


**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

COUNTY ADMINISTRATOR BRIEFING REQUEST

TO: Board of County Commissioners
FROM: Philip Morley, County Administrator 
DATE: February 6, 2012
RE: Consider and Potentially Approve Letters on the Voluntary Stewardship Program (VSP)

STATEMENT OF ISSUE:

The Board is asked to review and potentially approve two letters regarding its recent decision to not opt in to the Voluntary Stewardship Program, but to instead incorporate similar goals through a locally-developed program to protect critical areas and promote the continued viability and growth of local agriculture.

ANALYSIS:

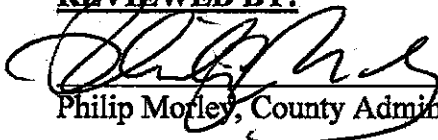
Two draft letters are enclosed for your review, revision, and potential approval. The first letter is addressed to local agricultural, tribal and environmental interests to explain the Commissioners' decision and your intent to locally use VSP-like tools in local regulations and programs to protect critical areas and support agriculture. The second letter is addressed to the state, to suggest potential modifications to ESHB 1886 that would improve the Voluntary Stewardship Program.

FISCAL IMPACT: NA

RECOMMENDATION:

Review, revise and potentially adopt versions of the two enclosed letters.

REVIEWED BY:


Philip Morley, County Administrator

2/2/12
Date

February 6, 2012

Rosie Taylor, Jefferson County Conservation District
Roger Short, Jefferson County Farm Bureau Representative
Dick Bergeron, Chimacum Grange Representative
Judith Alexander, Citizens for Local Food
Bill Miller, Jefferson County Planning Commission
Paul McCollum, Port Gamble S'Klallam Tribe
W. Ron Allen, Jamestown S'Klallam Tribe
Randy Lumper, Skokomish Tribe
George Yount, Olympic Environmental Council
Monica Fletcher, North Olympic Group of Sierra Club
Laura Lewis, Jefferson County WSU Extension
Ron Shultz, State Conservation Commission

Subject: ESHB 1886 – Voluntary Stewardship Program and Jefferson County

Dear Colleagues:

We are writing to voice our strong resolve to actively support the future viability and continued growth of local agriculture and also to protect environmentally sensitive areas designated as critical areas. This letter has been prepared after due consideration of Engrossed Substitute House Bill 1886 (ESHB 1886) also referred to as the Voluntary Stewardship Program (VSP).

After conferring with key agriculture, environment and tribal stakeholders, considering public input, reviewing the language of ESHB 1886, and evaluating the pros and cons of the VSP, the Board of County Commissioners made the difficult decision not to opt in to the VSP. We gave serious consideration to opting in, but ultimately concluded that the program had too many unknowns (such as whether state and federal funding would be available, what bar the state would set for developing and approving local work programs and how much surveying and on-going monitoring would be required in Jefferson County, to name just a few), and carried too

many potential risks – some financial – for land owners, the county, and implementing agencies like the Conservation District. With a one-time January 22 deadline to opt-in, we reluctantly concluded that in good conscience, we could not expose our private and public partners or the County to so many unknowns and so much risk. We also felt that too much local control would have been lost to a new and untested role for the State Conservation Commission, plus to a new “statewide advisory committee” and “technical panel” created under ESHB 1886.

We see great value in the goals of the Voluntary Stewardship Program, including,

- Promote plans to protect and enhance critical areas within the area where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in Jefferson County and reducing the conversion of farmland to other uses;
- Focus and maximize voluntary incentive programs to encourage good riparian and ecosystem stewardship;
- Leverage existing resources by relying upon existing work and plans in Jefferson County and local watersheds, as well as existing state and federal programs to the maximum extent practicable to achieve program goals;
- Encourage and foster a spirit of cooperation and partnership among county, tribal, environmental, and agricultural interests to better assure the program success;
- Improve compliance with other laws designed to protect water quality and fish habitat; and
- Use best management practices and farm plans, coupled with watershed-wide restoration efforts to protect critical areas and sustain agricultural activities.

Our intent is to utilize many of the same tools and approaches envisioned for the Voluntary Stewardship Program, but to apply those locally, under local control, in partnership with local stakeholders through code revisions and programs consistent with the County’s Comprehensive Plan and the state Growth Management Act requirements for protections of critical areas.

