

# Conservation Program on Agricultural Lands (CPAL)

[Critical Areas Ordinance \(CAO\)](#)

[Conservation Program on Ag Lands \(CPAL\)](#)

[Farm Plans & Other WCD Resources](#)

[Voluntary Stewardship Program \(VSP\)](#)

# Critical Areas Ordinance (CAO)

- 1990** – Critical Areas are designated for protection and management in accordance with the requirements of the *Growth Management Act*
- 1992** – Original CAO adopted (updated in 1997)
- 1998** – Dairy Nutrient Management Act adopted in WA State
- 2005** – CAO updated & CPAL begins development
- 2008** – First enrollment in CPAL
- 2012** – Whatcom Clean Water Program is formed
- 2014** – CPAL staff becomes grant funded through WA DOH NEP Program
- 2017** – CAO updated

# What is a Critical Area?

## [WCC 16.16](#)

- Wetlands
- Fish and wildlife habitat conservation areas
  - Streams, lakes, ponds, some ditches, and other areas listed in 16.16.710
- Frequently flooded areas
  - 100 year floodplain & floodway
- Geologically hazardous areas
- Critical aquifer recharge areas (CARAs)

# Critical Area Buffers

<b>CRITICAL AREA</b>	<b>BUFFER</b>
Frequently Flooded Areas	No Buffer
Wetlands	25 – 300 feet
Shoreline Streams	150 feet
Fish-Bearing Streams	100 feet
Non Fish-Bearing Streams	50 feet
Lakes	100 feet
Ponds	50 feet

# Why protect Critical Areas?

Protection and management of these areas is important to the preservation of ecological functions and values of our natural environment, as well as the protection of the public health, safety and welfare of our community.

By protecting Critical Areas we in turn

- Improve water quality
- Enjoy recreation
- Maintain Food Safety (shellfish)
- Promote groundwater infiltration and flood mitigation
- Support biodiversity
- Meet State GMA requirements

# Activities Regulated Under the CAO

- Any activity except those listed as exemptions in WCC 16.16.230
- Alteration of Critical Areas and/or Buffers
- Clearing, grading, dumping, excavating, discharging, or filling with any material. This includes creating impervious surfaces.
- Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure
- Any other activity for which a county permit is required, excluding permits for interior remodeling.
- Agricultural activities are subject to Critical Area Regulations

# Conservation Program on Agricultural Lands (CPAL)

WCC 16.16.800

The purpose of the CPAL program is to allow farmers practicing *ongoing agricultural activities* that may affect critical areas, their functions and values, and/or their buffers to do so either

1. in accordance with the standard requirements of this chapter or
2. pursuant to a conservation farm plan voluntarily prepared and approved pursuant to this article.

# CPAL Requirements

- Meet the requirements of “ongoing agriculture”
- Develop an approved Conservation Farm Plan  
Document agricultural activities, livestock numbers, and infrastructure and select Best Management Practices (BMPs) necessary to avoid potential negative impacts to Critical Areas (resource concerns).
- Bi-annual Monitoring  
Participate in reporting to ensure the farm plan is being followed and sufficiently protects Critical Areas.



# Ongoing Agriculture

Activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities.

Activities that bring an area into agricultural use are not part of an ongoing activity.

An operation ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use, or has lain idle for more than five consecutive years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

# What is a Farm Plan?

## [Example Type 1 Farm Plan](#)

### 1. Inventory & Documentation

Acreage, crop type & yields, soils, livestock numbers, manure production, infrastructure, Critical Areas present, buffer widths, and resource concerns

### 2. Best Management Practices

What measures will the landowner put in place to ensure that Critical Areas are not adversely impacted? Must utilize standard BMPs developed by the Natural Resources Conservation Service (NRCS)

### 3. Maps

Identify boundaries of Critical Areas & Buffers, fencing, seasonal setbacks, BMP locations, etc.



**Riparian Buffer**  
Compared to bare ground, dense vegetative buffers have the capacity to reduce runoff by 60%-80%

**Livestock Exclusion Fencing**  
Protect water quality and fish habitat

**Wetland Restoration**  
Creates diverse and productive habitat for fish and wildlife

**Manure Storage and Composting**  
Regular collection of manure is essential to livestock health. Composting produces excellent soil amendment.

