Voluntary Stewardship Program
Joint Technical Panel & Statewide Advisory Committee Meeting
Wednesday, October 3, 2019
9:00 am – 12:00 pm

Facilitator – Bill Eller, VSP Coordinator, WSCC

Attendees in Lacey: Lauren Driscoll, Mary Huff, Alison Halpern, Kelly McLain, John Stuhlmiller, Brian Cochrane, Alicia McClendon, Brandon Roozen, Rick Mraz, Wes McCart, Erick Johnson

Webinar: Audrey Ahmann, John Bolender, Greta Holmstrom, Bradley Johnson, Scott Kuhta, Amy Martin, Lisa Stearns, Megan Stewart, Mike Tobin, Charissa Waters, Ron Wesen, Barbara Adkins, Amanda Barg, Amy Martin, Adam Peterson

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

9:05 am: VSP Program update – Bill Eller, WSCC

VSP BMP Gap Analysis Budget Proviso
Bill Eller brings up first the Budget Proviso related to VSP that passed the Legislature this past session as Alison Halpern needs to leave early.

Alison Halpern provides an update on the Budget Proviso. She explains that the Proviso was the result of discussions during the legislative session related to SB 5947. The Proviso was to research and report on a gap analysis related to VSP work plans and other voluntary conservation efforts and funding. She said the Commission is working on a tight timeline as the preliminary report was due August 1 to the legislature and the final report on November 1. There was some discussion of the meaning of the Proviso language related to what exactly the intent of the area of study was.

Alison Halpern explains that the first large meeting was held last Friday and 23 people attended. Most folks at the meeting supported more funding for existing programs that do carbon sequestration. Part of the Proviso analysis is to look at VSP and current needs. It is due November 1. Alison says she is working with Thurston Conservation District to do a spatial analysis – natural resource concerns and where they intersect with private lands and what BMP’s would
likely apply to those lands. Will also look at all VSP work plans to see if they can tally the ISP’s and get monetary amount it would take to implement those BMP’s in the ISP’s. Some concern about getting the correct data in the hands of legislators. VSP plans just for 27 counties – can try to extrapolate that to all counties.

John Stuhlmiller says that the term BMP causes concern. We ask for some other term than BMP to be used to refer to those practices. Sound practices or something else. Best practices is ok. Those that have a good environmental outcome.

- **OPMA and 5 year VSP report review and evaluation process**

Bill Eller recalls that during our last meeting, as we were discussing the review and evaluation process related to the 5 year reports, we discussed whether the Technical Panel could meet alone, without the Statewide Advisory Committee, to deliberate. Deliberation among the Technical Panel members might be helpful in their review and evaluation, since the Technical Panel only provides a recommendation to the executive director of the Commission.

There were two issues with this – first, could the Technical Panel meet without abiding by the Open Public Meetings Act – just amongst themselves to facilitate discussion. Commission staff reviewed this, and did not see any way around the requirement in the OPMA to conduct open, public meetings with regard to the review and evaluation process. That was also the opinion of Commission leadership.

Second, the Technical Panel could meet separately from the Statewide Advisory Committee during the review and evaluation process. However, the Technical Panel couldn’t exclude the Statewide Advisory Committee members from attending if they wanted to. Also, there might be some benefit from the Statewide Advisory Committee members listening in on the discussion of the Technical Panel since they will be making the recommendation and evaluation as well as the Technical Panel.

John Stuhlmiller says that one possibility is to look into how the Technical Panel isn’t functioning as the Technical Panel during the deliberations – that might be a way to have meaningful discussions. It is not the Technical Panel who are making any decision on the 5 year reports. They should be able to go to the other agencies.
Further discussion is held by the Technical Panel and Statewide Advisory Committee members about the nature of the Technical Panel and their work during the 5 year report review and evaluation process.

Bill Eller says we will discuss this topic further when we discuss later in the agenda putting sideboards on the 5 year report review and evaluation process.

- **State agency staff introduction to VSP training – 1-2:30 pm today**
  Bill Eller recalls that at the last meeting, the Technical Panel members expressed their desire that the Commission train their new (and maybe some long-term) staff on VSP. After that meeting, Bill Eller set up a training for state agency staff and specifically invited WDFW, ECY, WSDA, and COM staff to attend. The training is set for today, from 1-2:30 pm, here in this location, and is designed to be an “introduction to VSP” for new state agency staff, or a refresher for seasoned agency staff. So far, it appears that 50-60 state agency staff has RSVP’d. Also, the training will be run by webinar, so we expect even more to attend that way.

