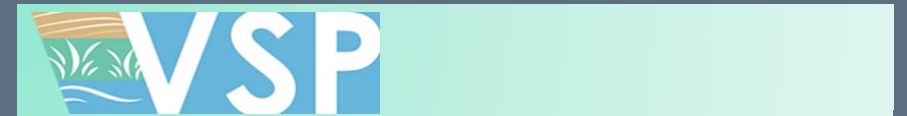
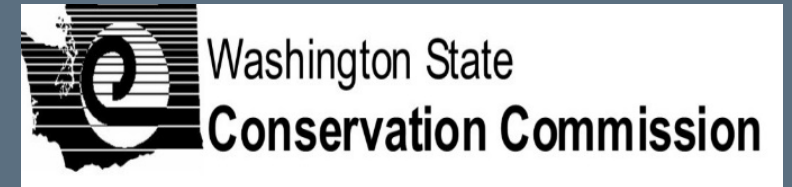


Opting into The Voluntary Stewardship Program - SSB 5353

Bill Eller, VSP Coordinator

Washington State Conservation Commission

Sept 2023



Objective

- Objective: How and why a county might want to opt-into the Voluntary Stewardship Program (VSP) for county commissioners and county staff
- Some topics to be covered include:
 - Why was the VSP created?
 - What is its relationship to the Growth Management Act (GMA).
 - County requirements for opting-in and accepting funds.
 - Developing and implementing your county-wide work plan.
 - Roles for county commissioners, staff, county work groups, and state agencies.
 - Monitoring at the watershed scale.
 - Reporting.
 - Communications and relationships in VSP.
 - Questions and next steps.

Agenda

- VSP Introduction
- Background, History & Fundamental Principals
- Process to opt-into VSP
- How to Start
- What's in it for me?

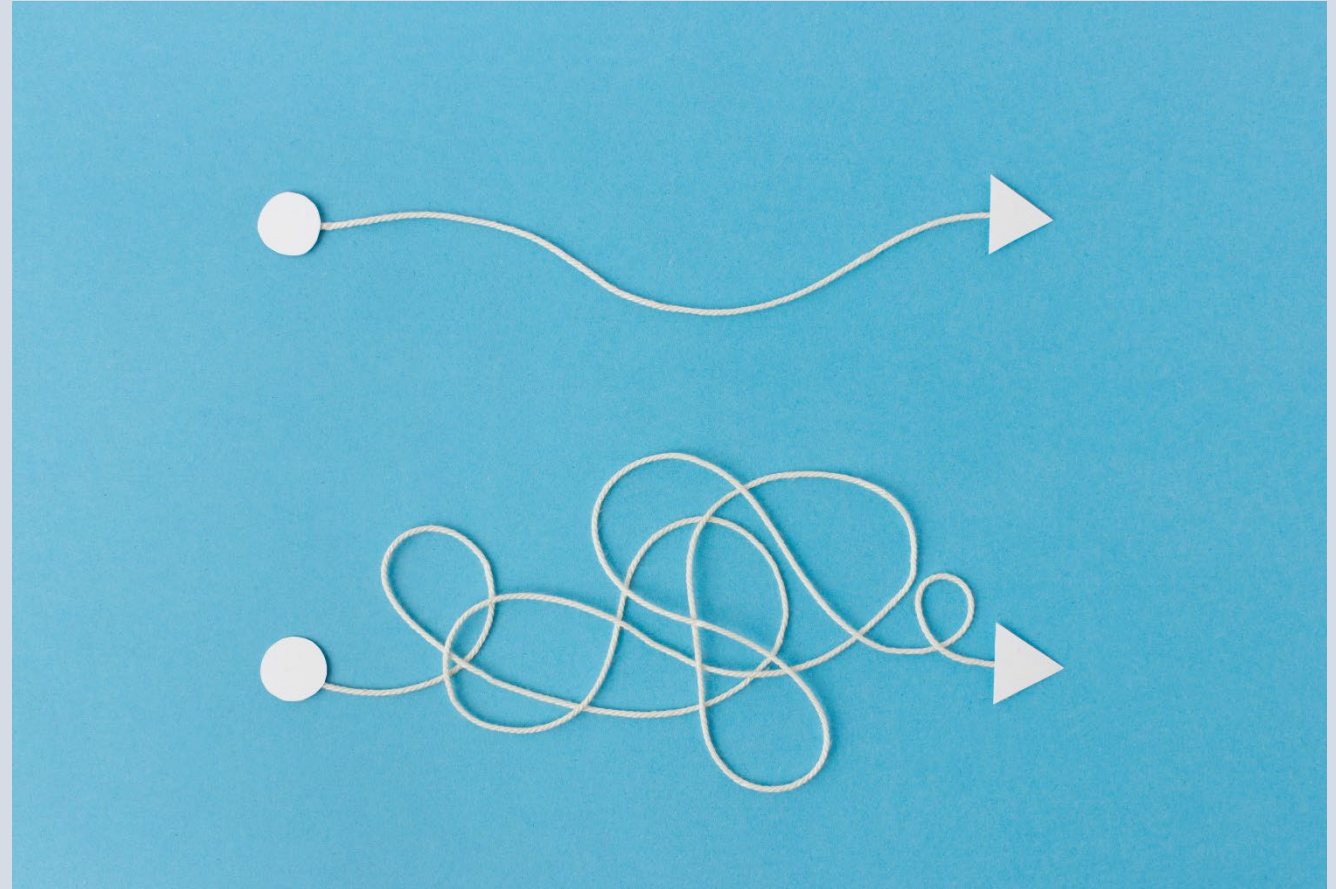


Disclaimer

- Acronyms will be used, though we try to spell them out when first used
- Not every detail of the opting-in process will be covered, nor all questions about that process answered today. The purpose of today's webinar is to provide an overview of how and why a county might want to opt-into VSP, so the focus of the presentation will cover that. Feel free to contact us with more questions
- For those who want more details, and statutory references, please see the guidance document the SCC updated "*VSP Opt in Process Updated for SSB 5353*" which is posted on the [VSP web page](#)

VSP Introduction

- Background, History & Fundamental Principals
- Process to opt-into VSP
- How to Start
- What's in it for me?



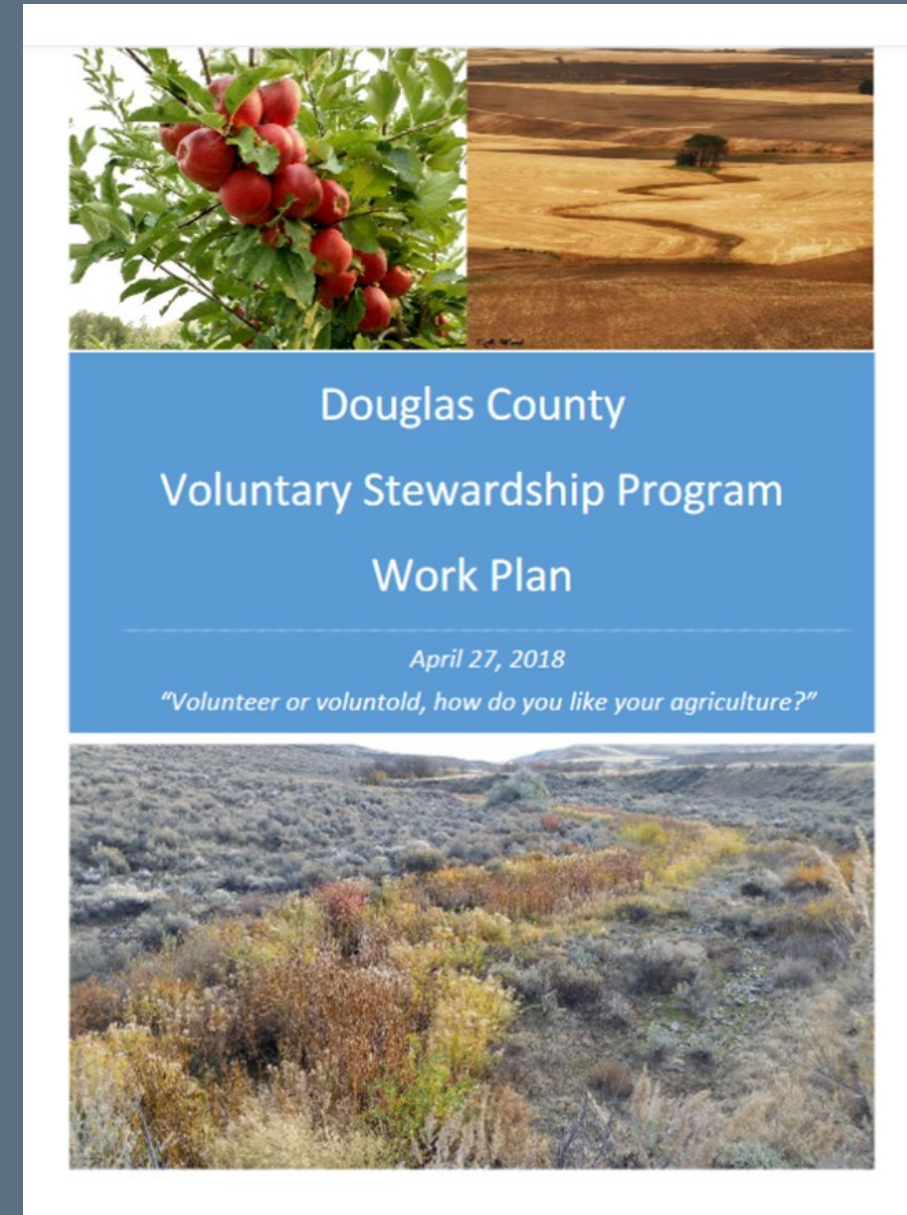
The Voluntary Stewardship Program (VSP)