**Pasture Rotation**  
Increase forage growth/quality and reduce soil compaction

**Roofwater Management**  
Collect and divert roof water to reduce mud

**Heavy Use/Sacrifice Area**  
Protect pastures, reduce mud and manure runoff

Wellhead

Septic

**Septic Maintenance**  
Perform inspection every 1-3 years

**Healthy Animals.  
Healthy Pastures.  
Healthy Resources.**

# Resource Concerns

- Nutrient Pollution of Water
  - Livestock with access to waterways
  - Fertilizer and/or manure application near waterways
  - Improper manure storage
  - Surface & Groundwater
- Pathogen Pollution of Water
  - Manure carries fecal coliform and E. coli bacteria
  - Surface & Groundwater
- Sediment Pollution to Surface Water
  - Earthwork or machinery traffic near waterways
- Degradation of Riparian Areas
  - Livestock and/or machinery impacts

# NRCS Best Management Practices

[eFOTG](#)

## LIVESTOCK

- Access Control (472)
- Fence (382)
- Filter Strip (393)
- Heavy Use Area Protection (561)
- Manure Storage Facility
- Nutrient Management (590)
- Prescribed Grazing (528)
- Roof Runoff Structure (558)

## ROW CROPS

- Cover Crop (340)
- Field Border (386)
- Irrigation Water Management (449)
- Nutrient Management (590)
- Pest Management (595)

# Three Types of Farm Plans

- Type 1
  - Less than 1000 lb of livestock per grazeable acre
- Type 2
  - More than 1000 lb of livestock per grazeable acre
  - Row crops
- Type 3 Farm Plan
  - Operation is regulated by State or Federal Agencies

**Table 4. Who May Prepare Conservation Farm Plans**

Who May Prepare	Type 1 Operations	Type 2 and 3 Operations
The farm operator	X	
Whatcom County planning and development services	X	X
A qualified consultant	X	
A watershed improvement district (for a farm or ranch that is within its boundaries)	X	
The Whatcom conservation district	X	X
A planning advisor	X	X

# Monitoring & Reporting

- First monitoring report required 1 year after plan approval confirming implementation of Action Plan/BMPs.
- After 1 year approval, monitoring reports are required every 2 years confirming compliance with Farm Plan.
- Submittal of updated Farm Plan is required if significant operational changes occur or if BMPs are not adequately protecting Critical Areas.
- Monitoring of properties end after agricultural activities cease on the property.

# How to Participate in CPAL:

## Note:

- ❑ Actions in purple completed by PDS.
- ❑ Actions in green completed by owner/farm operator.