Jefferson County has a record of supporting agriculture while protecting critical areas (e.g., Jefferson County received the 2006 Governor’s Smart Communities Award for Outstanding Achievement for Supporting Agriculture while Protecting Fish and Wildlife Habitat), and we fully intend to continue to do so in a way that works for our entire community locally.

Farming is essential within Jefferson County and the importance of local agriculture to Jefferson County is evident in the presence of vibrant local farmer’s markets and small, community stores focusing on local agricultural products; the presence of local organizations to promote farming and assist farmers (such as the LandWorks Collaborative); and the interest and desire from the Planning Commission members to address food sustainability at the local level. Further, an Economic Planning document prepared in 2010 for Jefferson County, the City of Port Townsend, and the Port of Port Townsend states that (1) while 12 of the 18 employment

sections declined from 2008 to 2009, job gains occurred in the agricultural sector during this timeframe by 13.8 percent and (2) value-added agriculture and food processing are an emerging economic driver in Jefferson County.

Should the State resolve the unknowns and risks of the VSP and adequately fund its implementation, and if the Legislature amends EHSB 1886 to allow a later opt-in decision, we would be open to reconsidering Jefferson County's participation in the Voluntary Stewardship Program at that time.

In the meantime, Jefferson County will follow the VSP program closely to glean any successful approaches to protecting critical areas and habitat while encouraging agricultural uses. We hope we can count on your cooperation in working together to incorporate the best of VSP-like approaches into our local ordinances and programs to ensure protection and enhancement of our watersheds, while promoting the continued growth of Jefferson County agriculture.

Sincerely,

Jefferson County Board of County Commissioners

John Austin, Board of County Commissioners (Chair)

Phil Johnson, Board of County Commissioners

David Sullivan, Board of County Commissioners

February 6, 2012

Governor Chris Gregoire
Office of the Governor
416 Sid Snyder Avenue SW, Suite 200
P.O. Box 40002
Olympia, Washington 98504-0002

Subject: ESHB 1886 – Voluntary Stewardship Program, Jefferson County Decision to Opt Out

Dear Governor Gregoire:

This letter has been prepared by the Jefferson County Board of County Commissioners (BoCC) after due consideration of Engrossed Substitute House Bill 1886 (ESHB 1886), which provided local jurisdictions with an alternative means of protecting critical areas while maintaining the viability of agriculture. For Jefferson County to participate in ESHB 1886, also referred to as the Voluntary Stewardship Program (VSP), local legislative action was needed by January 22, 2012. After conferring with key agriculture, environment and tribal stakeholders, considering public input, reviewing the language of ESHB 1886, and evaluating the pros and cons of the VSP, the BoCC made the difficult decision not to opt in to the VSP. While Jefferson County supports protection of critical areas and encourages agricultural sustainability (e.g., Jefferson County received the 2006 Governor's Smart Communities Award for Outstanding Achievement for Supporting Agriculture while Protecting Fish and Wildlife Habitat), the BoCC was unable to commit the County to the VSP for a number of reasons, some of which are described below.

Funding. The possible financial ramifications of the opt in/opt out decision were seriously considered, especially in light of current economic conditions. A primary concern was whether the amount of funding that would be made available would be adequate to develop and implement a work plan. Jefferson County was aware of the amount of federal funding that the state hoped to obtain from federal agencies through the first several years of the program, but there were no assurances prior to the January 22, 2012 enrollment deadline that these amounts would actually be available. Since language in Section 10 of the bill indicates that the State Conservation Commission determines whether the amount of funding is adequate, Jefferson County would have had to opt into a program without the legal authority to opt out if it the County believed that the costs of the program would likely exceed the amount of funding. Providing language in the bill that either (1) allowed Jefferson County to be involved in determining if the amount of funding was adequate or (2) allowed the County to opt out if inadequate funding were offered, would have assisted in the opt in/opt out decision.