- Protects critical areas (wetlands, frequently flooded areas, aquifer recharge areas, geologically hazardous areas & fish and wildlife habitats) while maintaining agricultural viability
- An alternative to the Growth Management Act – voluntary, not regulatory
- 27 counties have opted-in to VSP
- Each county creates a county work group to provide strategic direction for implementation
- Each county has an approved county-wide VSP work plan with goals & benchmarks
- Protection is provided at the watershed scale, not at the parcel scale
- County-wide plans approved after 3 years of planning, using July 22, 2011, as the baseline date



The Voluntary Stewardship Program (VSP)

- Most counties use their local CDs to administer VSP – CDs know voluntary, incentive-based conservation
- VSP succeeds when the counties can get enough participants installing BMPs to meet the county work plan goals and benchmarks
- Participation typically occurs through Individual Stewardship Plans (ISP) or NRCS farm plans
- BMPs using SCC funds must be NRCS BMPs or part of a full NRCS farm plan
- Monitoring takes place at the watershed scale, not the parcel scale
- 2-year status reports – not reviewed & evaluated
- 5-year review & evaluation reports – reviewed & evaluated by the Technical Panel, with consultation by the Statewide Advisory Committee, SCC executive director decides



Douglas County
Voluntary Stewardship Program
Work Plan

April 27, 2018

"Volunteer or voluntold, how do you like your agriculture?"

The Voluntary Stewardship Program (VSP) - Roles

- SCC – statewide administration of VSP
- Counties – opt-in, choose which watersheds in county are in, stand up work groups, ultimately responsible for VSP success
- County work groups (WG) – volunteers, local members of community, diverse stakeholders, create and implement county-wide work plan, adaptively manage that plan
- Technical service providers (TSP) – typically are employed by the county work groups for the day-to-day implementation of the county-wide plan, facilitate work group meetings, conduct monitoring, compile reports
- Technical Panel (TP) – approves county-wide work plan, reviews & evaluates 5-year reports, made up of WSDA, ECY, WDFW, SCC staff
- Statewide Advisory Committee (SAC) – advises SCC, county, agriculture, environmental, and tribal (invited) representation



Prepared by:

Work Group

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Art Swannack, Whitman County Commissioner
David Lange, Whitman Conservation District
David L Swannack, Agricultural Producer
Jeff Pittmann, Whitman County Farm Bureau
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Work Group Advisory Members

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Jason Kunz, Washington Department of Fish and Wildlife
John Stuhlmiller, Washington State Farm Bureau (Primary)

Anchor QEA, LLC for Whitman County

Funded by:

Washington State Conservation Commission
as directed by the Washington State Legislature (RCW 36.70A.700)

The Voluntary Stewardship Program (VSP) - Timeline

- July 20, 2011 – VSP created
- July-Dec 2011 – Counties opt-in
- 2015 – VSP funded, counties accept funds (determines reporting dates)
- 2016-19 – Work groups created, create county-wide work plans, approved by TP & SCC ED
- Implementation after approval
- 2020-2021 – 1st 5-year report due
 - TP & SCC ED reviewed & evaluated all 27 5-year (5YR) reports, all successfully on track to meet county-wide work plan goals & benchmarks
- Implementation after 5YR review
- 2025-2026 – 2nd 5YR report due

Chelan & Thurston – July 20, 2024	
Kittitas – November 17, 2025 Mason – November 24, 2025 Garfield – November 30, 2025	
	Asotin & Grant – December 14, 2025 San Juan – December 20, 2025 Cowlitz & Pacific – December 22, 2025 Okanogan – December 28, 2025
Benton – January 12, 2026 Skagit & Whitman – January 19, 2026 Columbia – January 20, 2026 Yakima – January 21, 2026 Douglas – January 22, 2026	
	Pend Oreille – February 2, 2026 Franklin – February 24, 2026
Walla Walla – March 7, 2026 Stevens – March 10, 2026 Ferry – March 14, 2026 Grays Harbor & Lincoln – March 21, 2026	
	Lewis – April 18, 2026 Spokane – April 22, 2026
Adams – May 23, 2026	



VOLUNTARY STEWARDSHIP PROGRAM: PROCESS DIAGRAM

County confers with stakeholders, passes opt-in ordinance, funding is provided; Local VSP Workgroup coordinating entity identified.

VSP Workgroup develops work plan.
Work plan identifies critical areas and ag activities.
Work plan includes measurable benchmarks for program and resource results.

Work plan submitted to State Conservation Commission for approval.

Work plan reviewed by VSP Technical Panel

VSP Workgroup works with State Conservation Commission executive director and VSP Statewide Advisory Committee to revise work plan for approval.

Plan approved

Plan rejected

Plan approved

Local group implements work plan, focused outreach conducted with landowners to develop farm plans protecting critical areas.

Status reports delivered to State Conservation Commission — must show progress on measurable benchmarks, required monitoring.

VSP Workgroups must report on progress every five years.

Must show progress through monitoring on benchmarks or implement adaptive management approaches.

Background, History & Fundamental Principals

- Process to opt-into VSP
- How to Start
- What's in it for me?



Background

- Under the Growth Management Act (GMA), all counties must adopt a Critical Areas Ordinance (CAO) protecting critical areas
- Ongoing and existing agriculture is exempt from the Shoreline Management Act (SMA)
- Several counties exempted agriculture from their CAO
- Trend in court decisions in early 2000's → agriculture not exempt from CAO requirements

Concerns

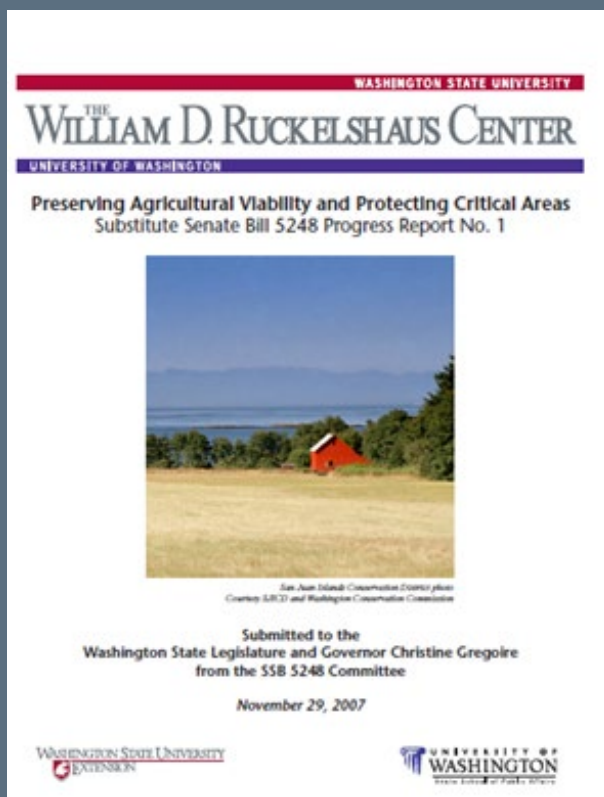
- Agriculture community → Regulation impacting agriculture value
- Environmental community → Agriculture's impact to critical areas – both ongoing and future
- Counties → Costs of litigation

History Leading to Creation of VSP

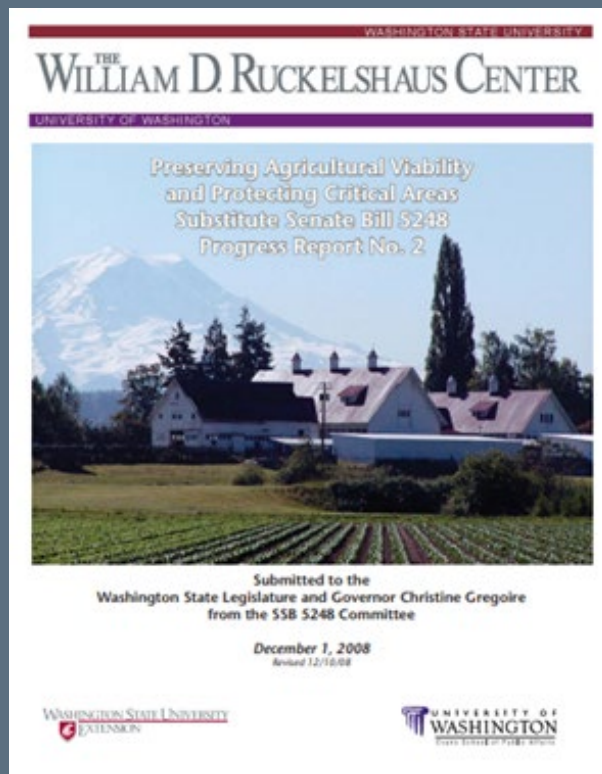
- 2006 – Initiative 933 addresses taking of agricultural lands due to regulations. Fails by 60%.
- 2007 – State Supreme Court Case *Swinomish v. Skagit Co.* – Agriculture not exempt from critical areas requirements of GMA. Counties must regulate agriculture in the CAO.
- 2007 - Legislature directed the Ruckelshaus Center to examine the conflict between protecting agricultural land and protecting critical areas in local ordinances adopted under the GMA.
- 2010 – Agreement is reached and legislation introduced in 2011 – *ESHB 1886* – but no funding until 2015.
- VSP is a compromise – disparate stakeholders coming together to solve a variety of problems
 - Everyone didn't get what they want
 - Some things don't make sense (example – first “5 year” review and evaluation report – which measures how well each county is meeting their work plan goals and benchmarks was due not after 5 years of implementation, but after 5 years of funding)
 - Much left to the administrator of the program (Conservation Commission (SCC)) to work out

