Voluntary Stewardship Program  
Joint Technical Panel & Statewide Advisory Committee Meeting  
Wednesday, January 30, 2019  
9:00 am – 12:00 pm

Facilitator – Bill Eller, VSP Coordinator, WSCC

Attendees in Lacey: Lauren Driscoll, Keith Folkerts, John Stuhlmiller, Brian Cochrane, Alicia McClendon, Commissioner Wes McCart, Brandon Roozen

Webinar: Commissioner Ron Wesen, Scott Kuhta

9:00 am: Opening Comments, Introductions, Session Objective & Agenda

9:05 am: VSP Program update (if any) – Bill Eller, Ron Shultz, WSCC

9:10 am: SAC VSP update and issues
  - VSP & New Agriculture – draft legislation - first review
  - VSP & 2 year / 5 year reports – draft WAC chapter - status
  - Quarterly report – over 250, put on web page?
  - NW Hay Expo VSP presentation – January 16, 2019 recap
  - SB 5259
  - Next joint meeting
    - Wednesday, April 10

Bill Eller continues the discussion of the draft RCW legislation on VSP and “new agriculture”. The draft was made available for the first time during the VSP regional meeting last month, a paper version was sent a day or so after the January 4th meeting to state agencies, the Technical Panel and Statewide Advisory Committee.

Bill notes that Lauren Driscoll proposed different language than what was in the draft – based on space, not time.

Lauren Driscoll outlines the suggested edit she made – changing the nature of the edit from one based on time (“old ag v. new ag” to one based on space – agriculture and expanding agriculture beyond where it’s been before).

Commissioner McCart says that new agriculture has shoreline management plan ramifications. A change in the definition of agriculture activity worries him – don’t
want to get in the way of the right to farm. There shouldn’t be any limit on agriculture production.

Keith Folkerts says that Lauren Driscoll’s change shouldn’t just reference the shoreline management act, it should repeat the definition of agriculture activities in it. From the agriculture activities definition, the word “shoreline” should be taken out. Agricultural practices should be allowed provided the practice doesn’t have impact on the environmental functions and values of the critical areas.

John Stuhlmiiller asks what is the exposure to the critical areas that we are trying to address. If not agricultural ground now, the CAO applies. If start farming that, it becomes agricultural land. The risk to critical areas is already being addressed when someone starts farming new land. What is the impact to the critical areas that the VSP work plan isn’t addressing, or not being met? All development regulations apply. What are we trying to get at? VSP can accommodate expanded agriculture on the ground. VSP applies wherever agriculture is involved or created.

Commissioner McCart says that counties are mandated to promote natural resource industries, including agriculture. Want to keep agriculture and encourage agricultural development. Want to avoid spot zoning. New agriculture under a new program is spot zoning and we can’t do that. Old and new agriculture doesn’t exist. Agriculture is agriculture. Impacts to the critical areas – the VSP work plan needs to address those. Building a farm building is permit-exempt, but must still not impact critical areas. What is the problem we are trying to address? If critical areas are there, the shoreline management act and other regs still apply. If new stuff, it goes under the shoreline management act. VSP doesn’t eviscerate other rules.

Keith Folkerts asks if there is a safety net needed in VSP.

Brandon Roozen says the VSP work plan covers that.

Lauren Driscoll says if there is a salmon stream near the critical areas, then the shoreline management act would cover that.

[General discussion on the definition of no net loss under the shoreline management act, in CAO’s, and in VSP]

John Stuhlmiiller says we should allow the 27 VSP counties to decide. There is no permit needed to farm. We should work with the county. Other regs still apply.
Brandon Roozen says not to forget that all those other regs apply.

Keith Folkerts asks about conversion into agricultural land – what applies?

Commissioner McCart says industrial property converted into agriculture is backwards. It is agricultural land that is being converted into industrial.

Keith Folkerts asks where no net loss applies – at the parcel or the watershed scale.

A general discussion ensues about the applicability of VSP at the watershed scale.

Bill Eller says VSP operates at the watershed scale, not at the parcel scale. Just like with individuals coming in to voluntarily participate in VSP, new agricultural land that comes available in the county would need to be accommodated by the VSP county watershed work group and the work plan. The VSP work plan accommodates that with monitoring and adaptive management, or the failure of the plan. All existing regs apply. If agricultural activities violate those existing regs, then those existing regs provide for the sanction.

More discussion about the applicability of VSP at the watershed scale.

The Technical Panel and Statewide Advisory Committee determine that no action should be taken on the proposed new agriculture legislation at this time. The regulatory backstop in place already in VSP is the standard and we shouldn’t hamper VSP with trying to further define agricultural activities.

We should work with the county and the county work groups to accommodate those new agricultural activities in their work plan. We should encourage county planners to work with the county work groups and have the county address any issues that can’t be addressed in the VSP work plan through the county code. We should provide guidance to the counties to the effect that VSP is VSP, and that we strongly encourage that if new agricultural activities come into the county, that VSP outreach and education is provided. That VSP should be a focal point of contact for new agricultural operators in the county. We should provide this guidance directly to the counties. We should communicate to them that they should be addressing new agriculture in their VSP work plans at planning for agriculture in the county planning efforts.
Bill Eller addressed the rest of the agenda items. He gave an update on Ron Shultz – we expect him back at the Commission by the end of next month. Not sure if he will be back on a full-time basis. Ron’s absence and staffing issues at the Commission (interim Executive Director, loss of Puget Sound regional manager) impacts VSP as work load increases.

Bill Eller has sought guidance from Ron on the 2 year and 5 year reporting WAC before his health issues, and is hoping to connect with him in the next week or so for more.

Bill Eller brought up the VSP quarterly reports and explained that their purpose is to determine compliance with the Commission’s contract deliverables for each county in VSP. He explained that WDFW staff thought that the quarterly reports would provide them information on the success of VSP implementation related to the protection of critical areas and agricultural viability, so they were wondering if the quarterly reports could be posted on the web. Bill Eller explained to them that the quarterly reports were not designed for that purpose and that staffing issues made posting the quarterly reports (nearly 300 of them so far) on the web problematic. The Statewide Advisory Committee agreed. Bill Eller explained that requests to see individual county quarterly reports would be an option.

Bill Eller reports that the Hay Expo presentation went well – about 30 attendees for the first session of the morning.

Bill Eller brought up that there are a few pieces of legislation that have been proposed by the Washington State Legislature related to the Growth Management Act. One that would directly affect VSP is SB 5259. SB 5259 would, among other things, open VSP up again to the 12 remaining counties who originally chose not to opt-into VSP. SB 5259 would give those 12 counties until July 1, 2020 to decide whether or not to “opt-in” to VSP. The Commission is monitoring this legislation as it moves through the process.

Bill Eller brought up the proposed next meeting date. The Technical Panel and Statewide Advisory Committee agreed that Wednesday, April 10, from 9 am – 12 noon would work best, and that would allow Chelan County time to make their presentation on their 2 year and 5 year report.