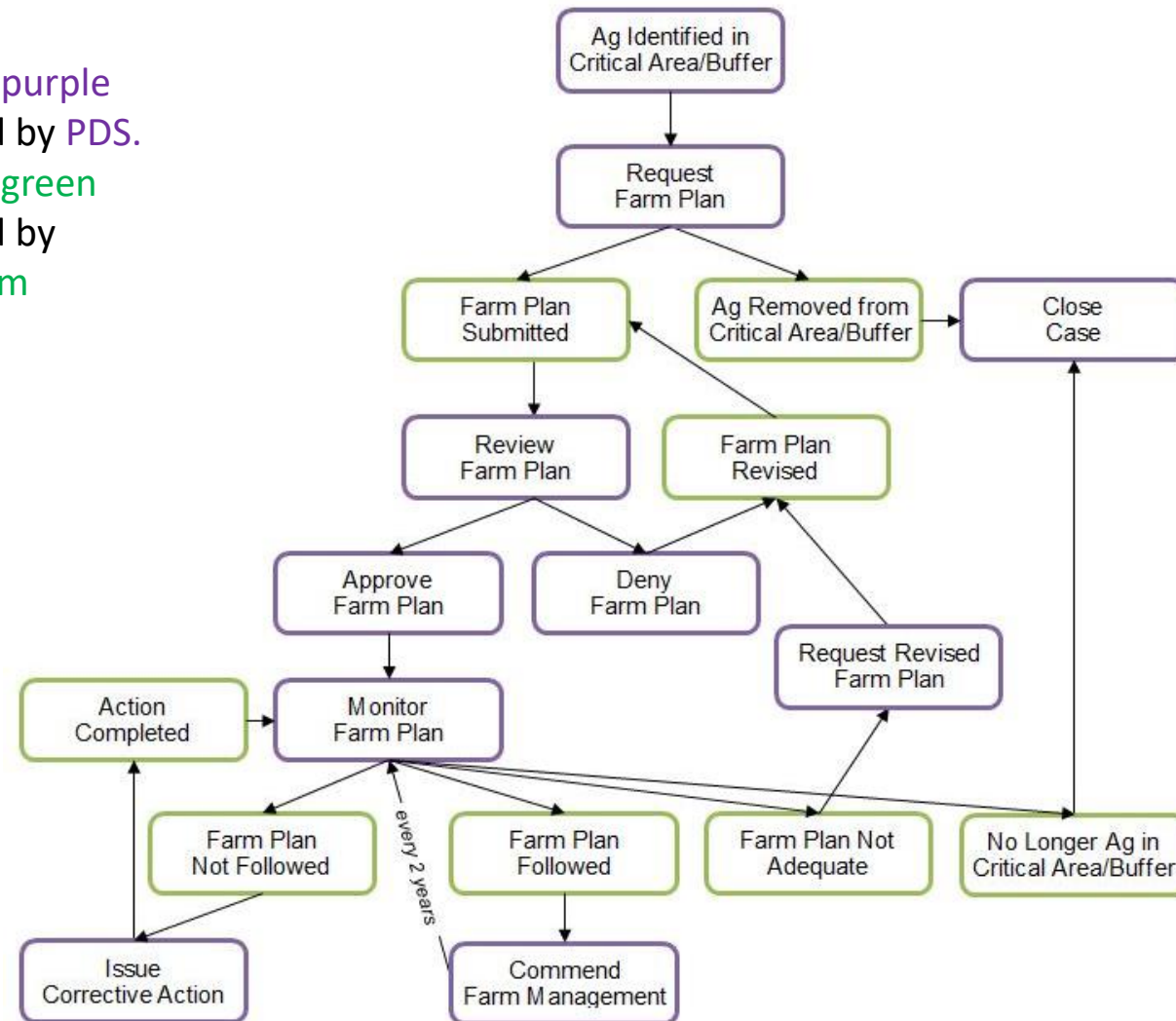


Figure 1



# Whatcom Conservation District Farm Planning

- The Whatcom Conservation District (WCD) is a non-regulatory agency that offers free and confidential farm planning services.
- The WCD can help farmers and ranchers prepare a Type 1, 2, or 3 Conservation Farm Plan for free and offer other farm services and financial assistance programs to help implement BMPs

# Other WCD Resources

- Cost-share & Grants
- Tarps for covering manure piles
- Soil Sampling
- Water Sampling
- Manure Spreading Advisory
- Application Risk Management
- Farm Speaker Series
- Whatcom Farm Expo
- Dairy Manure Nutrient Training
- Native Plant Sale
- e-Newsletter
  - Landowner Spotlights

# Shellfish Impacts Through WCWP

## Portage Bay

- 1997- downgrade
- 2003- 625 acres upgraded
- 2006- remaining acreage reopened- 110 acres
- 2015- downgraded about 500 acres to conditional with spring (April-June) and fall (Oct-Dec) closures
- 2016- downgraded an additional 300 acres to conditional
- 2019- upgrade lifting harvest restrictions during spring months (April-June), fall restrictions remain in place
- 2022- fall restrictions expanded to include September

## Birch Bay

- 2008- downgraded 129 acres to prohibited
- 2017- upgraded 129 acres to approved (mouth of Terrell)

## Drayton Harbor

- 1995- 1,000 acres downgraded to prohibited
- 1999- additional 920 acres downgraded to prohibited (remaining portion of harbor)
- 2004- 575 acres upgraded to conditional (still had restrictions associated with rainfall in 24 hours)
- 2010- additional 345 acres upgraded to conditional
- 2019- 765 acres upgraded to approved, 450 upgraded to unclassified (no commercial harvest in this area)
- 2021- 695 downgraded to conditional with seasonal closure (November-January)
- 2022- additional 42 acres downgraded to conditional

