

APPENDIX D: Existing and Related Plans, Programs, and Regulations

The Growth Management Act (GMA) was passed by the Washington State legislature in 1990 to help the state manage the growth of development and activities that have the potential to affect sensitive environments and species, including critical areas. The Voluntary Stewardship Program (VSP) is part of the GMA, but was also written to work with other existing programs, plans, and applicable rules and regulations. This appendix provides an overview of the existing resources used in the Franklin County VSP Work Plan and describes how they relate to other applicable rules and regulations (the regulatory environment).

Existing Conservation Programs

As described in the VSP Work Plan, the VSP provides a voluntary framework for critical areas protection and enhancement actions carried out by agricultural producers while maintaining and improving agricultural viability. Other similar programs are available to agricultural producers that are designed to incentivize protection and enhancement of critical areas through conservation practices. The availability of these programs is variable, as they are heavily influenced by the federal and state program funding, regulatory environment, industry standards, and the agricultural market. Many of these programs have been in place since the July 22, 2011, baseline and have contributed to conservation practices being implemented across Franklin County.

There are a variety of voluntary incentive programs for agricultural producers provided by federal, state, and local entities. The VSP was written to be compatible with existing conservation programs to achieve protection and enhancement of critical areas. Table 1 includes a summary of federal programs and Table 2 includes a summary of state and local programs available to agricultural producers. These tables provide a general representation of available federal, state, and local programs and are not intended to provide an exhaustive list.

The following list includes international organizations that offer a variety of voluntary conservation and certification programs to agricultural producers:

- **GLOBALG.A.P.:** GLOBALG.A.P. is an international non-profit organization that provides a voluntary certification for eligible crops and livestock that meet or exceed 16 standards for safe and environmentally sound agricultural practices.
- **Safe Quality Food Institute (SQFI):** SQFI offers certifications recognized by the Global Food Safety Initiative for best agricultural and livestock practices.
- **PrimusLabs:** PrimusLabs, located in North and South America, is a food safety company that provides a Good Agricultural Practices (GAP) auditing program that certifies agricultural producers who comply with standard operating procedures for food safety.

- **Farmed Smart:** The Pacific Northwest Direct Seed Association oversees the Farmed Smart Program, which is designed to certify producers who use sustainable practices. The program defines conservation standards and provides educational tools to producers regarding the environmental benefits of direct seeding.

**Table 1
Federal Conservation Programs**

Lead	Description	Program	Details
Natural Resources Conservation Service (NRCS)	NRCS provides technical and financial assistance to help agricultural producers make and maintain conservation improvements on their land. NRCS also offers conservation easement programs and partnerships to leverage existing conservation efforts on farm lands.	Environmental Quality Incentives Program (EQIP) ¹	Voluntary program providing financial and technical assistance for agricultural producers to plan and implement conservation practices improving soil, water, plant, animal, air, and related natural resources.
		Conservation Stewardship Program (CSP) ²	Voluntary program providing technical assistance for agricultural and forest landowners to develop plans for conservation, management, and enhancement activities.
		Agricultural Conservation Easement Program (ACEP) ³	Provides conservation partners with financial and technical assistance through agricultural land easements to restore, protect, and enhance wetlands.
		Agricultural Water Enhancement Program (AWEP) ⁴	Voluntary program providing financial and technical assistance to agricultural producers for implementing agricultural water-enhancement activities.
		Wildlife Habitat Incentive Program (WHIP) ⁵	Voluntary program for wildlife habitat conservation and enhancement on agricultural land, nonindustrial private forest land, and Native American land.
Farm Service Agency (FSA)	FSA oversees several voluntary, conservation-related programs that work to address several agriculture-related conservation measures.	Conservation Reserve Program (CRP) ⁶	Voluntary reserve program to conserve environmentally sensitive land through agricultural protections and plant species to improve environmental health.
		Conservation Reserve Enhancement Program (CREP) ⁷	Similar to the CRP, this voluntary program targets high-priority conservation issues. The contract period is typically 10 to 15 years.

¹ www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/

² www.nrcs.usda.gov/csp

³ www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/

⁴ www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/whip/

⁵ www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/awep/

⁶ www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-program/

⁷ www.fsa.usda.gov/FSA/webapp?area=home&subject=lown&topic=cep

Table 2
State and Local Conservation Programs

Lead	Description	Program(s)	Details
Washington State Conservation Commission (WSCC)	WSCC works with conservation districts (CDs) to provide voluntary, incentive-based programs for implementation of conservation practices. WSCC supports the CDs through financial and technical assistance; administrative and operational oversight; program coordination; and promotion of CDs activities and services.	Coordinated Resource Management (CRM) Program ⁸	Voluntary and locally led program for landowners seeking to resolve land-use and natural resource issues through local coalitions and consensus building.
		Irrigation Efficiencies Grant Program (IEGP) ⁹	Provides financial incentives to landowners willing to install irrigation systems that save water.
		Natural Resource Investments (non-shellfish) Grants ¹⁰	Grant program for landowners to complete natural resource enhancement projects necessary to improve water quality in non-shellfish growing areas.
		Office of Farmland Preservation (OFP) ¹¹	The OFP identifies and addresses farmland loss through agriculture conservation easement programs, providing technical assistance, developing farm transition programs, and providing data and analysis on trends.
Washington State Department of Fish and Wildlife (WDFW)	WDFW provides financial assistance for habitat projects that restore and/or preserve fish and wildlife habitat through funding opportunities.	Aquatic Lands Enhancement Account (ALEA) ¹² Volunteer Cooperative Grant Program	Grant program for qualifying landowners who undertake projects that benefit Washington State’s fish and wildlife resources.
		Partnership for Pheasants ¹³	Voluntary habitat enhancement and public access program that provides annual rental payments to landowners who plant and maintain pheasant habitat and allow public hunting.
Washington State Department of Ecology (Ecology)	Ecology provides funding for water-quality improvement and protection projects.	Water Quality Financial Assistance Program ¹⁴	Grant and loan program for high-priority projects to protect and improve the health of Washington State waters.
		Farmed Smart Partnership ¹⁵	Regional voluntary program overseen by the Pacific Northwest Direct Seed Association, in coordination with Ecology, that certifies agricultural producers for environmentally friendly and sustainable dryland agriculture practices.

