



## JEFFERSON COUNTY

### DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street  
Port Townsend, WA 98368

*Al Scalf, Director*

#### MEMORANDUM

Date: October 10, 2011

To: John Austin, Board of County Commissioners (Chair)  
Phil Johnson, Board of County Commissioners  
David Sullivan, Board of County Commissioners  
Philip Morley, County Administrator

From: Al Scalf, DCD Director  
Stacie Hoskins, Planning Manager  
Michelle McConnell, Associate Planner  
Donna Frosthalm, Associate Planner

**SUBJECT: Voluntary Stewardship Program (ESHB 1886 – Agricultural Lands and Critical Areas) – Results of Public Notice, Hearing, and Outreach**

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Jefferson County has completed requirements under Sec. 4(2) of ESHB 1886, which involves conferring with stakeholders and providing public notice. The Board of County Commissioners (BoCC) provided a 30-day public notice from August 24 through September 23, 2011 and held a public hearing on September 19, 2011. Department of Community Development (DCD) staff conducted outreach during the month of August to stakeholders. This memo summarizes the results of this work and proposes next steps.

#### **1. VSP Outreach**

Over a three-week period during the month of August, DCD contacted stakeholders (agricultural, environmental, and tribal interests) and arranged to meet with them. DCD did not make any presentations at these meetings because the purpose was to hear what the stakeholders had to say. The following briefly summarizes the key points from those meetings.

Agricultural Interests (September 7, 2011). Representatives from Chimacum Grange, Farm Bureau, and Jefferson County Conservation District attended (a representative from LandWorks Collaborative was not able to attend): All present recommended that the County opt in for all watersheds with the Chimacum Valley subbasin as the Primary Watershed. Two representatives felt strongly that the County should opt in and one representative indicated that the County should opt in but had some reservations. Most of the representatives believed this would provide an option to use more land for agriculture (e.g., reduce critical area buffers) while still providing protection to critical areas.

Environmental Interests (September 14, 2011). Representatives from Admiralty Audubon Society, Olympic Environmental Council, Marine Resources Committee, Hood Canal Coordinating Council, North Olympic Sierra Club, and Jefferson Land Trust attended (a representative from NOSC was not able to attend). Representatives states that the County should opt out, with opinions ranging from mild opposition to strong opposition. In the event that the County does opt in, most said that only a portion of the County, such as WRIA 17 or the Chimacum subbasin, should opt in to determine how well the process works before expanding to all watersheds. Those with the strongest opposition to opting in indicated that there is no previous precedence for being able to have negotiations among the stakeholders and that environmental protection under the VSP would not be strong enough.

Tribal Interests (September 21, 2011). No tribal representatives attended; however, the following were invited: Jamestown S’Klallam, Port Gamble S’Klallam, Point No Point, Skokomish, Suquamish, Hoh, and Quinault. In response to ESHB 1886 and VSP Outreach, the County has received a letter from the Jamestown S’Klallam Tribe (received June 28, 2011), a phone message from the Port Gamble S’Klallam Tribe (September 14, 2011), and an email from the Skokomish Indian Tribe (received September 20, 2011). All tribal responses expressed opposition to opting in because, in their opinion, there would be a lack of oversight that would likely result in more habitat degradation.

## **2. VSP Comments**

The following summarizes the comments from the public hearing and from all comments submitted to date (i.e., includes those comments that came in before and after the 30-day comment period).

Public Hearing. During the September 19, 2011 public hearing, nine people spoke: six indicated the County should opt in, two indicated the County should opt out, and one did not express an opinion either way.

Comment Period. Of the comments received (includes letters, emails, and phone messages), those with agricultural interests generally requested the County opt in; those from environmental and tribal interests generally requested the County opt out, and the response from local citizens was mixed. A summary of each comment is presented in Attachment A, but the breakdown is as follows:

- Agriculture: 6-opt in (include all watersheds); 0-opt out; 1-not specified;
- Environmental: 0-opt in; 3-opt out; 1-not specified;
- Tribal: 0-opt in; 3-opt out; 0-not specified; and
- Local Citizens: 1-opt in; 1 opt out; 1-not specified.

### **3. Next Steps**

By January 22, 2011, the BoCC needs to decide whether to opt in or opt out. The following recommends action items to meet this deadline.

Opt out. If the BoCC is at a point where they have determined that the County should opt out of VSP, then DCD should be directed to schedule VSP deliberations during a Monday morning session in the near future.

Opt in (or considering opt in). If the BoCC has determined that the County should opt in or is still in the process of deciding whether to opt in or opt out, DCD should be directed to complete tasks required under Sec.4(3) and (4) of ESHB 1886. These sections pertain to identifying watersheds that will participate in the VSP program and determining a priority watershed(s). When complete, DCD should return with the results to a County Administer Briefing in the near future.



