



STATE OF WASHINGTON
CONSERVATION COMMISSION

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July 23, 2021

Kara Symonds, Watershed Planner
Skagit County Public Works
1800 Continental Place
Mount Vernon, WA 98273

Re: *Concurrence with the assertion of the Skagit County Work Group in their Five Year Report*

Dear Kara:

This letter is serves to document my decision to concur with the assertion of your county Voluntary Stewardship Program (VSP) work group that it is meeting its county VSP work plan goals and benchmarks in its five year report, submitted January 19, 2021.

Background

The VSP requires each county watershed work group to report to the Executive Director of the Conservation Commission and the county on whether it has met the work plan's protection and enhancement goals and benchmarks.

Reports are to be submitted at five-year intervals from the date of receipt of funding, and sent to the Director of the Commission and to each county legislative authority by each work group. The Director must decide to concur, or not, with each county work group's assertion.

Your county work group, in its five year report, asserted that the work plan was meeting its protection and enhancement goals and benchmarks.

Five Year Report Review

My decision to concur comes after review and evaluation of the report by the VSP Technical Panel, consultation with the VSP Statewide Advisory Committee, and recommendations from my staff. The Technical Panel comments accompany this letter.

Technical Panel members overall review and evaluation of the report, answering the question of whether the member agrees with the assertion of the work group, was as follows:

Department of Ecology:	Partly agree
Department of Agriculture:	Disagree
Department of Fish and Wildlife:	Partly agree
Conservation Commission:	Partly agree

Some of the reasons for my decision are:

- Most of the reviewers agree, at least partially, that you are making progress towards meeting your goals and benchmarks. This is significant considering that your goals and benchmarks are set for 5 years of work, and you've had much less than 5 years to implement.
- I acknowledge that you have not experienced a full five years in which to implement VSP. This is perhaps the most important consideration. The county's work plan was approved on July 6, 2017. Its 5-year report was due January 19, 2021. There has been only three years and six months (to date) of implementation.
- At least one reviewer noted that the majority of critical areas in the county, with the exception of fish and wildlife habitat, were being protected by regulation and not through the use of voluntary best management practices.

Some areas for adaptive management include:

- Multiple reviewers noted that the imagery analysis, when completed, might provide data to support enhancement of critical areas.
- Some reviewers noted that the data provided related to enhancement activities was insufficient to determine if or how those actions enhanced critical areas functions and values.
- Multiple reviewers noted that the same explanation was provided for three watershed goals, which made determining where improvements were occurring and where they were needed difficult to determine.
- Most reviewers noted the lack of data related to producer engagement, and would like to see more explanation regarding outreach and engagement activities and efforts of the county work group.
- Some reviewers noted the lack of supporting evidence in all goals and benchmarks.

Next Steps

The Commission urges the county work group to review the Commission comments, the Technical Panel comments, and to work with state agency staff either at the local work group level or through the Technical Panel when making improvements to its VSP implementation efforts and taking adaptive management actions. Please work with the Technical Panel to address their concerns in your next five year report.

Please continue to implement VSP in your county with the above comments in mind. VSP counties are strongly encouraged to continually self-evaluate and make adaptive management decisions to improve implementation of their VSP plans.

Thank you for your participation in the Voluntary Stewardship Program and for coordinating best management practices with landowners to demonstrate protection of critical areas.

Sincerely,



Carol Smith, Ph.D.,
Executive Director

Attachments: VSP Technical Panel Comments

Form Name: TP 5-Year Review & Evaluation Comments
Submission Time: February 26, 2021 11:20 am
Browser: Firefox 85.0 / Windows
IP Address: 165.151.215.158
Unique ID: 769359448
Location: 47.037899017334, -122.90070343018

Please indicate which TP member is filling out this form Commission

Please indicate the nature of these comments These comments are my final comments made after consideration of the written comments made by the other TP members

Please select the county five-year report under review Skagit

Please choose whether you agree, partly agree, or disagree with the assertion of the county work group that it is (or is not) meeting the work plan's protection and enhancement goals and benchmarks Partly agree

Explanation No net loss of riparian stated. Did not find language to support enhancement assertion. Imagery analysis to be completed may provide data to support enhancement. All other critical area types used regulatory backstops. Good use of other's data to support assertion that regulatory backstops are working.