- **2 year status reports – status update**
  Bill Eller explained that the Commission has received all 27 2 year VSP status reports. San Juan County provided a draft that came to the Commission after the August 30, 2019 deadline. They couldn’t hold a work group meeting before the deadline to get approval to send the final version to the Commission. They have since had a meeting in September and provided us the report. We’ve reminded them of the deadline and that it won’t change at the end of the current biennia and that they should plan accordingly so as to meet the deadline next time.

  Commissioner McCart asked what happens if the 2 year status report comes to the Commission late.

  Bill Eller explains that there is no directive in the VSP statute that addresses that, and that is one of the issues that we hope to deal with during the 5 year report process. The 2 year status report is just that – a status report. There isn’t anything more mentioned about them in the VSP statute. The reports go to the county and the Commission. There has been some inquiries, in various forums, about creating some sort of review process around the 2 year status reports.
reports. That is something we can discuss in conjunction with the 5 year reports.

- **SCC-county FY 19-21 contracts – status update**
  Bill Eller says that Karla Heinitz from our office has been working on the county contracts. He explains that these were sent to the counties on May 23, 2019 by email and mail, and we believe all have been signed except for Adams. Adams County is working directly with the Commission’s AAG on the contract as they are concerned about the provision on the contract that says if they don’t use reasonable diligence to execute the contract, the Commission can try to recoup the money spent by the county for the biennia.

- **SCC-agency FY 19-21 contracts – status update**
  Bill Eller says that Karla Heinitz from our office has been working on the state agency contracts. Believe they are done or nearly done (ready to go out). The only one that might not be is WDFW since we are working on including the scope of work for HRCD on that one. Each agency should receive $200,000 for the biennia of VSP funding to support their work on the Technical Panel and for assisting work groups with their efforts.

- **WDFW HRCD update**
  Bill Eller says that Commission staff have been working with WDFW on WDFW’s High Resolution Change Detection (HRCD). He says that the Commission has met with WDFW about how much work could be done under the current funding ($575k), and the option that was chosen was to try to provide all the counties currently using or who would like to use HRCD (Chelan, Thurston, Kittitas, Mason, San Juan, Pacific, Cowlitz, Columbia, Pend Oreille, Grays Harbor and Lewis) for data for all years from 2011-present. WDFW sent the Commission a statement of work on that during the week of September 21-25, and the Commission is reviewing that. We believe we are close to finalizing that contract.

- **Yakima County letter**
  Bill Eller says Yakima County sent us a letter after we met with their staff and two of the three county commissioners in July. At the end of August they sent the Commission a letter outlining four concerns they have:
    1. Working with COM on what agricultural activities means
    2. Promulgating Policy Advisory #04-19 without the full Commission approving it
3. SAC membership and environmental and tribal representation

4. Yakima County has determined that the level of funding for the 2019-2021 biennium is insufficient to implement the program across Yakima County.

The Commission is working on a letter in response. In the meantime, we’ve made the letter available to the Yakima County VSP work group as they were unaware of it.

[A general discussion ensues about this item by members of the Technical Panel and Statewide Advisory Committee. It was noted that the issue surrounding the definition agricultural activities in VSP and its applicability continue to be discussed by counties and work groups.]

10:15 am: Policy Advisory 05-18 and VSP & 5 year reports and continued review of Chelan and Thurston county five year reports

- Review 5 year reporting requirements in VSP statute
- Facilitated discussion of 5 year report process

Bill Eller recalls the August 4, 2019 meeting where he provided a PowerPoint summary of the current state of the VSP statute and our Policy Advisory 05-18 that relates to the policy and procedure around 2 year and 5 year reports.

He explains that current policy and procedure flows from the VSP statute and the PA 05-18, and includes the Technical Panel in the review and evaluation of the 5 year reports. He explains there is no timeline for finishing the review under our current procedures.

He then explains that Commission staff has consulted Commission leadership and has decided that rather than moving any further down the path to create a new WAC chapter that would specifically address how the 5 year reports would be reviewed and evaluated, the Commission will work with the Statewide Advisory Committee and Technical Panel through a facilitated process to craft the procedure around “review and evaluate.” The benefit of this approach, among other things, is that it should be quicker than adoption of a new WAC Chapter.