Ruckelshaus Center & VSP

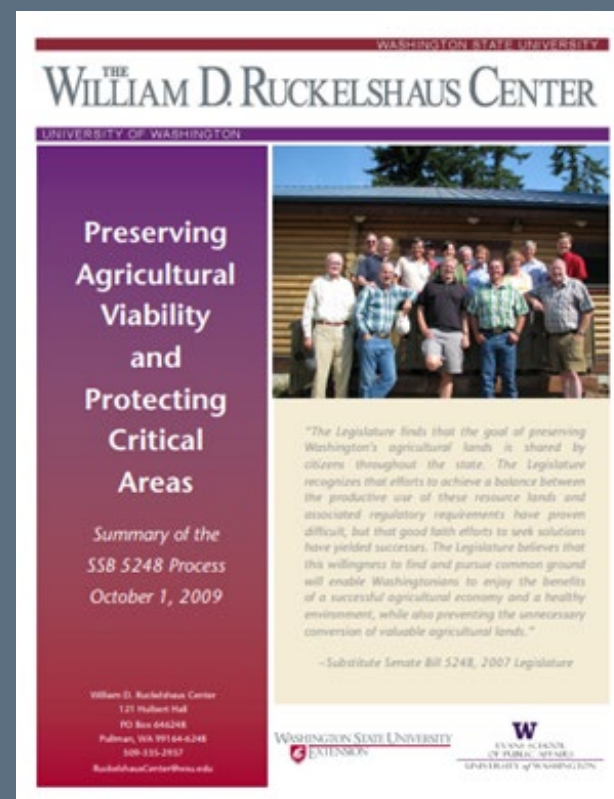
2007



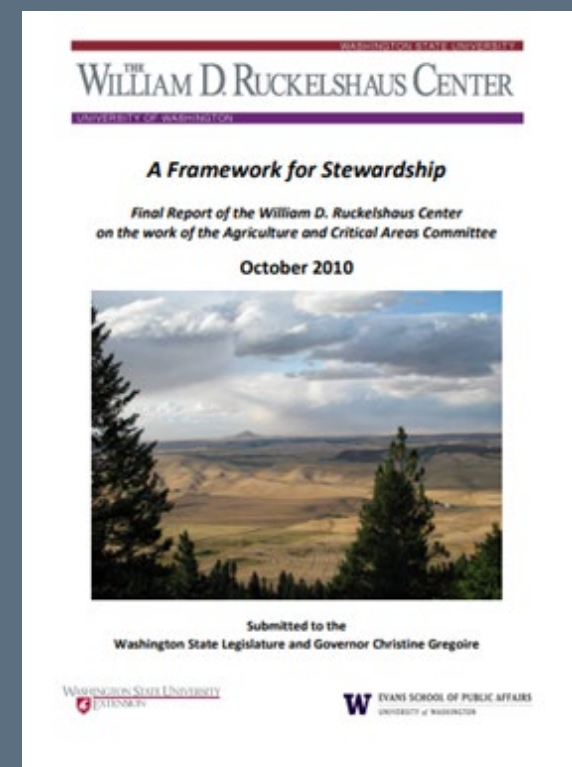
2008



2009



2010



Ruckelshaus Center & VSP

“The framework for stewardship is characterized by choices at the county and landowner level. As directed in the 5248/6520 legislation, one of our key principles is to emphasize voluntary stewardship first.”

“The enclosed framework also contains many checkpoints to ensure that progress is being made. We want to be able to determine that the proposed stewardship activities are scientifically sound, that the stewardship actions get implemented, and that the voluntary program is effective in protecting and enhancing critical areas on the ground. ”

The William D. Ruckelshaus Center, 2010. A framework for stewardship: final report on the work of the Agriculture and Critical Areas Committee. Washington State University, Pullman, WA and University of Washington, Seattle, WA.

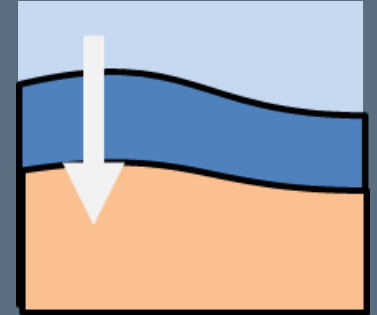
ESHB 1886 Governor Gregoire Signing Ceremony

May 16, 2011



Creation of the VSP

- The Voluntary Stewardship Program (VSP) is created July 22, 2011 & codified in RCW Chapter 36.70A.700-760
- Alternative to GMA regulation for counties to meet GMA requirement to
 - Protect critical areas and
 - Wetlands
 - Frequently flooded areas
 - Critical aquifer recharge areas
 - Geologically hazardous areas (“steep slopes”)
 - Fish and wildlife habitat conservation areas
 - Maintain agricultural viability
- July 22, 2011 is the baseline date for protection (“prevent the degradation”) of critical areas. That means that condition of critical areas (their “functions and values”) must be protected as of that date.



RCW CHAPTER 36.70A.700-760

- 36.70A.700 Purpose—Intent—2011 c 360.
- 36.70A.702 Construction.
- 36.70A.703 Definitions.
- 36.70A.705** Voluntary stewardship program established—Administered by commission—Agency participation.
- 36.70A.710 Critical areas protection—Alternative to RCW 36.70A.060—County's responsibilities—Procedures.
- 36.70A.715 Funding by commission—County's duties—Watershed group established.
- 36.70A.720 Watershed group's duties—Work plan—Conditional priority funding.
- 36.70A.725 Technical review of work plan—Time frame for action by director.
- 36.70A.730 Report by watershed group—Director consults with statewide advisory committee.
- 36.70A.735 When work plan is not approved, fails, or is unfunded—County's duties—Rules.
- 36.70A.740 Commission's duties—Timelines.
- 36.70A.745 Statewide advisory committee—Membership.
- 36.70A.750 Agricultural operators—Individual stewardship plan.
- 36.70A.755 Implementing the work plan.
- 36.70A.760 Agricultural operators—Withdrawal from program.

Local Control

- Local program implementation is the responsibility of the county
- The county may delegate to another entity to implement locally
- Administered by the State Conservation Commission (Commission)
- Focused on *agricultural activities* rather than agricultural land designations
- “Agricultural activities” as defined in the SMA



MORE ON LOCAL CONTROL

- Counties are responsible for the implementation of VSP by virtue of their requirements under the GMA.
- Counties may delegate implementation to another entity, but the County still ultimately responsible.
- Many counties have delegated implementation to CDs.
- Delegated entities are responsible for VSP implementation at the local level, and for completing reporting and monitoring requirements.