# Voluntary Stewardship Program (VSP)

- VSP provides an alternative opportunity for counties and landowners to implement voluntary, site-specific practices that help protect critical areas while also promoting agricultural viability
- Facilitated at the State level by the State Conservation Commission
- Limited funding for administration and project implementation is available
- Monitoring is required at the watershed level
- The VSP Work Plan will take the place of the Critical Areas Ordinance (CAO) specifically for agricultural activities

# Environmental Regulations Outside the CAO

- Dairy Nutrient Management Act  
RCW 90.64
- Regulation of discharge to water  
RCW 90.48.080
- Hydraulic Project Approval  
RCW 77.55
- Whatcom County Manure Ordinance  
WCC 16.28
- Whatcom County Building & Construction Code  
WCC Title 15

# How VSP Works

- Counties establish a volunteer VSP watershed work group to create and implement a county-wide plan.
- County-wide work plans must protect critical areas that are affected by agricultural activities, while maintaining agricultural viability.
- Plans are implemented by a technical service provider—often a local conservation district—that works with agricultural landowners and producers to make stewardship plans.
- Work groups and the technical service provider monitor countywide work plan implementation and critical area functions and values to determine if the plan is protecting critical areas.

# Phase 1: Develop a County-Wide Work Plan

- Key community members including agricultural, environmental, and tribal representatives are invited to participate in VSP watershed work groups.
- Groups develop work plans to protect critical areas and maintain viable agriculture in their watershed.
- Plans are sent to SCC for approval.
- The group begins outreach to agricultural landowners who might participate in the program.

## Phase 2: Implementation and Stewardship Plans

- Each VSP watershed work group uses local technical assistance providers to conduct outreach to agricultural landowners in priority areas identified in the county-wide work plan.
- Technical assistance providers create individual stewardship plans (ISPs) or farm plans for participating landowners.
- ISPs provide site-specific best management practices to help landowners, producers, and the county meet agricultural and natural resource conservation goals, protecting critical areas.



# Phase 3: Monitoring

- Existing incentive programs and on-the-ground expertise help implement the county-wide work plan, which includes assisting landowners to implement conservation practices that will achieve the goals in the work plan.
- Science-based monitoring is used to assess trends in critical area functions and values

