A Resolution Initiating County Participation in the State Voluntary Stewardship Program to Protect and Enhance Critical Areas Where Agricultural Activities are Conducted

Whereas the Washington State Legislature, through Engrossed Substitute House Bill 1886 (2011), created a Voluntary Stewardship Program ("VSP") for protection of critical areas in areas of agricultural activities while safeguarding Skagit County's agricultural industry from litigation and excessive regulatory burden;

Whereas the Skagit River produces a third of Puget Sound's fresh water and is home to a third of its threatened wild Chinook salmon;

Whereas Skagit County is committed to protecting and restoring salmon runs on the Skagit;

Whereas Skagit County contains nearly 70,000 acres of prime farmland and a vibrant agricultural industry;

Whereas, over the course of the past fifteen years, Skagit County has incurred more than $5 million in legal costs defending Skagit Valley's agricultural economy against lawsuits over critical areas;

Whereas ESHB 1886 made enrollment in the VSP "an alternative to protecting critical areas in areas used for agricultural activities through development regulations";

Whereas, on December 19, 2011, the Board of County Commissioners adopted Ordinance O20110013, electing to enroll the entirety of unincorporated Skagit County, and all of its watersheds, in VSP;

Whereas, in the same action, the Board of County Commissioners nominated the Samish and Skagit watersheds for consideration by the State Conservation Commission as priority watersheds;

Whereas the state was expected to provide funding for counties enrolled in VSP in the amount of $150,000 in the first year and $125,000 in succeeding years, but has not yet done so;

Whereas the County has invested millions of dollars in substantial efforts to clean up the Samish watershed, preserve riparian buffers, improve fish passage, and restore habitat;

Whereas the County has substantial interests in resolving the agriculture/critical areas conflict, in protecting and enhancing critical areas, and in maintaining and enhancing the viability of agriculture;

Whereas state law requires the County to appoint a "watershed group" to develop the County's work plan for Voluntary Stewardship Program implementation;

Whereas, per RCW 36.70A.715(2), the County must confer with tribes and interested stakeholders before establishing the watershed group and has done so by requesting comment on this resolution;

Now Therefore Be It Resolved by the Board of County Commissioners that:

Section 1. Required acknowledgements and designations.

1.1. Consistent with RCW 36.70A.715(1)(a), the Public Works Director is instructed to acknowledge "receipt of funds" to the State Conservation Commission.

1.2. Per RCW 36.70A.715(1)(b) and (4), the County designates itself to coordinate the watershed group and administer funds for each enrolled watershed.

1.3. The Board of Commissioners designates and instructs the Director of Public Works to lead implementation of the County's Voluntary Stewardship Program.

Section 2. Watershed group established.

2.1. The watershed group will be coordinated by the Natural Resources Division of the Public Works Department and is advisory to the Director of Public Works.

2.2. The primary duty of the watershed group is to assist in development of the work plan described in Section 4.

Section 3. Watershed group membership.

3.1. By subsequent resolution, the Board of County Commissioners will appoint interested stakeholders and members of the public to the watershed group.

3.2. Consistent with RCW 36.70A.715(3), which requires that the watershed group "include broad representation of key watershed stakeholders and, at a minimum, representatives of agricultural and environmental groups and tribes that agree to participate," the County desires community volunteers for the watershed group that each have:

(a) experience or expertise in the watershed;

(b) multiple interests and demonstrated ability to be open-minded, think creatively, and bring a broad-based perspective;

(c) demonstrated ability to work well with others, voice one's own opinion, listen to other views, and work toward common agreement; and

(d) commitment to the success of the program and the time necessary to see the process through to completion.

3.3. The County will circulate a call for letters of interest for membership in the watershed group and accept responses through Monday, October 13.

3.4. Per RCW 36.70A.715(1)(b), the County will appoint members of a watershed group within 60 days of acknowledgement of receipt of funds.

Section 4. Work plan.

4.1. Per RCW 36.70A.725(3)(b), the overarching objective of the work plan is to "protect critical areas while maintaining and enhancing the viability of agriculture in the watershed."