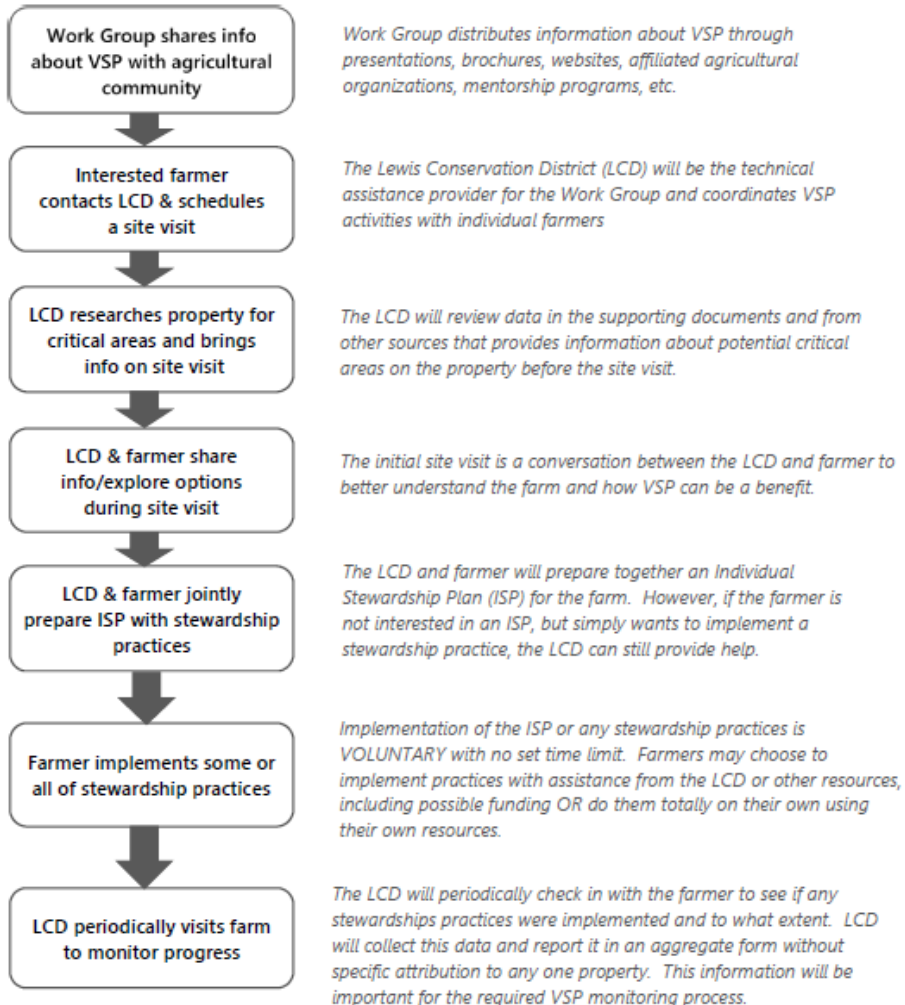
The Purposes of VSP

- Encourage & foster a spirit of cooperation & partnership among county, tribal, environmental & agricultural interests
- Rely on voluntary stewardship practices as the primary method of protecting critical areas & not require the cessation of agricultural activities
- Promote plans to protect & enhance critical areas where agricultural activities occur, while maintaining & improving the viability of agriculture
- Focus and maximize voluntary incentive programs as an alternative to critical area protection
- Leverage existing resources
- Rely upon RCW 36.70A.060 (Development regulations) for the protection of critical areas for those counties that do not choose to participate in this program

Landowner Participation in VSP

Primarily through Individual Stewardship Plans (ISP)

Steps to Facilitating and Implementing Individual Stewardship Plans



- Landowner participants engage with the VSP through ISP's which detail which management practices will be installed that will meet critical area protection needs identified in the work plan while maintaining agriculture viability.
- VSP participation by landowners is voluntary – the “V” in VSP.
- ISPs are not defined in the VSP statute
 - Up to each county how they want to define ISP in their work plan
 - Some use ISPs as surveys
 - Some equate ISPs to full Natural Resource Conservation Farm Plans

How does VSP fit with existing Regulatory Programs?

- Engagement in VSP is voluntary – for the county to opt-in, and for the landowner to participate.
- For an opt-in county, protection of critical areas from agricultural activities is done through the VSP work plan not the county's critical area ordinance (CAO).
- A landowner in a VSP county not doing an ISP is not subject to the county's CAO.
- But – ***other laws and regulations do still apply***. State water quality laws, local clearing and grading ordinances, etc.

How does SEPA apply to VSP?

- RCW 43.21C.0301(1) says that *“Decisions made under RCW 36.70A.720 pertaining to work plans, as defined in RCW 36.70A.703, are not subject to the requirements of RCW 43.21C.030(2)(c).”*
- The decision by the SCC Executive Director (SCC-ED) on a county work plan (WP) is not subject to SEPA review requirements. The SCC-ED’s decision to approve or not approve a WP can still be appealed, and that decision would be appealed to superior court as the SCC does not have any policy or regulation that would otherwise apply.

VSP compared to GMA

- “Traditional GMA” uses a regulatory approach – required buffers on each parcel with critical areas.
- VSP uses a voluntary approach – landowners use stewardship plans and voluntary programs.
- Voluntary programs have provisions for standards and practices for best management practices.
- Agricultural operators implementing an individual stewardship plan consistent with a work plan are presumed to be working toward the protection and enhancement of critical areas. RCW 36.70A.750(1).

The Work Group must account for Loss

- If the watershed group determines that additional or different practices are needed to achieve the work plan's goals and benchmarks, the agricultural operator **may not be required** to implement those practices but may choose to implement the revised practices on a voluntary basis and is eligible for funding to revise the practices. RCW 36.70A.750(2).
- An agricultural operator participating in the program **may withdraw from the program and is not required** to continue voluntary measures after the expiration of an applicable contract. RCW 36.70A.760.
- **The watershed group must account for any loss of protection** resulting from withdrawals when establishing goals and benchmarks for protection and a work plan. RCW 36.70A.760.

VSP works at the Watershed Scale

Key distinction between “traditional GMA” approach to protection of critical areas, and VSP approach:

- “Traditional GMA” approach – must be able to demonstrate protection of critical areas at the parcel scale. Demonstration typically done through regulatory buffers combined with enforcement program. Efforts to use landowner plans have been questioned because of challenges related to being able to demonstrate protections are met.
- VSP approach – relies on evaluation at a watershed scale. Demonstrate progress on work plan goals every 5 years. *Focus is on critical area function rather than per parcel.*
- **How do you know which watersheds in your county are in VSP?** County opt-in ordinance on SCC’s County Directory web page; and / or county-wide VSP work plan

Process to opt-into VSP

- How to Start
- What's in it for me?

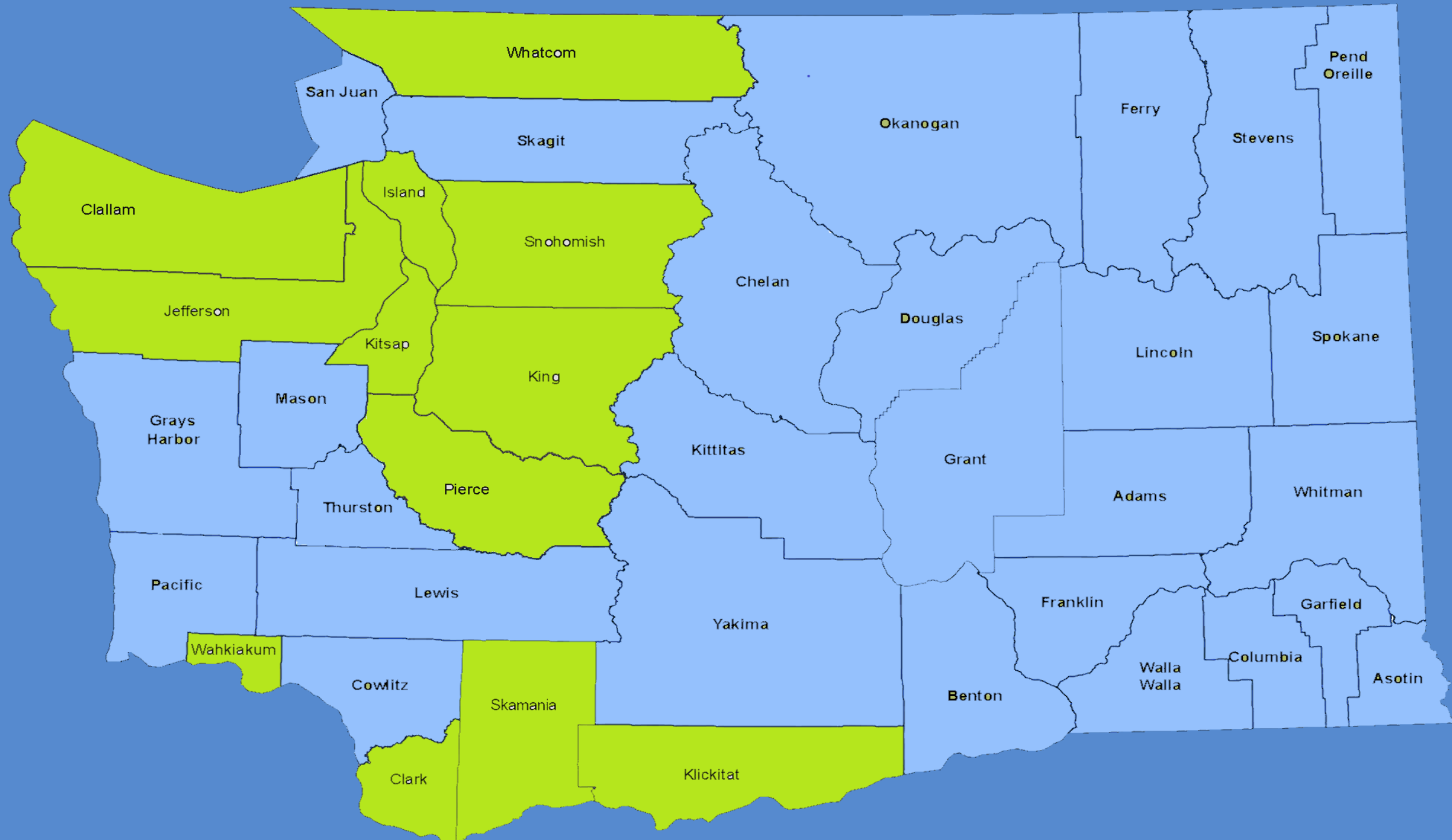


County Options

- Counties were / are given two options:
 - Opt-in to the VSP, or
 - Continue under existing law in GMA to protect critical areas on agricultural lands.
- In original legislation, counties had 6 months from the effective date to select if they wanted to opt-in to the program.
- By the opt-in date of January 21, 2012 – 28 of 39 counties opted-in; Skamania dropped out before receiving funds. 27 remain in.
- ***No deadline now to decide to opt-in – SSB 5353.***

Counties not in VSP

- Have a separate / alternate program
 - For example, Snohomish County is implementing its *Sustainable Lands Strategy* to enhance agricultural land and restore habitat for threatened salmon
- Have chosen to follow the traditional path provided for in GMA
 - For example, Kitsap County has limited agriculture and will be using its existing CAO, reviewing and revising as necessary
- The twelve counties not in VSP: Clallam, Clark, Jefferson, King, Kitsap, Klickitat, Pierce, Skamania, Snohomish, Wahkiakum, Whatcom, Whidbey Island



Opting-in

- Counties are required to adopt an ordinance or resolution opting-in to the program.
- Before adopting the resolution, the county must:
 - Confer with tribes, environmental and agricultural interests; and
 - Provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.
- The ordinance or resolution must:
 - Elect to have the county participate in the program;
 - Identify the watersheds that will participate in the program; and
 - Nominate watersheds for consideration by the Commission as state priority watersheds.

