says the technical panel’s job is to remind folks if they forgot something.

VSP and Shorelines document review – Zach Meyer

Bill Eller says we will hold this to the next meeting.

VSP TP & SAC Decision-making Framework document – Bill Eller

Bill Eller says we will hold to the next meeting.

MINUTES CONTINUES ON NEXT PAGE
Ben Floyd and John Small presents the work plan template that Anchor QEA has created. [see PowerPoint]. Working with Whitman, Lincoln, Franklin, Adams, Grant and Douglas County

Says it is a little different than what the Technical Panel might have seen before. Expanded definition of geo hazard areas – not just steep slopes.

Kelly McLain asks if the agricultural viability analysis takes into account more than just the critical areas. Ben says yes. How to measure agricultural viability? Ben says we are still working on that – keeping a general analysis.

Ron Shultz asks how does the implementation of VSP protection economic agricultural viability. Ben says VSP shouldn't overreach and try to account for all agricultural viability.

How will Anchor QEA’s template capture self-funded activities? Ben says the template will use indicators for adaptive management, not as a measure benchmark. Will inform whether or not the benchmark is being met.

Scope and scale of east side versus west side. East side scale is large.

Is the monitoring site specific, watershed scale or both?

Brian Cochrane asks about CPPE – different practices do better. How to show which is better? Make sure you rare using the best ones – what might work in the west side might not work on the east side. A fence in the east may provide the same shade as a tree in the west. The work group needs to show how that will work in 10 years – how they will succeed.

Ron Shultz says that the work group must show, explain and monitor for practices that might not get you a high level of confidence.

Kelly McLain says NRCS might lose funding, so it is hard to use that as a benchmark – must have other monitoring and ways to determine if the work plan is working.

Ben Floyd says NRCS practices are being counted, not NRCS program participation.

Amy Windrope asks if it is possible for Anchor QEA to continue their presentation at the next meeting.

The Technical Panel doesn't see a fatal flaw with the work plan template of Anchor QEA so far.

Future meeting topics & future actions; next meeting - Pacific County informal VSP work plan presentation – Mar/Apr

Bill Eller will send out a Doodle poll.
Adjourn