Work Plan Level of Effort/Approval by State Technical Panel. This is closely related to funding issues described above. By opting into the VSP, the County would have been required to develop and implement a work plan to be approved by a state Technical Panel. By the opt in deadline, no guidance from the state was available to indicate the level of effort needed to meet Technical Panel requirements, making it difficult to determine how much work (and funding) would be needed to adequately prepare and implement an approvable work plan. Level of effort information needed to comply with Section 7 of ESHB 1886 would have assisted in the opt in/opt out decision.

Potential Impact on other Funding Sources. There was uncertainty in Jefferson County as to how the VSP would be implemented relative to other programs, such as Conservation Reserve Enhancement Program (CREP). Another uncertainty was whether previously implemented programs such as fencing installed under CREP would meet Technical Panel approval. Since there is currently inadequate state funding for enrolling additional landowners into the CREP program, the ramifications of the VSP on these other funding sources was not clear. Providing information in ESHB 1886 about how this program would interact with existing agricultural programs would have been beneficial.

Enforcement. Environmental and Tribal interests expressed concerns about enforcement. Section 6(3) of the legislation mentions enforcement, but does not specify a process for identifying and/or addressing complaints. Additional information clarifying how enforcement would be implemented and placing greater emphasis on ramifications for non-compliance in the bill may have provided assurances to some that the program would be effective and could be beneficial to the natural environment.

VSP relative to other Regulatory Requirements. The VSP is silent on processes that involve other state review, such as that required under the Shoreline Master Program (it should be noted that critical areas often occur within shoreline jurisdiction). Also, it is not clear from the bill if all new agricultural development would be allowed to use the VSP process or if there would be cases when new agricultural development would be subject to existing critical areas regulations. The bill appears to provide a quicker and simpler way to address critical areas; however, many of those interested in using the VSP would likely also be subjected to other GMA regulations and federal requirements. Providing clarity on the role of VSP relative to other regulatory requirements would have been helpful.

Uncertainty for Critical Areas Ordinance Update to Address Agriculture. Jefferson County updated the critical areas ordinance in 2004, and would therefore not have to update the critical areas ordinance within 24 months if we opted out (as per ESHB 1886, Section 4(6)(b)). However, Jefferson County subsequently updated our critical areas ordinance in 2008 (but did not include agriculture due to the moratorium), which is outside the timeframe specified in Section 4(6)(b). Additional clarification in the bill would have been helpful to determine what Jefferson County would need to do if opting out, and is of particular interest now that we have made that choice.

State oversight with local responsibility. The VSP promotes a new regulatory structure that lies outside of the existing authority. If the VSP program were unsuccessful, the responsibility to protect critical

areas for agriculture would revert to the traditional county regulatory structure. Concern for county obligation without oversight exists.

Desire for a more fully developed program. Farming is essential within Jefferson County and the importance of local agriculture to Jefferson County is evident in the presence of vibrant local farmer's markets and small, community stores focusing on local agricultural products; the presence of local organizations to promote farming and assist farmers (such as the LandWorks Collaborative); and the interest and desire from the Planning Commission members to address food sustainability at the local level. Further, an Economic Planning document prepared in 2010 for Jefferson County, the City of Port Townsend, and the Port of Port Townsend states that (1) while 12 of the 18 employment sections declined from 2008 to 2009, job gains occurred in the agricultural sector during this timeframe by 13.8 percent and (2) value-added agriculture and food processing are an emerging economic driver in Jefferson County. Jefferson County will follow the VSP program closely to glean any successful approaches to encouraging agricultural uses while protecting critical areas and habitat.

As noted above, the Jefferson County BoCC supports the intent of the VSP. It is hoped that language in ESHB 1886 can be clarified, and that there may then be future opportunities to opt in to such a program again.

Sincerely,

Jefferson County Board of County Commissioners

John Austin, Board of County Commissioners (Chair)

Phil Johnson, Board of County Commissioners

David Sullivan, Board of County Commissioners

cc: Senator James Hargrove, 24th District Legislator
Representative Kevin Van De Wege, 24th District Legislator
Representative Tharinger, 24th District Legislator
Dan Wood, Washington State Farm Bureau
Eric Johnson, Washington State Association of Counties

Ron Shultz, State Conservation Commission
Rosie Taylor, Jefferson County Conservation District
Roger Short, Jefferson County Farm Bureau Representative
Dick Bergeron, Chimacum Grange Representative

DRAFT