

## October 2016 VSP Newsletter

Hi folks! This is the monthly installment of a Voluntary Stewardship Program (VSP) informational newsletter. Please sign up to receive the newsletter [here](#). Feedback is welcome at [beller@scc.wa.gov](mailto:beller@scc.wa.gov).

**REGIONAL MEETING SURVEY:** The Commission is interested in your input on whether to hold a regional meeting or meetings on the Voluntary Stewardship Program for VSP consultants, county staff, conservation district staff, agency staff, and others. Please fill out the [survey](#) at this [link](#) **no later than Friday, October 21st**. Your input is greatly appreciated!

**JOINT VSP TECHNICAL PANEL AND STATEWIDE ADVISORY COMMITTEE MEETING ON SEPTEMBER 27, 2016:** The VSP Technical Panel (TP) and Statewide Advisory Committee (SAC) met on September 27, 2016 and discussed a number of issues, including the ramifications of a work plan that addresses just one critical area while leaving the other four to regulation under an existing critical areas ordinance, the definition of agricultural viability, and monitoring resources for work groups. The TP and SAC are still discussing these topics. Notes from that meeting are being developed. Presentations and documents discussed at the meeting are available on either the [TP web page](#) or [SAC web page](#) - please check there for more details. The meeting was in-person and webinar format.

**NOVEMBER 9, 2016 JOINT MEETING OF THE TECHNICAL PANEL AND STATEWIDE ADVISORY COMMITTEE:** The next joint meeting of the TP and SAC will be November 9, 2016, from 9am-3pm. The in-person meeting locations will be in Lacey and Colville, and the meeting will also be available by webinar. Full details will be available on the [TP web page](#) or [SAC web page](#). Please register for VSP Technical Panel & Statewide Advisory Committee meeting on Nov 9, 2016 9:00 AM PST at:

<https://attendee.gotowebinar.com/register/3429564061651854596>

After registering, you will receive a confirmation email containing information about joining the webinar. Please remember to RSVP [here](#) so we have an idea of the number of folks who will attend in person or through the webinar. Thanks!

**VSP TECHNICAL PANEL AND STATEWIDE ADVISORY COMMITTEE MEETING MINUTES:** Meeting minutes for both the VSP Technical Panel (TP) and VSP Statewide Advisory Committee (SAC) can be found on their web pages - [here](#) for the TP and [here](#) for the SAC.

If they are not posted there, then they are not yet ready for release (meaning they are still in draft form). Typically, both the TP and SAC wait for the next subsequent meeting in order for them to be finalized. So, for example, the August 31st meeting minutes wouldn't be available until after the September 27th meeting.

Please look to the VSP web page for either the TP or SAC for meeting minutes – they will be posted in those two places.

**VSP TIMELINE DOCUMENTS:** The VSP work group timeline documents that the TP and SAC have been working to complete are finished and available for review, use and download on the Commission's [VSP Workgroups web page](#) under the "VSP Process, Roles and Responsibilities" tab. A direct link to the VSP Work Group Timeline document is [here](#). A direct link to the VSP 5 Year Report Timeline is [here](#). The timeline documents are

important to each work group as the deadlines for certain actions in VSP are captured there. If you have any questions, please contact me.

VSP MONTHLY CONSULTANT Q&A: The monthly teleconference/webinar for all those interested in VSP at a statewide level is coming up on **Thursday, October 13**. This conference call is meant to be a Q & A on VSP for all 27 VSP opt-in counties. The purpose of the call is to be a forum to disseminate information about VSP on a statewide level and to answer VSP related questions. It is open to any who want to phone in, but mainly directed at County staff, Conservation District staff, and consultants and facilitators responsible for VSP. The next call is **Thursday, October 13, from 9am-9:30am**. Links to past webinar recordings are available on the [VSP Workgroups web page](#).

VSP MEDIA PACKAGE UPDATE: The VSP media packet (press releases, etc) is available for you to use. It can be found [here](#). It includes typical media kit items, including a program fact sheet, links to more information, logos, and links to recent news articles.

VSP REIMBURSEMENTS: Remember, the Commission's agency policy requires monthly reimbursement requests for all VSP contracts (as well as any other contracts). We have noticed that there are quarterly requests being sent in. Monthly reimbursement requests allow entities to stay on top of expenses and contract end dates. So, please remember to voucher monthly for VSP expenses.

VSP WORK PLAN MAP DISCLAIMER: Evan Sheffels of the Washington State Farm Bureau crafted a sample or example disclaimer that work groups might use in their work plans when they are confronted with maps that may not be entirely precise. This disclaimer is provided as a sample / example only and in no way constitutes an endorsement from the Commission. It is provided here as a starting point for further discussion and analysis in your work plans. Here it is:

Disclaimer: "The depictions of potential critical areas on this map are only for illustrative purposes and are not to be used for regulatory purposes. This map does not serve to designate critical areas and only raises the possibility of a critical area location to help VSP technical service providers determine how agricultural activities and critical areas might intersect for purposes of voluntary VSP participation. Presence of critical areas can only be determined on case-by-case basis. In the event of a conflict between mapping and actual county designations, the actual county designation, criteria and conditions in the field shall control."

PROTECTION OF CRITICAL AREAS V. ENHANCEMENT OF CRITICAL AREAS IN THE VSP WORK PLAN: In some work groups, the question of whether VSP requires that critical areas be enhanced or protected continues to come up.