Bill Eller begins by describing the process in a diagram form. He then proposes a discussion seeking input on the major sections of the process, including:

- Report content – data analysis, explanations
How the review be done – through presentations, PowerPoints, reports, during open public meetings with discussion with Technical Panel / Statewide Advisory Committee, etc. How will a decision or conclusion be made and then communicated to the county work group?

Expectations of Technical Panel / Statewide Advisory Committee – number of meetings, review and evaluation time, etc.

He explains that these are just topics for starting the discussion and not in any way finalized. He says these could be completely thrown out and we could just use the procedure as set out in the statute. He also asks for input on if more items need to be added to the decision matrix for discussion.

John Stuhlmiller says to remember the intent of the statute in the review of the 5 year report. The report isn’t a “de novo” review, it is a review of what is in the record – the work plan that has already been approved.

[A general discussion ensues about the effect of the goals and objectives of the plan being met, but the critical area functions and values declining. How to know if a plan’s goals are being met. What “decline” means. How adaptive management factors into this assessment. What if a plan was accepted, but not being successful? Discussion about RCW 36.70A.720 (2) (b) (i) and (ii) requirements.]

Brian Cochrane says that VSP is unique because of the monitoring that is required. It is evidence-based. GMA is presumptive. Brian Cochrane asks what the role of the Commission is if the goals and objectives of the plan are not being met?

Eric Johnson asks which plans have goals or benchmarks that couldn’t be looked at that they’ve demonstrated success.

Brian Cochrane asks if degradation occurs, how will that be addressed. We need a universe of what is being measured and look at the response of the watershed. The assumption is that more BMP’s equals meeting protection goals.

John Stuhlmiller says that monitoring will get us there. We’ve never had that before.

Brian Cochrane asks if a plan is meeting its goals and benchmarks, but the monitoring program isn’t adequate, then what.

Wes McCart says that the law, as adopted, isn’t perfect. We should have a broader discussion of where we are now. It isn’t our job to say it isn’t working.
[A general discussion ensues about the role of the Technical Panel and Statewide Advisory Committee in reviewing and evaluating the 5 year reports.]

Bill Eller says that the purpose of the Technical Panel and Statewide Advisory Committee is set out in the statute. Essentially, it is to assist the executive director in her decision to concur or not concur with the work groups’ assessment of whether or not they are meeting their goals and objectives under the work plan. We should be focused on what the executive director would need to see to make that determination and what to tell the work groups to bring to her so she can make that determination. By putting some sideboards on what needs to be in the 5 year reports, we should be able to do that.

[A general discussion ensues about the timeline to submit the 5 year report would be, and how much time a review might take – 90 days as an example.]

Mary Huff says that there are a large number of 5 year reports coming in next year at the same time and we should think about how we could space those out or otherwise set up a more manageable timetable for their review. She asks if we can modify the date the reports need to be submitted.

Bill Eller says we can’t modify the due date for the reports without a change in the statute, but we are in control of the timeline to complete the review. We would set a schedule that we would review 4 reports a month (or some other number), regardless of how many came in during a particular month.

Wes McCart says that we should include a requirement in the 5 year report that the county work groups clearly state whether or not they are meeting their goals and objectives of their work plan since that is in the statute.

Bill Eller says that he has included that in the topics for discussion – which the statute says that each work group must state whether they believe they are or are not meeting their goals and objectives. He also says we’ve already told the work groups, in PA 05-18, that they are to provide a summary of how they are doing on each of the RCW 36.70A.720 (2) (b) (i) and (ii) requirements.

[A general discussion ensues about listing out what the Technical Panel and Statewide Advisory Committee would like to see in the 5 year report and requiring the}
John Stuhlmiller suggest that it might be easier to, rather than abstractly go through possible items to include in the 5 year reports, to use the two we have already – Thurston and Chelan as real examples and analyze those for what is in them – the things we might want to include in the 5 year reports, those things that might not be necessary, and that things that are missing.

[A discussion of pursuing John Stuhlmiller’s suggestion ensues]

Bill Eller says that he and Brian Cochrane will commit to review of the Thurston and Chelan reports as per John’s suggestion above.

The Technical Panel members indicate that they have read through both Thurston and Chelan’s 5 year reports and will do the same, individually, then supply their observations to Bill Eller and they will be gathered together for discussion at the next meeting.

11:45 am: Set next joint meeting - Wednesday, November 6 (proposed)
The next joint SAC/TP meeting will be Wednesday, November 6, 2019, 1 pm - 4 pm, here at the Farm Bureau Office.

12:00 pm: Adjourned