SSB 5353 VSP Legislation

- Re-opens VSP to those 12 counties who originally declined to opt-in another chance to opt-in
- No deadline now to opt-in
- Deadlines are set after the county acknowledges receipt of funds, but before receipt of funds can happen, the county must confer with stakeholders, pass the ordinance, send the ordinance to the SCC, and the SCC responds back to the county, contract between the SCC-county signed - funding is then available to the county

CERTIFICATION OF ENROLLMENT SUBSTITUTE SENATE BILL 5353	
Chapter 187, Laws of 2023	
68th Legislature 2023 Regular Session	
VOLUNTARY STEWARDSHIP PROGRAM—COUNTY PARTICIPATION	
EFFECTIVE DATE: July 23, 2023	
Passed by the Senate March 2, 2023 Yea 49 Nays 0	CERTIFICATE I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5353 as passed by the Senate and the House of Representatives on the dates hereon set forth.
<u>DENNY WICK</u> President of the Senate	<u>SARAH BANNISTER</u> Secretary
Passed by the House April 11, 2023 Yea 94 Nays 3	
<u>LACRIS JINKINS</u> Speaker of the House of Representatives	
Approved April 19, 2023 3:49 PM	FILED April 24, 2023
 <u>JAY INSLEE</u> Governor of the State of Washington	 Secretary of State State of Washington

Initial County Responsibilities

Within 60 days of funds being available to a county to implement the program, the county must:

- Designate an entity to administer funds.
 - County may designate itself, a tribe, or another entity to coordinate the watershed group.
- Designate a watershed group.
 - Must confer with tribes and stakeholders before designating the watershed group.
- Must acknowledge receipt of funds.
 - Signing contract with the SCC – triggers timeline for completion of a work plan

Contracting with the WSCC

- *“Acknowledge receipt of funds”* is accomplished through signing the contract with the WSCC.
- County signs the contract.
- Can the SCC contract directly with another entity?
 - Statute only allows for county to acknowledge receipt.
 - Another entity can lead and invoice to SCC.
- Funding is by invoice for work completed.

Staffing Models for VSP

- In-house approach – use present county staff
- Consultant approach – hire consultants to facilitate meetings, prepare, write and implement the plan
- Contract with another local agency – Conservation Districts, others
 - CDs are non-regulatory divisions of local government, managed by a board of 5 supervisors, and employing staff to get conservation projects on-the-ground. They are very familiar with voluntary, incentive-based conservation, as that is their special purpose. They also know SCC policies and procedures (cost-share, contracting, OFM requirements, etc.), so they are a natural fit for VSP implementation.
- *Which will your county use?*

Designation of Work Group by County



Prepared by:

Work Group

Alan Thomson, Whitman County Planning Director
Art Swannack, Whitman County Commissioner
David Lange, Whitman Conservation District
David L Swannack, Agricultural Producer
Jeff Pittmann, Whitman County Farm Bureau
Joan Folwell, Palouse Conservation District, Palouse Prairie Foundation
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John Stuhlmiller, Washington State Farm Bureau (Primary)

Anchor QEA, LLC for Whitman County

Funded by:

Washington State Conservation Commission
as directed by the Washington State Legislature (RCW 36.70A.700)

- Must be designated when funds are made available.
- The Watershed Group must include a **broad representation of key watershed stakeholders** and, at a minimum, representatives of agricultural and environmental groups, and tribes that agree to participate.
- County should encourage existing lead entities, watershed planning units, or other integrating organizations to serve as the watershed group.
- State and federal agencies can be very useful work group participants.

County Work Group Purpose

- The watershed group must develop a work plan designed to protect critical areas while maintaining the viability of agriculture in the watershed
- Watershed group remains responsible for the implementation of the work plan, and for reporting requirements to the SCC
- Work groups are county committees, and are open to the public and subject to the Open Public Meetings Act
- Work group meets as needed to
 - Accomplish the goals of the work plan
 - Adaptively manage the work plan

Role of state agency staff in VSP development

- Counties and/or lead VSP entities are encouraged invite state agency reps to participate on the work group.
- State agency staff should be able to provide information to help develop the work plan.
- The work plan must be reviewed by a state Technical Panel consisting of four state agencies.
- Early engagement of agencies at the work group level will improve the work product and chances for quick review and approval by the Technical Panel.

County Work Group Timeline

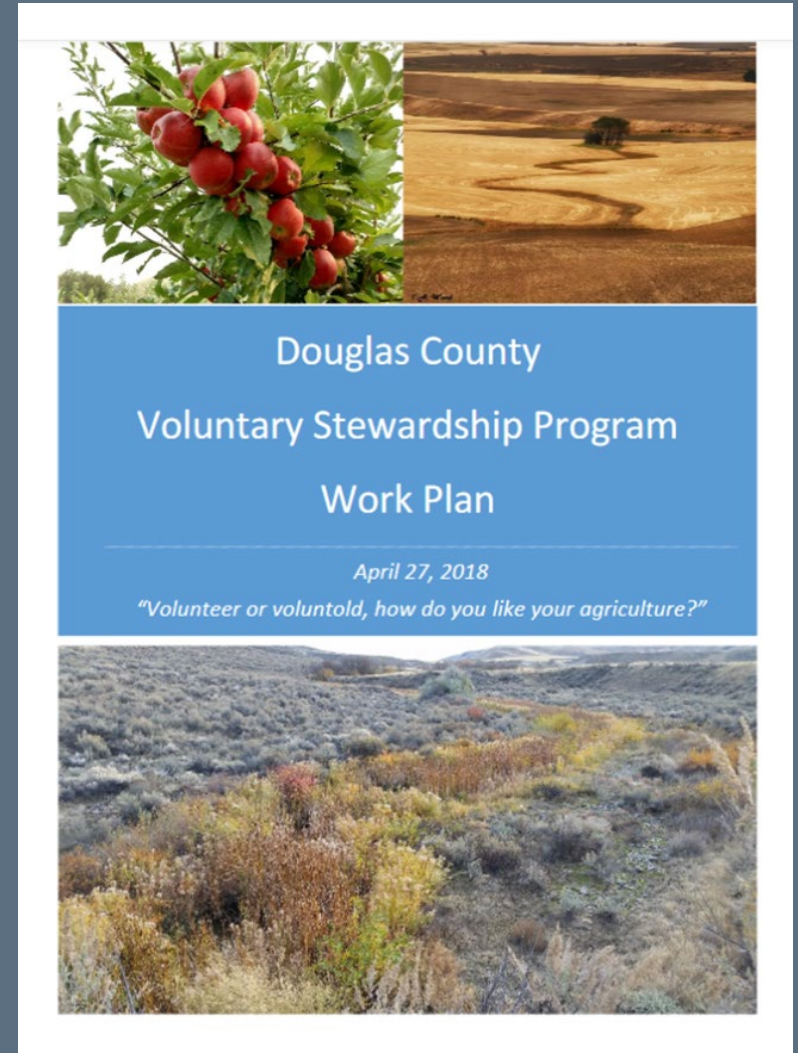
1. Create a VSP work plan
2. Implement the work plan

Dates below determined by when the county receives funding, which will be sometimes after the county passes its opt-in ordinance:

End of 3 years – work plan in place, begin implementation

+ 5 years – review & evaluate the work plan, continue implementation

+ 10 years – review & evaluate, etc.



Developing your work plan

- Watershed work groups have 2 years 9 months of receipt of funds to prepare and submit a work plan.
- If no work plan is submitted by deadline:
 - SCC to engage stakeholder group in discussion with watershed group.
 - Must have work plan in 3 years or “fail out” of VSP.
 - Statute defines what happens if a county “fails out.”

What topics must the work group address?

- The work plan must:
 - Identify critical areas and ag activities.
 - Identify economic viability of agriculture in county.
 - Identify outreach plan to contact landowners.
 - Identify entity to provide landowner assistance.
 - Identify measurable programmatic and implementation goals and benchmarks.

How To Start

- What's in it for me?



How to start

- Collect and evaluate background information.
 - E.g. SCC VSP web pages, 27 VSP county web pages, plans and reports, reports on the state of critical areas and agriculture in county
- Hold local informational meetings.
 - Need to reach out to local stakeholders and let them know about the VSP effort, how to be involved.
- Conduct specific outreach using methods already used in your community. How does your county currently engage with stakeholders?