VSP goals include the promotion of plans to protect and enhance critical areas where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in the state of Washington and reducing the conversion of farmland to other uses. [RCW 36.70A.700](#).

In VSP, to protect means to prevent the degradation of functions and values existing as of July 22, 2011. RCW 36.70A.703(8). To enhance or enhancement under VSP means to improve the processes, structure, and functions existing, as of July 22, 2011. RCW 36.70A.703(4).

VSP work plans must "protect critical areas while maintaining the viability of agriculture in the watershed. The work plan must include goals and benchmarks for the protection and enhancement of critical areas." RCW 36.70A.720(1).

Under VSP, protection goals and enhancement goals have been separated out. The VSP work plan must "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(1)(e), emphasis added.

After 10 years, “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. RCW 36.70A.720(2)(c)(ii), emphasis added. “If the watershed group determines the **protection** goals and benchmarks have not been met, the watershed is subject to RCW [36.70A.735](#). RCW 36.70A.720(2)(c)(iii), emphasis added.

However, if after 10 years, “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(2)(c)(iv), emphasis added.

So, for the question of whether VSP requires that critical areas be enhanced or protected, the answer is that current funding for VSP provides for protection of critical areas. Funding to enhance critical areas has not yet been provided, but both protection and enhancement and goals and benchmarks for each should be included in the VSP work plan. A VSP county must protect the critical area. You are only required to enhance if funds are available.

**DOG BREEDING AS AN AG ACTIVITY:** We’ve received questions about whether or not dog breeding (legitimate, registered) operations qualify as a VSP-eligible “ag activity”? While not “livestock” in the traditional farming sense, does the ag activity definition broadly encompass all “animals” being raised for commercial purposes?

Answer: Remember that VSP goals include the promotion of plans to protect and enhance critical areas where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in the state of Washington and reducing the conversion of farmland to other uses. [RCW 36.70A.700](#).

So, the focus is on the intersection of the critical areas and agricultural activities, and agricultural activities that affect critical areas. There is no definition of “livestock” in the VSP statute. A traditional definition of livestock can be found in RCW 16.36.005(15). ““Livestock” means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. “Livestock” does not mean free ranging wildlife as defined in Title [77](#) RCW.” RCW 16.36.005.

The definition of “agricultural activities” in RCW 90.58.065(2)(a) is broad, but it doesn’t seem to incorporate dog breeding. The focus of the definition would be around growing things for food. Agricultural activities means “agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products;...” RCW 90.58.065(2)(a). Agricultural products is defined as

(b) "Agricultural products" **includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;**

RCW 90.58.065(2)(b), emphasis added. The definition is broad, but the focus is on livestock. Dogs wouldn’t traditionally be included as livestock. However, due to the broad nature of the definitions involved, an argument could be made for their inclusion. The question then becomes, how is the dog breeding operation affecting and/or intersecting the critical areas? There must be a nexus between the two in order for goals and benchmarks to be developed to address that area of concern in the VSP work plan.

**CHRISTMAS TREE FARMS IN VSP:** We’ve received questions about whether or not Christmas tree farms are part of ag activities under VSP. Answer: Yes – Christmas tree

farms are included in the definition of agricultural activities in the SMA – RCW 90.58.065(2)(b) and would be something that, if you have in your county, you would want to include in your work plan analysis of how that agricultural activity is affecting critical areas.

**VSP COMMERCIAL VERSUS NON-COMMERCIAL THRESHOLD FOR ELIGIBILITY UNDER VSP:** Another question we have seen frequently in work groups revolves around whether there is a general thresholds for eligibility under the VSP, recognizing the importance of including both commercial and non-commercial “ag”. Commercial ag seems easy to identify as operators pursue Open-Space-Ag designations to gain favorable tax treatment for their operations. Non-commercial operators (subsistence farming) might similarly petition for the tax-preferred designation, but would presumably meet the income requirement of the [Open Space RCW](#) under the equivalency standard whereby “gross income from agricultural uses’ includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs...”. The question involves whether a work group can we use the Open-Space-Ag designation as an eligibility threshold for VSP participation?

Answer: Yes, it is possible to use open space ag designation as a VSP eligibility threshold. But, there is no threshold for VPS participation – if you meet the definitions involved (commercial or non-commercial ag producer engaged in ag activities), then you would be eligible to participate. This goes back to the definition of what is an agricultural activity? Are you selling things? Are you growing things for consumption or use at home or outside the home? Does that activity have an impact on critical areas? Do other plans or regulations (the County CAO, state or federal regulations or laws) address that particular activity? If so, they should be discussed / referenced in your work plan. The resource impact should be the focus.

**MILEAGE FOR VSP WORK GROUP VOLUNTEERS:** Question: Can members of the county VSP work group be reimbursed for mileage for attendance at work group meetings?

Answer: Yes. It is possible. However, the amount of funding for VSP work group planning is finite. That means that use of funds to cover mileage might preclude the use of funds for other expenses associated with VSP plan development and completion. Reimbursement for mileage is limited to unpaid volunteer members of the work group. County employees, consultants, and other paid staff are not eligible. All mileage reimbursements shall comply with the state travel rules in the State Administrative and Accounting Manual (SAAM) at <http://www.ofm.wa.gov/policy/10.10.htm>.

Bill Eller | [beller@scc.wa.gov](mailto:beller@scc.wa.gov) | 509-385-7512 | Washington State Conservation Commission