

HOUSE BILL REPORT

SSB 5353

As Passed House:

April 11, 2023

Title: An act relating to the voluntary stewardship program.

Brief Description: Concerning the voluntary stewardship program.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Wagoner, Van De Wege, Dozier, Salomon, Short, Warnick and Wilson, J.).

Brief History:

Committee Activity:

Local Government: 3/15/23, 3/21/23 [DP];

Appropriations: 3/31/23, 4/3/23 [DP].

Floor Activity:

Passed House: 4/11/23, 94-3.

Brief Summary of Substitute Bill

- Removes the date by which counties must have elected to join the Voluntary Stewardship Program (VSP).
- Provides that a county electing to join the VSP is eligible for a share of funding made available to implement the program, subject to funding availability from the state.
- Establishes that a county electing to join the VSP is not required to implement the program in a participating watershed until adequate funding for the program in that watershed is provided to the county.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Duerr, Chair;

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.

Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Elizabeth Allison (786-7129).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 29 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; Berg, Chopp, Connors, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Staff: Dan Jones (786-7118).

Background:

Growth Management Act.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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, 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 by which counties must join the VSP is removed. A county that elects to join the VSP is eligible for a share of funding made available to implement the program, subject to funding availability from the state. A county that elects to join the VSP is not required to implement the program in a participating watershed until adequate funding for the program in that watershed is provided to the county. The election by a county to participate in the VSP may not take effect until new adequate funding for the program in that watershed is provided to the county.

Expired dates by which the Conservation Commission must take specified actions are removed and updated.

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 (Local Government):

(In support) This bill simply opens the enrollment period for the VSP for counties that did

not choose to join originally. The voluntary nature of the VSP is what makes it successful. There is immediate resistance when you tell landowners that they must do something. The VSP works with tribes, landowners, and counties to make it work. An example of a voluntary project is building fences to keep livestock out of the water. The way the bill works is that if the remaining 12 counties choose to join, they get administrative funds to start the planning. In the following years they will submit the VSP plan to get additional funding. There is around \$250,000 per county per biennium for startup costs. When the VSP was originally adopted, counties were not sure if they wanted to join, and some counties already have a similar land strategy. Chelan County was one of the two pilot counties for the VSP. Since the VSP's inception, Chelan County has been directly involved in over 30 critical area enhancement projects. The VSP has improved and fostered a spirit of cooperation between agricultural producers and environmental organizations. Upon the rollout of the VSP, 28 counties submitted applications. Allowing additional counties to join would promote important work that needs to be done across the state.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Allowing other counties to join is important for the success of the Voluntary Stewardship Program (VSP). The VSP shines a light on efforts to protect critical areas. The VSP complements other conservation programs and has been proven to be successful.

(Opposed) None.

Persons Testifying (Local Government): Senator Keith Wagoner, prime sponsor; Vicki Malloy; and Jay Gordon, Washington State Dairy Federation.

Persons Testifying (Appropriations): Caleb Gwerder, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying (Local Government): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.