How to start

- Before adopting the opt-in resolution, the county must:
 - Confer with tribes, environmental and agricultural interests; and
 - Provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.
- The ordinance or resolution must:
 - Elect to have the county participate in the program;
 - Identify the watersheds that will participate in the program; and
 - Nominate watersheds for consideration by the Commission as state priority watersheds.
- Ordinance examples are on the SCC web page, under each of the 27 counties

VSP Work Plan Overview

- *Protect critical areas while maintaining agricultural viability*
 - Approved by the Technical Panel
 - Periodic evaluation of that work plan once approved
 - Monitoring & adaptive management of the work plan
- Elements
 - Identify critical areas, agricultural activities, agriculture viability
 - Outreach and assistance to landowners
 - Goals & benchmarks



Topics Addressed in the Work Plan

- Critical areas and agricultural activities
- Economic viability of agriculture
- An outreach plan for landowner contact
- Who will provide landowner assistance through the VSP
- Measurable programmatic and implementation goals and benchmarks

Work Plan Elements: RCW 36.70A.720(1)(a-l)

- a) Review and incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans;
- b) Seek input from tribes, agencies, and stakeholders;
- c) Develop goals for participation by agricultural operators necessary to meet the protection and enhancement benchmarks of the work plan;
- d) Ensure outreach and technical assistance is provided to agricultural operators in the watershed;

Work Plan Elements: RCW 36.70A.720(1)(a-l)

- e) Create measurable benchmarks that, within 10 years after receipt of funding, are designed to result in the protection and enhancement of critical areas functions and values through voluntary, incentive-based measures;
- f) Designate the entity that will provide technical assistance;
- g) Work with the entity providing technical assistance to ensure individual stewardship plans contribute to the goals and benchmarks of the work plan;

Work Plan Elements: RCW 36.70A.720(1)(a-l)

- h) Incorporate into the work plan existing development regulations relied upon to achieve the goals and benchmarks for protection;
- i) Establish baseline monitoring for:
 - i. participation and implementation of the voluntary stewardship plans and projects;
 - ii. stewardship activities; and
 - iii. the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed;

Work Plan Elements: RCW 36.70A.720(1)(a-l)

- j) Conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and the Commission within 60 days after the end of each biennium;
- k) Assist state agencies in their monitoring programs; and
- l) Satisfy any other reporting requirements of the program.

Work Plan Approval Process

- Completed work plan submitted to Commission Executive Director for approval.
- The Technical Panel had 90 days to review and make a recommendation to the Director. Director worked with the local work group and Statewide Advisory Committee (SAC) for revisions.
- Once final approval, must implement.
- Every 2 years, work group provides a status report to the county and Commission.
- Every 5 years, work group provides a report on progress that is reviewed and evaluated by the Technical Panel, SAC, and Commission.
- If not making progress, must correct or be kicked back into “traditional GMA approach.”

The VSP Technical Panel

- "Technical panel" means the directors or director designees of the following agencies:

WDFW	WSDA
Ecology	Commission
- Reviews the work plan → will the plan, in conjunction with other plans & regulations, will protect critical areas while maintaining & enhancing the viability of agriculture in the watershed.
 - If yes, the Commission director must approve the plan.
 - If no, the Commission director must advise the watershed group the reasons for the disapproval.
- Review and evaluation of the 5YR reports
- Cooperate and collaborate to implement the program
- Assist work groups with monitoring which must focus on the goals & benchmarks of the plan

The VSP Statewide Advisory Committee

- Two persons each -
 - County government
 - Agricultural organizations
 - Environmental organizations
- The Commission, in conjunction with the Governor's Office, shall also invite two tribal representatives
- The Commission director is required to appoint & in certain circumstances, consult with the SAC
- Assist the Commission with policy and program administration
- Advise the Director during the 5-year report review and evaluation process

TP & SAC WP original approval process

- Work plan (WP) approval process – April 2017 - November 2018
- 18 months
- 38 meetings
- 5,330 work plan pages
- Excluding appendices & etc. ~7,000 pages

VSP Implementation

- Once a work plan is approved, implementation begins
- Counties (or their TSP) seek out sources of funding to do projects that meet their WP goals and benchmarks. Sources can include:
 - Local (county voluntary incentive cost-share programs, CD programs)
 - State (SCC cost-share and other programs, including the Conservation Reserve Enhancement Program (CREP), VSP Capital funding, ECY water quality grants, etc.)
 - Federal (traditional Farm Bill programs, including:
 - EQIP – Environmental Quality Incentive Program
 - CSP – Conservation Stewardship Program
 - ACEP – Agricultural Conservation Easement Program

Progress on Work Plan Implementation

Goals are programmatic and resource oriented:

- Programmatic Goals – Those measuring progress on implementation of the work plan. Include landowner participation and stewardship plan implementation.
- Natural Resource Goals – Are the identified critical areas being protected; is enhancement occurring on available funds.
- Economic Resource Goals – Is the viability of ag being protected and enhanced.

Progress on Work Plan Implementation

- Not later than five years after the receipt of funding the watershed group must report to the SCC-ED and the county on whether it has met the work plan's protection and enhancement goals and benchmarks.
- If the goals are being met –
 - The watershed group continues to implement the work plan.
- If the goals and benchmarks are not being met -
 - The watershed group must submit to the director of the Conservation Commission an adaptive management plan to put the watershed group on a path to meet the goals.

Progress on Work Plan Implementation

Can landowners opt-out of the stewardship plans and programs?

- Yes, but withdrawal is conditional on the terms of any contractual agreements that may have been entered into for the installation of a practice.
- Under RCW 36.70A.760, an agricultural operator participating in the program may withdraw from the program and is not required to continue voluntary measures after the expiration of an applicable contract.
- Creates a challenge for the watershed group who must still administer the program in a manner to achieve the goals and benchmarks identified in the work plan.

Progress on Work Plan Implementation

If a landowner does opt-out, what does that do to the overall success of the VSP in the county?

If a landowner withdraws from the program and any applicable contractual obligations for management practices are no longer in effect, the watershed group must account for any loss of protection resulting from such withdrawals when establishing goals and benchmarks for protection in the work plan. RCW 36.70A.720(2)(b)(iii)-(iv) and RCW 36.70A.760.

Progress on Work Plan Implementation

Another key distinction between “traditional GMA” approach to protection of critical areas, and the VSP approach:

VSP approach – Requires reporting to the SCC on progress for achieving the goals of protection of critical areas, with protection and enhancement of viability of agriculture.

- State agency (SCC) evaluation of progress and may disagree with watershed group.
- Watershed group, and thus the county, may be kicked out of VSP if not achieving or adaptively management to get to goals.

Work Plan Failure and Consequences

Applies when: Opt-out / Fail Out / Insufficient Funding

Opt-out: Not accept funds; or after accepting funds, 3, 5, 8 or any time after 10 years.

Fail-out: When the goals and benchmarks of the work plan are not being met and the watershed group fails to adaptively management to get back on track. RCW 36.70A.735

Insufficient Funding:

- The Commission has determined that the county, department, commission, or departments of agriculture, ecology, or fish and wildlife have not received adequate funding to implement a program in the watershed; or
- The Commission has determined that the watershed has not received adequate funding to implement the program.

Work Plan Failure and Consequences

- Focus on fail-out scenario. RCW 36.70A.735.
- When the SCC-ED concludes failure to meet goals and failure to develop an adaptive management plan, work with the stakeholder group.
- If after six months no progress on improvements, county and watershed group are notified the work plan has failed.
- After notification, county has 18 months to act. RCW 36.70A.735 (1) a, b, c, or d
- **NOTE:** Shift in roles and responsibilities from watershed group to the county.

Work Plan Failure and Consequences

County has 18 months to do one of the following:

- A. Develop, adopt, and implement a watershed work plan approved by Commerce that protects critical areas in areas used for agricultural activities while maintaining the viability of agriculture in the watershed.
 - Commerce shall consult with the state departments of Agriculture, Ecology, and Fish and Wildlife, and the Conservation Commission, and other relevant state agencies before approving or disapproving the proposed work plan.
 - The appeal of the Commerce decision under this subsection is subject to appeal under the Growth Management Hearings Board provisions;

Work Plan Failure and Consequences

County has 18 months to do one of the following:

- B. Adopt development regulations previously adopted by another local government for the purpose of protecting critical areas in areas used for agricultural activities. The regulations adopted must be from a region with similar agricultural activities, geography, and geology and must:
 - i. be from Clallam, Clark, King, or Whatcom counties; or
 - ii. have been upheld by a growth management hearings board or court after July 1, 2011, where the board or court determined that the provisions adequately protected critical areas functions and values in areas used for agricultural activities;

Work Plan Failure and Consequences

County has 18 months to do one of the following:

- C. **Adopt development regulations** certified by Commerce as protective of critical areas in areas used for agricultural activities. The county may submit existing or amended regulations for certification. Commerce must make its decision on whether to certify the development regulations within ninety days after the county submits its request. If Commerce denies the certification, the county shall take an action under (a), (b), or (d) of this subsection. Commerce must consult with the departments of Agriculture, Ecology, and Fish and Wildlife, and the Conservation Commission before making a certification under this section. The appeal of the Commerce decision is subject to appeal under the Growth Management Hearings Board provisions; or

Work Plan Failure and Consequences

County has 18 months to do one of the following:

D. Review and, if necessary, revise development regulations adopted under this chapter to protect critical areas as they relate to agricultural activities.