# Phase 4: Reporting & Adaptive Management

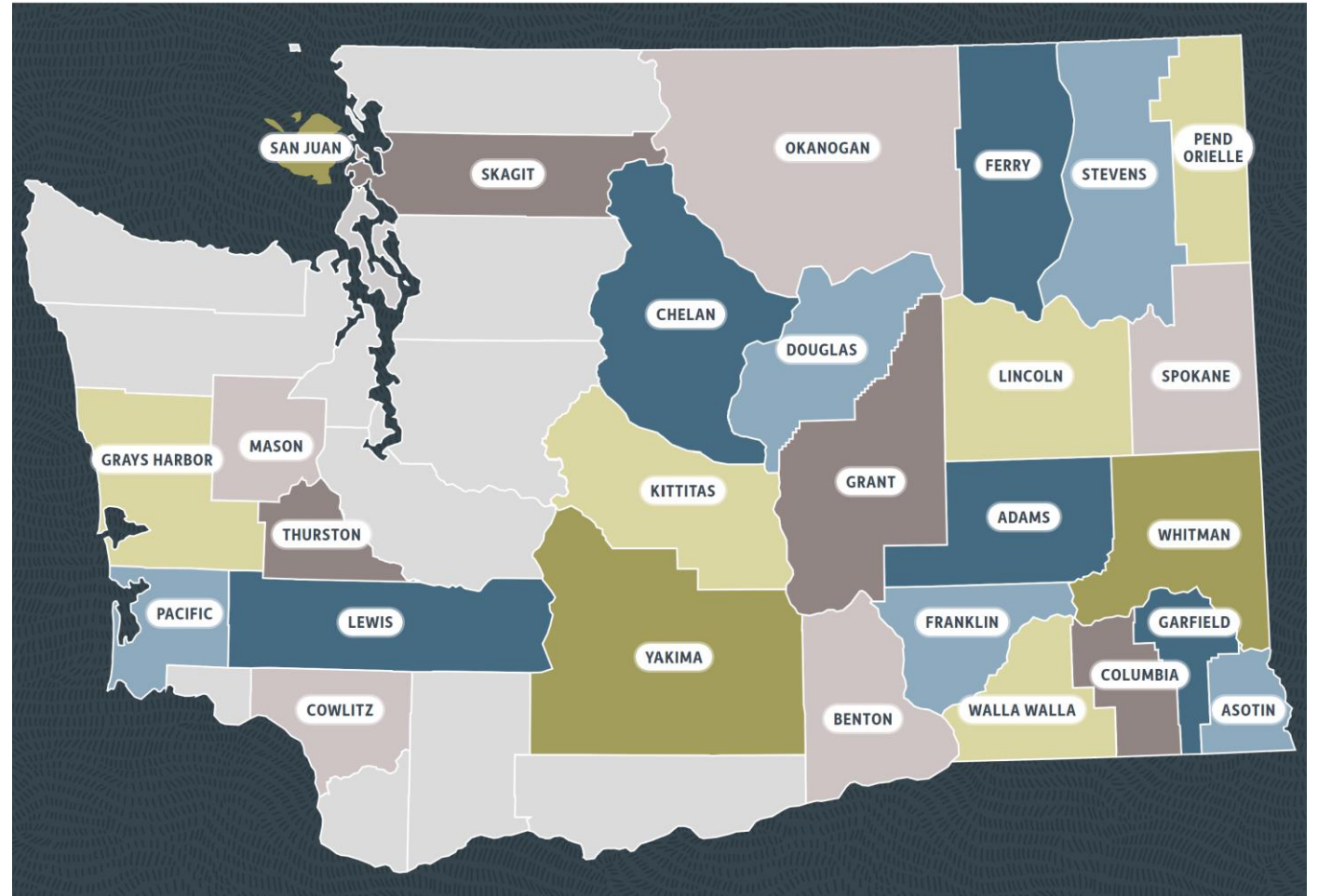
- Data generated from monitoring is used for adaptive management and reporting.
- The VSP watershed work group submits a report every 5 years summarizing the effects of work plan activities (e.g., implementation of practices, outreach, and community engagement).
- If work plan goals are not being met, the watershed work group may adaptively manage the work plan to reorient strategies and approaches.

# Currently Enrolled Counties

- 27 counties are currently enrolled in VSP
- All counties have turned in their five-year reports and successfully passed their first five-year report check-in.

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# Key Differences – VSP vs CPAL

VSP	CPAL
Voluntary	Regulatory
Watershed Scale	Parcel Scale
Monitoring done on CA function	Monitoring done on individual parcel
Protection of CA's is ensured through the VSP work plan	Protection of CA's is ensured through the County's CAO
Agricultural activities without a farm plan <b><u>ARE NOT</u></b> subject to the County's CAO	Agricultural activities without a farm plan <b><u>ARE</u></b> subject to the County's CAO
Landowners are not required to follow farm plans and may withdraw at any time.	Landowners are required to follow farm plans unless standard CAO buffers are in place
Ongoing Ag = State VSP adoption July 22, 2011	Ongoing Ag = Whatcom CAO adoption May 26, 1992 or 5 years of inactivity
State funded (reporting to SCC)	Currently grant funded by DOH
<b><u>Landowners are still subject to all current and future regulations outside the CAO</u></b>	

# Key Differences – VSP vs CPAL

VSP	CPAL
Implemented by Whatcom County but can contract with WCD	Implemented by Whatcom County & WCD provides landowner Technical Assistance
Local Work Group & Statewide Advisory Committee collaborate with PDS, ECY, WSDA, WCD, SCC, WDFW, Tribes, & Ag	WCWP collaborates with PDS, PW, WCHCS, DOH, ECY, WSDA, WCD
Does not rely on enforcement for effectiveness	Relies on enforcement for effectiveness
Additional funding is available for cost share and watershed monitoring	Does not incorporate cost share or watershed monitoring (WCWP does some)
Incorporates Outreach & Education	Outreach & Education is limited
Addresses economic viability of ag	Does not address economic viability of ag
VSP	CPAL
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