

HOUSE BILL REPORT

HB 1856

As Reported by House Committee On:
Rural Development, Agriculture & Natural Resources
Appropriations

Title: An act relating to adding counties to the voluntary stewardship program.

Brief Description: Adding counties to the voluntary stewardship program.

Sponsors: Representatives Chambers, Springer and Sullivan.

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 1/21/22, 1/28/22 [DP];
Appropriations: 2/3/22, 2/4/22 [DP].

Brief Summary of Bill

- Changes the date to join the Voluntary Stewardship Program under the Growth Management Act from January 2012 to July 1, 2023.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon, Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

Staff: Robert Hatfield (786-7117).

Background:

Growth Management Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes referred to as "fully planning" under the GMA.

All jurisdictions are required by the GMA to satisfy specific designation mandates for natural resource lands and critical areas. In addition to requirements for natural resource lands, all local governments must designate and protect environmentally sensitive critical areas. These protection requirements obligate local governments to adopt development regulations, also known as critical areas ordinances (CAOs), that meet specified criteria. As defined by statute, critical areas include: wetlands; aquifer recharge areas; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas.

Growth Management Act—Voluntary Stewardship Program.

The Voluntary Stewardship Program (VSP) was created in 2011 and allows participating counties to develop local work plans that use voluntary and incentive-based tools, as an alternative to regulation, to protect critical areas and agricultural lands. Counties had to opt in to the VSP by early 2012, and 27 counties chose to participate.

Counties participating in the VSP create a work plan that is approved by the Washington State Conservation Commission (Conservation Commission) and then implement the plan by recruiting local landowners to participate in incentive-based stewardship activities. Counties report their progress to the Conservation Commission. The Conservation Commission is required to determine every two years which watersheds in participating counties received adequate funding to implement the VSP.

If the Conservation Commission determines that a watershed within a participating county has not received adequate funding to implement the VSP, the county must take one of four specified actions:

- develop, adopt, and implement a work plan in the watershed that protects critical areas used for agricultural activities;
- adopt development regulations that have previously been adopted by another local government for the purpose of protecting critical areas used for agricultural activities;
- adopt development regulations certified by the Department of Commerce as protective of critical areas in areas used for agricultural activities; or
- review, and if necessary, update development regulations adopted under the GMA to protect critical areas as they relate to agricultural activities.

Washington State Conservation Commission.

The Conservation Commission assists and guides Washington's 47 conservation districts, which are political subdivisions of the state, as they work with local communities to conserve renewable natural resources.

Summary of Bill:

The date to join the Voluntary Stewardship Program is changed from January 2012 to July 1, 2023.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) One of the items on Pierce County's legislative agenda for this year is to open up the Voluntary Stewardship Program (VSP) to new enrollments. The VSP is now established and proven. Pierce County farmers have expressed interest in the VSP.

The VSP requires no net loss of ecological function. The VSP applies to managing agricultural lands on a watershed scale. The VSP requires monitoring, reporting, and adaptive management strategies. It has only been in place and operating for five years. All VSP plans that have been reviewed at the five-year mark have been approved for meeting their objectives. The VSP is exactly the type of program the state should be encouraging.

The VSP allows agricultural producers to have certainty when it comes to working with critical areas on their lands. Farmers have a vested interest in preserving the environment as a whole. Farmers engage in day-to-day, active stewardship. Allowing more counties to opt in to the VSP would create consistency across the state.

The VSP has brought stakeholders together that previously were in conflict. A voluntary approach is the best way to improve riparian areas and salmon recovery.

(Opposed) None.

(Other) The 27 counties that opted in to the VSP have been working hard to implement it. The counties recently completed their work plans and their five-year reports. Additional

resources will need to be available to the Conservation Commission if the bill passes in order for the Conservation Commission to do outreach to the counties. The Conservation Commission currently provides \$235,000 per biennium to each county that participates in the VSP. That amount does not provide the resources necessary to actually do the projects called for in VSP work plans.

Persons Testifying: (In support) Representative Kelly Chambers, prime sponsor; Paul Jewell, Washington State Association of Counties; René Skaggs, Pierce Conservation District; Hans Zeiger, Pierce County Councilmember; Jerome O'Leary; Daniel Muir, Pierce County Agriculture Advisory Committee; and Tom Davis, Washington Farm Bureau.

(Other) Ron Shultz, Washington State Conservation Commission.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Rural Development, Agriculture & Natural Resources:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Voluntary Stewardship Program (VSP) has been a game-changer. In the past, there were many lawsuits regarding the protection of critical areas. But under the

VSP, the stakeholders sit around conference tables rather than in courtrooms. The VSP represents a great area for expansion of state funding.

This bill reopens enrollment in the VSP. The VSP allows for alternatives to regulation when it comes to protecting the state's farmland. Now that the VSP has proven to be effective in other counties, it is appropriate to expand the opportunity for other counties to participate in the program.

(Opposed) None.

Persons Testifying: Representative Kelly Chambers, prime sponsor; Tom Davis, Washington Farm Bureau; and Hans Zeiger, Pierce County.

Persons Signed In To Testify But Not Testifying: None.