

Core Elements of the Work Plan

In terms of project management, the VSP Work Group's first core task is meeting the statutory test the Technical Panel, Statewide Advisory Committee and Conservation Commission Director will apply in determining whether or not to approve the VSP Work Plan:

"... 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."

RCW 36.70A.725

According to the VSP statutes, the Work Plan must be approved if the above test is met within three years after receipt of funding, as determined through the VSP Work Plan Approval process.

The Work Group's second core task is to create measurable ten-year benchmarks designed to promote voluntary, incentive-based measures 1) to provide long-term protection of critical areas and 2) to encourage voluntary enhancements to improve critical areas.

Together these voluntary incentive-based efforts reflect the three core "test" elements of an approvable VSP Work Plan: 1) protection of critical areas; 2) maintenance and enhancement of agricultural viability; and 3) voluntary enhancement of critical areas through promotion of incentive-based measures.

Meet the "Protect Critical Areas" Test

This Work Plan must detail how ColumbiaCounty through the VSP will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed. The definition of protection in the legislation for the Voluntary Stewardship Program indicates that

"Protect" or "protecting" means to prevent the degradation of functions and values existing as of July 22, 2011.

RCW 36.70A.703

Important elements of this definition of "protection" include the terms "degradation", "functions and values", and the baseline date of July 22, 2011 and what information is available as of that date.

Meet the "Maintain and Enhance Agricultural Viability" Test

The VSP Work Plan must "maintain and enhance" agricultural viability to receive approval. RCW 36.70A.725.

Some VSP statutory sideboards implicitly help to maintain agricultural viability. For instance, the VSP Work Plan is to rely on voluntary stewardship "as the primary method of protecting critical areas and not require cessation of agricultural activities." (RCW 36.70A.700.) The County, and the VSP Work Plan, may not "require an agricultural operator to discontinue agricultural activities legally existing before July 22, 2011." RCW 36.70A.702.

Also, VSP statutes do not grant counties or state agencies any additional regulatory authority to protect critical areas on lands used for agricultural activities. (RCW 36.70A.702.) In order to promote producer participation and productive discussion among Work Group members, VSP statutes prohibit county promulgation of new critical area regulations related to agricultural

activities during the VSP process (narrow exceptions apply). (RCW 36.70A.130(8)(a).) Further, nothing in the VSP statutes requires participation from agricultural operators, which is voluntary only. (RCW 36.70A.705.)

Create and Meet Protection and Enhancement Benchmarks

VSP statute requires the Work Group to:

“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.”

RCW 36.70A.720(2)(b).

The VSP legislation further states the “Program shall be designed to protect and enhance critical areas on lands used for agricultural activities through voluntary actions by agricultural operators.” (RCW 36.70A.705(1).) Failure to meet a goal or benchmark set in the Work Plan will result in plan failure and will trigger a regulatory approach to critical areas protection. (RCW 36.70A.720(2); RCW 36.70A.735; RCW 36.70A.130(8).)

Though critical area enhancement is not part of the initial VSP Work Plan Approval test, the Work Plan must also include benchmarks for promotion and implementation of voluntary actions *designed to* protect and enhance critical areas. The definition of “protection” is provided above. The VSP legislation’s definition of “enhancement” establishes that: *“enhance” means “to improve the processes, structure, and functions existing, as of July 22, 2011, of ecosystems and habitats associated with critical areas.”* RCW 36.70A.703

Setting Pragmatic Goals and Benchmarks for Protection and Enhancement

Goals and benchmarks need to be practical, achievable and reasonable to measure and meet. Metrics potentially affected by non-agricultural activities or factors should be avoided. The Work Group also needs to account for potential VSP participant withdrawals when establishing goals and benchmarks: “If the watershed group 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.)

BACKGROUND INFORMATION, OTHER PLANS, AND REGULATIONS

To leverage existing resources and avoid redundancy with ongoing watershed efforts, the Work Group performed a comprehensive review of existing plans, regulations, and activities, consistent with the requirements of RCW 36.70A.700. The aim of this review

was to identify what critical areas exist within each watershed, the scope and extent of the critical area protection baseline and ongoing protection activities, and what areas may need further attention from this Workgroup to promote voluntary enhancement of critical area functions and values (above the critical area protection baseline) through incentive-based measures.