Any other comments not captured above Would like to see riparian area supplemented with some index of condition to ensure that equal area protection is maintaining quality as well as quantity. More evaluation of shrub vs. tree data already collected could provide insight into quality.

Please consider providing a 2-3 sentence summary of your overall comments on the five-year report. This summary will be included in the director's decision letter to the county. Good use of ancillary data to support assertions that regulatory backstops are working. Spatial analysis to document that riparian habitat is maintaining/increasing, along with some analysis to evaluate quality will be useful to show that VSP actions are supporting critical area functions and values.

Email bcochrane@scc.wa.gov

Form Name: TP 5-Year Review & Evaluation Comments
Submission Time: March 4, 2021 12:52 pm
Browser: Chrome 89.0.4389.72 / Windows
IP Address: 165.151.211.116
Unique ID: 773848319
Location: 47.037899017334, -122.90070343018

Please indicate which TP member is filling out this form Ecology

Please indicate the nature of these comments These comments are my final comments made after consideration of the written comments made by the other TP members

Please select the county five-year report under review Skagit

Please choose whether you agree, partly agree, or disagree with the assertion of the county work group that it is (or is not) meeting the work plan's protection and enhancement goals and benchmarks Partly agree

Explanation

Reported enhancement activities (Goals 6 & 7) do not contain sufficient detail to determine if or how those actions enhanced specific critical area functions and values. Additional information that includes information like: a description of the specific actions, the effect on critical area functions, and monitoring results that ensure the action is effective are needed to support the conclusion that these goals were met.

- 1) All sections of Strategies and Performance Metrics: The 5-year Report uses the same text for each of the three watersheds for each goal. This makes it impossible to judge where improvements are occurring and where improvements are needed. Suggest that the accomplishments be specific to the noted watershed.
- 2) Goal 1, All watersheds: Need to indicate how many Group A water systems are in each watershed. Also consider whether Group B systems are within the scope of the Skagit VSP. If so, they should be included in future reporting.
- 3) All sections of Goal Results: Same comment as 1). Break out information by cited watershed.
- 4) Participation Strategies, Goal 10: Break out protected easement acreage by cited watershed.
- 5) Critical Area Monitoring, Frequently Flooded CA, p 60 of 64: The report notes the observation is not statistically significant. Need to complete the boxes for mean, standard deviation, and statistical method used. (Or leave the statement about statistical significance blank.
- 6) Critical Area Monitoring, Wetlands, p 63 of 64: Need to include some form of information related to overall accuracy of the imagery used.
- 7) Critical Area Monitoring, Fish and Wildlife Habitat, p 64 of 64: Need to include some form of information related to overall accuracy of the imagery used.

**Any other comments not captured
above**

Please consider providing a 2-3 sentence summary of your overall comments on the five-year report. This summary will be included in the director's decision letter to the county.

It is our understanding that, per the Work Plan, the County is only using the VSP to address agricultural activities in FWHCAs. Other critical areas are being protected through the CAO. Please clarify the purpose of monitoring and reporting on other critical areas in future VSP reporting. Such data, in combination with a sample set of field verifications, help to augment claims that the County's CAO is also effectively protecting critical areas in ag-intersect locations.

We appreciate the code citations provided in the report that identify the regulatory backstop that is addressing critical areas and agriculture through the CAO.

While high resolution monitoring is a useful tool for detecting change, a subset of areas showing change should be field-verified to ensure that the conclusions reached in the report are valid.