- The state department of Commerce is required to adopt a rule implementing these options. The rule is codified at WAC 365-191.
- The purpose of the rule is to *“implement procedures for two of those four options: Department approval of a watershed work plan under RCW 36.70A.735(1)(a); and department certification of development regulations under RCW 36.70A.735(1)(c).”* WAC 365-191-010.

Appeals of VSP Decisions

- One of the key principles in the original negotiations leading to the creation of the VSP was the desire of the counties to address the burden of appeals of county GMA decisions.
- VSP legislation accomplishes this by shifting the decision points for appeal from the county to the SCC.
- This is done by function of the point at which a final decision is made on the watershed group VSP work plan.
- At no point is the work plan approved by the county legislative authority or by the watershed group itself. Indeed the development of the work plan by the watershed group is an activity delegated to the watershed group by the county.

Appeals of VSP Decisions

- The VSP statute directs the watershed group and not the county legislative authority to submit the work plan to the director of the SCC.
- The VSP statute does not require an affirmative act of either the county legislative authority or the watershed group to approve the work plan or even to authorize the transmittal of the work plan to the director of the SCC.
- Therefore there is no final action on the work plan at the point the work plan is submitted to the director of the SCC. The process of developing and approving the work plan is not completed yet. The submittal of the work plan to the SCC merely changes the venue of the next phase of the work plan development and approval process.

Appeals of VSP Decisions

- A VSP work plan is not final until approved by the director of the SCC.
- The appeal of the decision to approve the work plan is not addressed in the petitions subject to review by the GMHB. The only VSP actions subject to review by the GMHB are certain actions the county must take after the failure of the work plan.
- Under the Administrative Procedures Act (APA), final agency actions are subject to appeal to superior court. Since the VSP statute is silent on the proper venue of an appeal of the final action of approval of a work plan, then the provisions of the APA would likely apply. The director of the SCC's final approval of a work plan would therefore be appealed to superior court.

Appeals of VSP Decisions

The GMHB may receive petitions relating to:

- Whether the approval of a work plan is not in compliance with the requirements of the program, RCW 36.70A.280(1)(c) or
- Whether the regulations adopted by Commerce are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction, RCW 36.70A.280(1)(d), or
- That Commerce certification is erroneous, RCW 36.70A.280(1)(e)

Review and Program Evaluation

At the County Level:

- VSP includes several elements for review and evaluation of the implementation of a work plan.
- VSP also includes consequences when progress is not being made towards the goals and benchmarks.
- Under the VSP, watershed groups are required to, in their work plan, establish baseline monitoring for:
 - i. Participation activities and implementation of the voluntary stewardship plans and projects;
 - ii. stewardship activities; and
 - iii. the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed.

Review and Program Evaluation

At the County Level:

2YR Status Report: The work group must also conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and to the commission within sixty days after the end of each biennium.

5YR Review and Evaluation Report:

- Every 5 years, based on receipt of funding date
- Is the county meeting its WP goals and benchmarks? How / demonstrate
- Technical Panel reviews and evaluates
- ED of SCC has final determination

Review and Program Evaluation

At the State Level:

The Conservation Commission is to review and evaluate the program's success and effectiveness and make appropriate changes to policies and procedures for implementing the program, in consultation with the statewide advisory committee and other affected agencies.

The Conservation Commission is also to:

- Report to the legislature on the general status of program implementation;
- Conduct a review of the program, in conjunction with the statewide advisory committee, beginning in 2017 and every five years thereafter, and report its findings to the legislature by December 1st; and
- Report to the appropriate committees of the legislature as required.

Implementation Funding

- 2023-25 Operating budget included \$6.48 million for the 27 VSP counties to implement VSP.
- Funding for each of the 27 counties is \$240,000 / biennia (\$120,000 each fiscal year)
- Includes funding for SCC administration, state agency participation on the Technical Panel
- County funding is required to go to the counties.
- SCC-county contracts have been developed for each county with deliverables.

VSP Budget – FY 23-25 Legislature

Operating:

\$379,000 HB 1421 Funds for counties to opt-in to VSP – SSB5353

Budget proviso:

One-time funding is provided for staffing and ongoing funding is provided for four counties to enroll in the voluntary stewardship program pursuant to Substitute Senate Bill 5353 (Voluntary stewardship prog.).

The Commission has interpreted this proviso to apply to counties after they have adopted their opt-in ordinance and provided it to the SCC. The SCC would make funding available to start planning after that. Amount available will depend on the number of counties opting in and other factors that SCC financial and leadership staff have not yet determined.

What's in it for me?



What's in it for me? – For all who Participate

- Alternative to (GMA) regulation
- Voluntary
- Locally lead, directed, and implemented
- Tailored to your counties needs, not one-size-fits-all
- Collaborative planning and implementation
- Opportunity to directly engage in conservation efforts
- Protect critical areas
- Maintain agricultural viability

For County Commissioners

- Less county regulation of constituents
- Little chance for county-involved litigation
- Active outreach to a variety of stakeholders by county staff or TSP
- Depending on staffing model used, less work for county staff
- Access to dedicated state funds for planning and implementation
- Next Steps:
 - Consult county staff, decide if want to pursue opting-in
 - Direct community outreach, receive input, adopt the ordinance, decide of staffing model
 - Remain aware of VSP developments and progress
 - Continue to work with the SCC during the opting-in process

For County Staff

- Less county regulation of constituents
- Less chance for county-involved litigation
- Active outreach to a variety of stakeholders by county staff or TSP
- Depending on staffing model used, less work for county staff
- Access to dedicated state funds for planning and implementation
- Next Steps:
 - Consult with county commissioners, assist them in their decision to opt-in
 - Conduct the community outreach, receive input, assist with drafting the ordinance, assist with decision on staffing model
 - Seek more information and training on VSP
 - Continue to work with the SCC during the opting-in process

For Local Conservation District Staff

- Less county regulation of constituents
- Depending on staffing model used -
 - Active outreach to a variety of stakeholders by CD as TSP
 - May take on VSP planning and implementation for county as TSP
- Access to dedicated state funds for planning and implementation
- Fits well into the special purpose / mission of a CD
- Next Steps:
 - Work with your CD board to determine if the CD might want to pursue TSP status on behalf of the county
 - Work with county commissioners and staff on what the TSP status might look like (Interlocal agreement or sub-contract)
 - If asked, assist the county commissioners with their decision to opt-in
 - Participate in the community outreach and engagement
 - Assist the county commissioners with their decision on the staffing model

For Others, Next Steps

- Landowners, cooperators, farmers, ranchers who might want to participate in VSP -
 - Start thinking of best management practices you would be willing to install on your property
 - Contact your local CD to connect with them on voluntary, incentive-based conservation programs
 - Contact your county commissioners and give them your opinion on if the county should opt-in
 - Participate in the community outreach and engagement session(s) the county will provide as it makes its decision to opt-in
- For Landowners, cooperators, farmers, ranchers who might want to serve on the watershed work group -
 - Determine if you are willing to serve in that role, and what expertise you will bring to the group
 - Commit to serving if you choose, once the work group is set up and operational
 - Actively engage during work group meetings to develop a work plan that protects critical areas while maintaining agricultural viability.
 - Be sure to remain knowledgeable about VSP, its background, fundamental principals, and current events

VSP Newsletter: April 2023

Washington State Conservation Commission sent this bulletin at 04/05/2023 03:30 PM PT.
VIEW IN YOUR BROWSER



VSP Newsletter: April 2023 scc.wa.gov/vsp

In this issue:

- **Save the date:**
 - **May 4, 2023, 9 a.m. - 12 p.m.** VSP 101 Training, Lacey and online
 - **May 11, 2023, 8 a.m. - 4 p.m.** Joint TP and SAC Meeting, Ellensburg and online
 - **May 24, 2023, 9 - 11 a.m.** SCC-County FY23-25 contract and budget webinar (online only)
- VSP Monitoring Guide to be adopted
- Cost-share continues to be available
- Two-year status report due **Aug. 30**: New submission form
- March 9 Monitoring Symposium recording available
- Subscribe to the VSP calendar
- Welcome SCC interim executive director, Kirk Robinson



Upcoming Events

VSP 101 Training

May 4, 2023, 9 a.m. - 12 p.m.

Physical location: Washington State Farm Bureau Building, 975 Carpenter Rd NE #101, Lacey, WA 98516

Zoom link

Meeting ID: 819 3314 7055

Passcode: 220471

[Agenda](#)

Joint TP and SAC Meeting

May 11, 2023, 8 a.m. - 4 p.m.

Physical location: Washington Cattleman's Association, 1301 N Dolarway Rd, Ellensburg, WA 98926

Zoom link

Meeting ID: 829 8162 7784

Passcode: 441579

The VSP Newsletter

- Monthly, statewide
- Sign up on [SCC's VSP web page](#) under the "News and Events" tab
- When subscribing, make sure to choose "*Voluntary Stewardship Program (VSP)*" under the *Programs and Policy* tab

Updated Guidance

- The SCC updated the guidance document originally produced for counties deciding to opt in to VSP back in 2011-2012
- Available on the [SCC VSP web page](#) in multiple places
 - “About VSP”
 - “News”
 - Connected to this webinar recording
- More step-by-step details with statutory references of the opt in process

TIMELINE AND PROCESS

FOR COUNTIES TO OPT-IN TO THE VOLUNTARY STEWARDSHIP PROGRAM UNDER SSB 5353

Counties wishing to participate in the Voluntary Stewardship Program (VSP) through the changes made to the VSP statute by [SSB 5353](#) will abide by the process set out below.