4.2. Consistent with RCW 36.70A.720, the watershed group must accomplish the following in developing the work plan:

(a) Review and incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans;

(b) Seek input from tribes, agencies, and stakeholders;

(c) Develop goals for participation by agricultural operators conducting commercial and noncommercial agricultural activities in the watershed necessary to meet the protection and enhancement benchmarks of the work plan;

(d) Ensure outreach and technical assistance is provided to agricultural operators in the watershed;

(e) 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;

(f) Designate the entity or entities that will provide technical assistance;

(g) Work with the entity providing technical assistance to ensure that individual stewardship plans contribute to the goals and benchmarks of the work plan;

(h) Incorporate into the work plan any existing development regulations relied upon to achieve the goals and benchmarks for protection;

(i) Establish baseline monitoring for: (i) Participation activities and implementation of the voluntary stewardship plans and projects; (ii) stewardship activities; and (iii) the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed.

4.3. Per RCW 36.70A.725, the County must have its work plan approved by the director of the State Conservation Commission within three years of receipt of funding.

4.4. To provide adequate time for review by the Board of County Commissioners and review by the state technical panel, and to speed implementation of the Voluntary Stewardship Program, the Public Works Department should work with the watershed group to complete the work plan for recommendation to the Board of Commissioners within one year of the date of this resolution.

Witness Our Hands and the Official Seal of Our Office this 16 day of September, 2014.

Board of County Commissioners
Skagit County, Washington

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

ATTEST:

Clerk of the Board

RECOMMENDED:

Dan Berentson, Director
Public Works Department

APPROVED AS TO FORM:

Ryan Walters, Civil Deputy
Skagit County Prosecutor's Office

Skagit County Prosecuting Attorney
Richard A. Weyrich

extra copy

CRIMINAL DIVISION

CHIEF CRIMINAL DEPUTY
ROSEMARY KAHOLOKULA

SENIOR CRIMINAL DEPUTIES
ERIK PEDERSEN
TRISHA D. JOHNSON
EDWIN N. NORTON
SLOAN G. JOHNSON
PAUL W. NIELSEN

CRIMINAL DEPUTIES
KAREN L. PINNELL
MELISSA W. SULLIVAN
RUSSELL BROWN
MELANIE SPANGENBERG
HALEY SEBENS

OFFICE ADMINISTRATOR
VICKIE MAURER

CIVIL DIVISION

CHIEF CIVIL DEPUTY
WILLIAM W. HONEA

CIVIL DEPUTIES
ARNE O. DENNY, SR. DEPUTY
MELINDA B. MILLER, SR. DEPUTY
STEPHEN R. FALLQUIST
JILL DVORKIN
RYAN WALTERS

FAMILY SUPPORT DIVISION

CHIEF DEPUTY
KURT E. HEFFERLINE

SENIOR DEPUTY
GWEN L. HALLIDAY

Memorandum

To: Board of County Commissioners
From: Ryan Walters, Civil Deputy Prosecuting Attorney
Date: September 11, 2014
Re: Voluntary Stewardship Program Startup Resolution

At your August 8 meeting, the Board indiciated its support for moving forward with initiation of the Voluntary Stewardship Program for protection of critical areas in areas of agricultural activities.

Consistent with the statute's requirement that we confer with tribes and interested stakeholders before establishing the watershed group, we circulated the draft resolution to various interests. We received comments supporting the resolution from the Ag Advisory Board, the Samish Tribe, and the 3FI Oversight Team. We also received comments from the Swinomish Tribe. All the comments are available on the VSP website at www.skagitcounty.net/vsp.

Staff recommends that you adopt the resolution, after which Public Works will start the process of advertising for letters of interest in participating in the Watershed Group through Monday, October 13.

Process Timeline

	Statutory Deadline	Item
✔	January 22, 2012	Enroll in Voluntary Stewardship Program
▸	before adopting resolution starting VSP program	County solicits comments from interested stakeholders
	before designating group	County solicits letters of interest for local Watershed Group
	w/n 60 days of receipt of funding	County designates Watershed Group
	as necessary to obtain approval w/n 3 years of receipt of funding	Watershed Group meets to develop work plan
	ASAP in order to obtain approval w/n 3 years of receipt of funding	County submits work plan to State Conservation Commission
	w/n 45 days of receipt by SCC	State Technical Panel reviews work plan
	w/n 3 years of receipt of funding	Receive work plan approval from Conservation Commission

Main Office
605 S. Third Street
Mount Vernon WA 98273
(360) 336-9460
prosecutor@co.skagit.wa.us

Civil Division
Administration Bldg., 700 S 2nd St., Rm 202
Mount Vernon WA 98273
(360) 336-9460
prosecutor@co.skagit.wa.us

Family Support Division
PO Box 1226, 208 E Blackburn Rd Ste 203
Mount Vernon WA 98273
(360) 336-9461 fax (360) 336-9393