Existing Watershed Plans

All of Columbia County's watersheds have undertaken Watershed Planning processes under [RCW 90.82](#), and have established implementation and monitoring plans for those basins. Watershed plans focus on issues relating to water quality, water quantity, and habitat. Through this process, each basin planning unit has identified areas where water resources and habitats are functioning well, local issues of concern, objectives and strategies, and methods to monitor progress toward those objectives.

Critical Areas Intersection with Agriculture / Critical Areas Goals and Benchmarks

In order to establish baseline monitoring of critical areas and agriculture conditions within the watershed, the VSP Work Group will conduct an inventory of agriculture and critical area resources.

Restoration and Conservation Actions Since 2011 – Habitat Work Schedule

Including **NRCS Conservation Practices 2011-2014**

Critical Areas Goals and Benchmarks

Goals will be developed to protect the value and functions of critical areas in the basins, and allow for the enhancement of these critical area functions through voluntary measures. Benchmarks will identify specific measurable benchmarks that would be monitored in accordance with the VSP legislation.

Participation and Stewardship Activities

Participation and stewardship goals and benchmarks will be identified in the VSP Work Plan. Neither term is defined in the law. However, common definitions include:

- Participation: the act or state of participating, or sharing in common with others.
- Stewardship: The activity or job of protecting and being responsible for something.

MONITORING, REPORTING, AND ADAPTIVE MANAGEMENT

The VSP Work Group will be responsible for ongoing monitoring, reporting, and adaptive management of the Work Plan implementation. [RCW 36.70A.720](#) describes the schedule and actions the Work Group must follow during implementation of the plan.

(b)(i) Not later than five years after the receipt of funding for a participating watershed, 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.

(ii) If the watershed group determines the protection goals and benchmarks have been met, and the director concurs under [RCW 36.70A.730](#), the watershed group shall

continue to implement the work plan.

(iii) 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. If the director does not approve the adaptive management plan under RCW 36.70A.730, the watershed is subject to RCW 36.70A.735.

(iv) 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. (RCW 36.70A.720)

The statute further requires reporting, evaluation and, if necessary, adaptive management at “ten years after the receipt of funding... and every five years thereafter”. Section 7 identifies specific benchmarks and monitoring and measuring efforts for each.

PLAN APPROVAL PROCESS AND TIMELINE

The Conservation Commission Director must approve the Work Plan within 3 years of funding (January 2016) or the county must comply with the non-VSP (regulatory) critical area protection requirements of RCW 36.70A.735.

The Work Group will submit the VSP Work Plan to the Conservation Commission Director, who will give it to the Technical Panel for review. RCW 36.70A.720(2)(a). The Technical Panel has 45 days to make a recommendation. If the Technical Panel says the Work Plan doesn't pass the statutory Work Plan Approval test, the Work Group must modify and resubmit the Work Plan.

VSP Work Plan Preparation, Approval, and Monitoring Timeline

Action Timeline

1. **Receipt of funding** to create a VSP Watershed Work Plan. January 2016
2. **Prepare a watershed work plan** within 18 months after the receipt of funding. June 2015
3. **Approval of Work Plan.** Director of the State Conservation Commission and technical panel (see RCW 36.70A.735) approves work plan within two years and nine months after receipt of funding (September 2016) - technical panel has 45 days to review and provide response to Director. August 2015 if plan approved- OR - September 2016 if back and forth with technical panel occurs
 - **If no agreement in 2 years 9 months**, work plan is sent to the Statewide Advisory Committee made up of representatives of environmental, agricultural, local governmental, and tribal agencies and stakeholders.
 - **If no agreement in 3 years**, the work plan does not go into effect and an alternative regulatory path must be selected. See RCW 36.70A.735 for alternative paths.
4. **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. August 2015, 2017, 2019
5. **Report on whether goals and benchmarks have been met** in 5 years after receipt of funding (January 2019), and also at the ten year mark and every 5 years after that. January 2019 January 2024
6. **Adaptive management** or additional voluntary actions and funding may need to be identified if goals and benchmarks are not met. ongoing after Jan. 2019