To participate in VSP, the county legislative authority must adopt an ordinance or resolution.¹ But before that resolution can be adopted, the county must confer with tribes, and environmental and agricultural interests; and provide notice following the public participation and notice provisions of RCW 36.70A.035 to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.²

The resolution or ordinance must

- Elect to have the county participate in VSP;
- Identify the watersheds that will participate in VSP; and
- Nominate watersheds for consideration by the commission as state priority watersheds.³

In identifying watersheds to participate in VSP, a county must consider:

- a. The role of farming within the watershed, including the number and acreage of farms, the economic value of crops and livestock, and the risk of the conversion of farmland;
- b. The overall likelihood of completing a successful program in the watershed; and
- c. Existing watershed programs, including those of other jurisdictions in which the watershed has territory.⁴

In identifying priority watersheds, a county must consider the following:

- a. The role of farming within the watershed, including the number and acreage of farms, the economic value of crops and livestock, and the risk of the conversion of farmland;
- b. The importance of salmonid resources in the watershed;
- c. An evaluation of the biological diversity of wildlife species and their habitats in the geographic region including their significance and vulnerability;
- d. The presence of leadership within the watershed that is representative and inclusive of the interests in the watershed;
- e. Integration of regional watershed strategies, including the availability of a data and scientific review structure related to all types of critical areas;

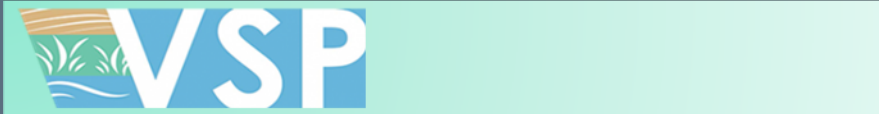
¹ RCW 36.70A.710 (1) (b), as amended by SSB 5353.

² RCW 36.70A.710 (2).

³ RCW 36.70A.710 (1) (b), as amended by SSB 5353.

⁴ RCW 36.70A.710 (3) (underlining added for emphasis).

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Washington State
Conservation Commission



VSP Contracting & Budget

Contracting, & Financials

State level: The basic framework for VSP between the SCC and each VSP county

SCC-county Biennial Contract

Signed by:

- Board of County Commissioners (BOCC) (or their representative) for each county
- SCC Executive Director

2023-25 Biennium Contract No. ____

BETWEEN

The Washington State Conservation Commission

AND

____ County

FOR

Voluntary Stewardship Program Implementation

THIS AGREEMENT is made and entered into by and between the Washington State Conservation Commission, hereinafter referred to as "COMMISSION" and ____ County, hereinafter referred to as "COUNTY".

IT IS THE PURPOSE OF THIS AGREEMENT to provide funding to the COUNTY for the implementation of the work plan as required for the Voluntary Stewardship Program (VSP), consistent with RCW 36.70A.700-760 and related statutes.

THEREFORE, IT IS MUTUALLY AGREED THAT the COMMISSION will provide funding consistent with the terms of this contract, the policies of the COMMISSION, and the laws of the State of Washington; and the COUNTY will implement the terms of this contract with the funding provided consistent with the policies of the COMMISSION and the laws of the State of Washington.

1.0 PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this agreement shall be from July 1, 2023, through June 30, 2025, unless either extended by agreement of the parties or terminated sooner, as provided herein.

2.0 SCOPE OF WORK

It is the intent of the parties that the COUNTY will perform its duties consistent with the timelines set forth in RCW 36.70A.720-735, subject to available funding, and subject to state contracting requirements. The COUNTY shall furnish the necessary personnel, equipment, material and/or service(s), or contract with third parties to accomplish the same, and

VSP 2023-25 Biennium Contract Between the WSCC and County - Page 1 of 21

SCC-County biennial contract

- The SCC contracts with each of the 27 VSP counties for VSP implementation
- The contract must be renewed / updated for each biennia.
- Contract period runs from for two years, from July 1, 20XX to June 30, 20XX
- The contract sets out the statutory requirements and deliverables (in the statement of work) that each county agrees to do as part of VSP implementation
- May 16, 2023, SCC-county contract webinar will have all the details. Webinar will be recorded, so if you miss it on the 16th, you can catch it on the VSP web pages. When it is available, the SCC will put a notice out in the newsletter.
- Confirms statutory obligations
- Provides for contract deliverables, including reporting and meeting other deadlines
- Requires the county (or its TSP) to provide a budget
- Requires the county (or its TSP) to provide a monitoring plan

VSP Technical Service Provider

- Designated in the work plan (can be)
- Read the WP and SCC-county contract, extract -
 - Deliverables
 - Timelines
 - Project management pieces
- Create a project management plan
- Coordinate with county financial staff on the implementation budget
- If acting as the responsible party for implementation on behalf of the county, assume all the duties of the county financial staff & Commission contract

Engaging a Technical Service Provider

State level: The basic framework for VSP between the SCC and each VSP county

Biennial
Contract

Signed by:

- Board of County Commissioners (BOCC) (or their representative) for each county
- SCC Executive Director

Local level: VSP implementation at the local level

Sub-contract
or Interlocal
Agreement
with TSP

Signed by:

- Board of County Commissioners (BOCC) (or their representative) for each county
- The entity or entities serving at the county's Technical Service Provider (TSP) to do implementation of VSP (if a CD, then the CD board of supervisors or their representatives).

TSP Contract & Template

**[INTERAGENCY AGREEMENT
BETWEEN
THE [CONSERVATION DISTRICT]
AND
[COUNTY]
TO IMPLEMENT THE VOLUNTARY STEWARDSHIP PROGRAM**

This Agreement is made and entered into by and between the [CONSERVATION DISTRICT], hereinafter referred to as "DISTRICT" and [COUNTY], hereinafter referred to as "COUNTY" and is issued pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

PURPOSE

It is the purpose of this Agreement for the COUNTY to meet its requirements for implementation of the Voluntary Stewardship Program (VSP) through this Agreement with the CONSERVATION DISTRICT. The VSP implemented under this Agreement shall be consistent with RCW 36.70A.700-760 and related ~~statutes and~~ shall be consistent with the agreement between the COMMISSION and COUNTY for VSP implementation, incorporated herein by reference. The CONSERVATION DISTRICT agrees to implement these statutory and contractual requirements of the VSP in the COUNTY.

THEREFORE, IT IS MUTUALLY AGREED THAT:

DEFINITIONS

Terms used throughout this contract are defined below:
[LIST DEFINITIONS HERE]

INTENT

[DESCRIBE INTENT HERE]

STATEMENT OF WORK

[PROVIDE STATEMENT OF WORK HERE]

PERIOD OF PERFORMANCE

[INSERT PERIOD OF PERFORMANCE TIMELINE OF THIS AGREEMENT HERE]

- Many counties are sub-contracting with their local conservation district to implement VSP and/or serve as the Technical Service Provider (TSP) under the county VSP work plan
- The SCC has created a template interagency agreement to facilitate the CD – county relationship
- Offered as an example / aid
- Have your own legal counsel review it before use
- Is available on the VSP administrator web page, under the *Implementation* tab, at the bottom

VSP Budget – 5 Buckets”

1. Allocations to each of the 27 VSP counties
2. Funding for the state agencies to staff the Technical Panel and support the county work groups (WSDA, WDFW, Ecology)
3. Funding for WDFW’s efforts related to High Resolution Change Detection (HRCD)
4. SCC administration of VSP
5. \$3,000,000 in capital funds available for on-the-ground cost-share projects that meet county work plan goals and benchmarks (and other requirements)

VSP Historical Budget Summary

- VSP was first funded in the Operating Budget in 2013 in the amount of \$546,000 to implement in Chelan and Thurston counties.
 - Then in 2015 the SCC received \$7,600,000 in the operating budget.
 - In 2017 it was \$7,620,000 in the operating budget.
 - In 2019 it was \$8,456,000, again in the operating budget.
 - In 2021 it was \$8,450,000, again in the operating budget.
 - In 2023 it was \$10,332,000, in the operating budget and \$3,000,000 in capital.
-
- The VSP program has always been funding in the operating budget. This funding provides operational funding for the 27 VSP jurisdictions to implement responsibilities under the VSP statute. It was only in the 2022 supplemental budget that the legislature first provided funding in the capital budget specifically for VSP jurisdictions to implement on-the-ground projects in support of their VSP work plans.

VSP Budget Allocation for Counties

- FY 2015-17: \$7,290,000 - \$270,000 per county - *Planning*
- FY 2017-19: \$5,940,000 - \$220,000 per county - *Planning*
- FY 2019-21: \$6,480,000 - \$240,000 per county - *Implementation*
- FY 2021-23: **\$6,345,000 - \$235,000** per county - *Implementation*
- FY 2023-25: **\$6,480,000 - \$240,000** per county - *Implementation*