Email

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Form Name: TP 5-Year Review & Evaluation Comments
Submission Time: March 8, 2021 7:50 am
Browser: Chrome 88.0.4324.190 / Windows
IP Address: 198.239.170.64
Unique ID: 775339108
Location: 47.037899017334, -122.90070343018

Please indicate which TP member is filling out this form Agriculture

Please indicate the nature of these comments These comments are my final comments made after consideration of the written comments made by the other TP members

Please select the county five-year report under review Skagit

Please choose whether you agree, partly agree, or disagree with the assertion of the county work group that it is (or is not) meeting the work plan's protection and enhancement goals and benchmarks Disagree

Explanation

There is no evidence that Skagit County has truly embodied the spirit of VSP. There is no proof of engagement by producers, and the significant use of the regulatory programs in the county to meet VSP goals is the opposite of what VSP is envisioned to be.

Goal 1: Protect aquifer recharge areas - benchmark is monitored through regulatory action, protection of critical area is not being performed through implementation of agricultural BMP's.

Goal 2: Protect, restore, and enhance fish and wildlife habitat - Skagit County assessed 17,338 acres between 2011 and 2017 & 2019 and found no net loss of riparian buffer with EagleView. While baseline is being maintained. No evidence of goal achievement were provided through voluntary agricultural conservation practices.

Goal 3: Protect hydrologic function - Benchmark provides that no new development impedes floodplain habitat function, and does not address erosion or degradation in-stream. While Community Assisted Visits and reducing future non-compliant structures within the floodplain, the benchmark does not address ongoing problematic degradation within floodplains. County should include agricultural BMP's that address floodplain habitat and riparian function.

Goal 4: Geologically hazardous areas - Benchmark addresses agricultural structures in seismically hazardous areas. County is regulating all building permits to ensure all new permits issued comply with requirements. No agricultural BMP's included in meeting benchmark or enhancement goals.

Goal 5: Preserve and protect wetlands - County is using DOE's Wetland Inventory to ensure no net loss of wetland from baseline of 2011. Examined 54 sites with Eagleview, observed visible change at 22% sites due to human activity. County does not show any evidence of attempting to mitigate changes through voluntary agricultural conservation practices.

Goal 6: Enhance critical areas - County asserts it met benchmark goals. The county provides acres of BMP's above and beyond benchmark goals (324 acres) across all watersheds. They do not provide details on which BMP's were implemented, the direct or indirect benefit to critical areas, or the engagement of producers.

County obtained data from Skagit CD annual report on 29 CREP contracts and six additional projects. 78 development rights were eliminated through easements.

Outreach to producers is unclear from the report.

Monitoring uses several methods. A small percentage of areal imagery from EagleView should be field validated to improve findings. Consumer Confidence reports found no ag marker violations, but no information was given on the area near agricultural land or related conservation practices.

Please consider providing a 2-3 sentence summary of your overall comments on the five-year report. This summary will be included in the director's decision letter to the county.

Skagit County does not show engagement with producers through the voluntary process of VSP. No evidence was given for outreach and engagement of producers to voluntarily implement conservation agricultural BMP's to protect critical areas. WSDA suggests that Skagit County work closely with Conservation District and Natural Resource Conservation Service Partners to conduct voluntary implementation of BMP's that protect critical areas and monitor on-the-ground changes in water quality, soil health, and other indicators of protection.

Email

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Form Name: TP 5-Year Review & Evaluation Comments
Submission Time: March 17, 2021 5:15 pm
Browser: Chrome 89.0.4389.90 / Windows
IP Address: 198.99.101.246
Unique ID: 779971635
Location: 47.037899017334, -122.90070343018

Please indicate which TP member is filling out this form Fish & Wildlife

Please indicate the nature of these comments These comments are my final comments made after consideration of the written comments made by the other TP members

Please select the county five-year report under review Skagit

Please choose whether you agree, partly agree, or disagree with the assertion of the county work group that it is (or is not) meeting the work plan's protection and enhancement goals and benchmarks Partly agree

Explanation

The Washington Department of Fish & Wildlife (WDFW) was impressed by the overall clarity and organization of many aspects of the Skagit County VSP Work Group's 5-year report. We applaud the Work Group for developing well-defined goals and benchmarks and for using existing resources to monitor critical areas. It was easy to understand how the Work Group monitored change within critical areas. Still, while it is evident that the Work Group is making progress, there were a few areas in the report that lacked the quality of information for WDFW to fully validate, and thus agree with, the Work Group's assertions.