## ATTACHMENT A: SUMMARY OF COMMENTS

- A letter from the Jamestown S’Klallam Tribe (dated June 23, 2011) was sent to the County in response to ESHB 1886 (and prior to the beginning of the VSP comment period) requesting that the County not opt in because (1) there will always be some instances where voluntary measures cannot be relied upon to adequately protect habitats covered by Treaty rights and (2) there is evidence of a voluntary program not working in Samish Bay that has resulted in water quality degradation within subsistence shellfish beds.
- A letter from a local citizen was sent to the BoCC (dated August 9, 2011) that (1) acknowledges the importance of agriculture while indicating that some farming practices can affect aquatic resources; (2) presents questions to consider before opting in; and (3) introduces the concept of environmental mediation if the County wants to further explore opting in.
- An email from the Jefferson County Conservation District (dated September 8, 2011) stated that the Conservation District Board of Supervisors voted in support of opting in, but with many reservations.
- A voice mail from the Port Gamble S’Klallam Tribe (September 14, 2011) was received in response to VSP Outreach stating that the tribe (1) is following the comments sent in from the Jamestown S’Klallam Tribe; (2) is not “on board” at this time; and (3) may not provide additional comments because they would need more time due to all the unknowns.
- Two written comments were submitted during the public hearing: one from the North Olympic Sierra Club and the other from Olympic Environmental Council (OES). The Sierra Club recommends opting out for several reasons (process for developing a critical areas ordinance is preferred, tribal input needed, funding issues, monitoring and enforcement concerns, and VSP timeline concerns). The OES letter expresses some concerns about the decision to opt in or out (including local level VSP v. bypassing GMA, potential precedence for other economic sectors, history of local voluntary stewardship through USDA programs, previous contentiousness during CAO update, the role of the Farm Bureau in spearheading Initiative 933, and the importance of dialog). OES subsequently submitted an email with photos (September 23, 2011) that provides reasons why better protection and enhancement of the Chimacum Creek riparian area are needed and questions the intent behind the testimony of at least speaker at the hearing.
- A letter from Admiralty Audubon (dated September 20, 2011) was emailed to the BoCC urging the County to opt out for several reasons (including local regulatory programs are currently in place to protect critical areas, uncertain outcomes from VSP, funding concerns, VSP support comes from organizations that oppose protection of critical areas, general lack of local farmer participation in the existing CREP program, restoration of riparian zones lacking, and water rights issues).
- An email from the Chimacum Grange President (September 20, 2011) was received offering to take the BoCC out to see how effective relatively small buffers are at protecting critical areas. Another email (September 22, 2011) urges the BoCC to opt in, apply the VSP to all watersheds in the County, and use the Chimacum subbasin as the primary watershed. Reasons for opting in

include prescriptive buffers limit agricultural land use, farmers are good stewards of the land, and GMA requirements for establishing buffer widths are not local.

- A letter from West Brook Angus (dated September 20, 2011) requesting that the County opt in to the VSP because they (and other farmers) are responsible land owners, this would be an opportunity for local agricultural operations to provide local foods to our community, and the VSP is preferable to arbitrary buffers.
- An email from the Skokomish Indian Tribe (September 20, 2011) was received by DCD based on DCD Outreach and was forwarded on to the BoCC. The email urged the BoCC to opt out because the VSP has too many uncertainties, the funding is too small to provide tangible results, there will be too little oversight to meet VSP habitat goals, and the lack of public review under the VSP process and FOIA exemptions.
- An email from Finnriver Farm & Cidery (dated September 22, 2011) was sent urging the BoCC to opt in and to include all watersheds within Jefferson County with the Chimacum subbasin as the primary watershed. Comment stated that there are partnership within the community to sustain a balance between working land and conservation values.
- A local citizen sent an email (September 22, 2011) encouraging the BoCC to opt out because (1) the need for regular monitoring and enforcement; (2) current CAO exemptions allow farmers to produce food for community; (3) general concern about funding; and (4) other federal or tribal requirements that could preempt any county or state codes.
- Comments from Red Dog Farm (dated September 22, 2011) were emailed to the BoCC, urging support of the VSP, include all watersheds, and use the Chimacum subbasin as the primary watershed. The following reasons for opting in were provided: (1) there are partnerships in the community that lead to a balance between working land and conservation values; and (2) VSP provides for more communication and more partnerships.
- An email from Chimacum Valley Dairy (dated September 22, 2011) was sent to the BoCC requesting that the County opt in to allow farmers to responsibly produce products and to avoid mandatory buffer that inhibit farming enterprise and limit land use.
- An email was received from a local citizen (September 23, 2011) urging the County to opt in to provide maximum protection of local agriculture, continue using best management practices developed by the Conservation District in cooperation with local environmental groups, and VSP will provide the best protection for the environment. Also, legislation does not allow as much success as voluntary measures.
- An email from Olympic Forest Coalition (September 26, 2011) was received by the BoCC after the comment period ended. This organization requested that the BoCC opt out because (1) opting in would put our lands at risk; (2) the environment is fragile; and (3) there is the potential for further environmental damage. Concerns about the “track record” for those in support of VSP was also questioned.