1. All goals and benchmarks lacked some amount of supporting evidence.

For example:

- Under Goal 1, no statistical data (mean, standard deviation) was provided for the listed water quality markers.
- For Goal 2 and 5, no accuracy assessment data (omission, commission, kappa) was provided for us to evaluate the integrity of the analysis.
- For Goal 6, not enough contextual information was provided for us to understand what type of restoration projects were implemented, and the specific benefits they provided to FWHCAs.

2. For each goal, we would have liked the reported results and statistical data to have been broken down by watershed (rather than consolidated) to better understand local conditions.

3. The Work Group's participation benchmarks are encouraging, but it is not clear to us how VSP is being implemented throughout the county. In general, we would have liked to learn more about:

- The Work Group's engagement with the agricultural community to increase participation in VSP; for example, through farm stewardship plans, technical assistance, workshops, outreach, and/or education events.
- Specific details about the projects implemented by the Work Group and partners, which watersheds these activities occurred in, and how they contributed to protecting individual critical areas within the watersheds.

4. Finally, we have some observations related to the use of regulatory backstops.

- It is our understanding that the 5-year report template included specific options for Work Groups to indicate when they were using a regulatory backstop; however, it does not appear that the Skagit County VSP Work Group used this tool in the template, and so it was not immediately clear in the 5-year report that the Work Group was relying on regulatory backstops for four of the five critical area types (all but Fish and Wildlife Habitat Conservation Areas.)
- While we do understand that the Work Group is using regulatory backstops to meet the "no net loss" protection requirement for four of the five critical area types, we were surprised that the Work Group did not appear to pursue (or at least, did not report on) any additional practices with landowners to implement voluntary stewardship activities (i.e. BMPs)

that are intended to improve the functions and values of critical areas, not just keep what is already there from being degraded.

Any other comments not captured above

The Work Group noted a few areas for improving their reporting and monitoring tools. WDFW is interested in learning more about what the Work Group envisions and would like to provide assistance with these, as well as any other adaptive management efforts the Work Group may consider pursuing that are relevant to our agency's mandate.

For example, the Work Group's use of aerial imagery to detect landscape level changes in riparian and wetlands is an informative tool, but we think it's important that the Work Group use field verification to ground-truth a subset of the data.

In addition, WDFW is interested in talking with the Work Group about expanding the indicators used to monitor FWHCAs (Goal 2). While riparian areas are an excellent indicator of one type of habitat availability, we do not believe this item alone adequately captures the breadth of the Goal, which is to protect, restore, and enhance fish and wildlife populations and (all) their associated habitats. We encourage the Work Group to consider indicators that reflect other Priority Habitats and Species (PHS), such as wetland habitat and forage areas for migratory waterfowl, as well as salmon in-stream habitat. This would provide a more comprehensive assessment of how the Skagit County VSP Work Group is addressing the needs of all types of fish and wildlife that are interacting with/affected by agricultural activities throughout the county.

Finally, we would like to note that, while we found the amount of supporting evidence lacking in the 5-year report, our regional staff believe much of this information is available and can be incorporated into future 5-year reports.

Please consider providing a 2-3 sentence summary of your overall comments on the five-year report. This summary will be included in the director's decision letter to the county.

The Washington Department of Fish & Wildlife (WDFW) partly agrees with the Skagit County VSP Work Group that their goals and benchmarks have been met. Based on input from WDFW regional staff who are familiar with the work being implemented, it seems likely that the Work Group is indeed meeting their protection and enhancement goals. However, the 5-year report itself needed more supporting evidence in order for WDFW, in its statewide VSP Technical Panel role, to feel confident about confirming all of the Work Group's assertions.

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