⁸ <http://scc.wa.gov/coordinated-resource-management/>

⁹ <http://scc.wa.gov/iegp/>

¹⁰ <http://scc.wa.gov/wq-nonshellfish/>

¹¹ <http://scc.wa.gov/office-of-farmland-preservation/>

¹² <http://wdfw.wa.gov/grants/alea/index.html>

¹³ <http://wdfw.wa.gov/grants/pheasants/index.html>

¹⁴ <http://www.ecy.wa.gov/programs/wq/funding/funding.html>

¹⁵ <http://www.ecy.wa.gov/programs/wq/nonpoint/Agriculture/farmedsmart.html>

Lead	Description	Program(s)	Details
Washington State Recreation and Conservation Office (WRCO)	WRCO provides funding to protect aquatic lands and for projects aimed at achieving overall salmon recovery, including habitat projects and other activities that result in sustainable and measurable benefits for salmon and other fish species.	Aquatic Lands Enhancement Account (ALEA) ¹⁶	Local and state agencies and Native American Tribes can apply for grants to fund aquatic habitat-enhancement projects.
		Salmon Recovery Funding Board Salmon Recovery Grants ¹⁷	Grant program for eligible parties seeking to improve important habitat conditions or watershed processes to benefit salmon and bull trout.
		Farmland Preservation Grants ¹⁸	Grant program for local agencies and non-profits to buy development rights on farmlands to ensure the lands remain available for farming in the future.
Franklin Conservation District (FCD)	FCD works through voluntary, incentive-based programs to assist landowners and agricultural operators with the conservation of natural resources throughout the district.	Irrigation Water Management Program ¹⁹	Program offering irrigation water management technical assistance for landowners and producers.
		Livestock Program ²⁰	Program offering technical assistance for dairy farms to prepare and implement Dairy Nutrient Management Plans, Odor and Fly Control Plans, pollution potential evaluations, permit assistance, cost-share assistance, and design of best management practices.
		Wildlife Program ²¹	Program involving farmers, landowners, and managers for wildlife habitat and protection.
Washington State University (WSU) Extension	The WSU Extension program connects agricultural and natural resource stakeholders and industries, as well as the general public, to extend research-based information and conduct locally relevant applied research in the fields of agriculture and natural resource sciences.	Agriculture and Natural Resources Program ²²	Program providing technical assistance, research, and education to producers.

¹⁶ <http://www.rco.wa.gov/grants/alea.shtml>

¹⁷ http://www.rco.wa.gov/grants/sal_rec_grants.shtml

¹⁸ <http://www.rco.wa.gov/grants/farmland.shtml>

¹⁹ <https://www.franklincd.org/irrigation-water-management>

²⁰ <https://www.franklincd.org/livestock>

²¹ <https://www.franklincd.org/wildlife>

²² <http://anr.cw.wsu.edu/>

Related Plans and Programs

As required by Revised Code of Washington (RCW) 36.70A.720(1)(a), the VSP Work Plan must incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans. Table 3 includes a summary of the planning documents and programs that were referenced for the VSP Work Plan and appendices. This includes watershed management and wildlife management programs prepared specific to Franklin County.

The County includes portions of three major watersheds, which are known as Water Resource Inventory Areas (WRIAs). Most of the County is in the Esquatzel Coulee (WRIA 36). The eastern portion of the County is in the Lower Snake (WRIA 33), and a small part of the northeastern portion of the County is in the Palouse (WRIA 34). Within the three watersheds, there are two Washington State Department of Ecology water quality improvement projects or Total Maximum Daily Loads (TMDLs) in process on the Lower Snake River for dioxin and total dissolved gas.²³

Table 3
Summary of Planning Documents

Plan or Program	Date	Author/Agency	Description
Franklin Conservation District 5-Year Strategic Plan (2015-2020)	2015	Franklin Conservation District	The 5-Year Strategic Plan outlines Franklin Conservation District's vision and provides a roadmap for accomplishing priority natural resource conservation needs. The plan also includes measures of success, measurable goals, milestones, timelines, and actions for this 5-year period.
Franklin Conservation District FY2018 Annual Work Plan	2017	Franklin Conservation District	The FY2018 Annual Work Plan describes the natural resource priorities for 2018, including specific goals and target dates for implementation.
Franklin County Shoreline Master Program Update: Shoreline Inventory, Analysis, and Characterization Report	2014	Anchor QEA, LLC	The Shoreline Inventory, Analysis, and Characterization Report provides a baseline of shoreline ecological functions throughout the county as part of the Shoreline Master Program update.
Final Draft Shoreline Master Program: Franklin County Shoreline Master Program Update	2016	Anchor QEA, LLC	The Shoreline Master Program includes shoreline goals and policies for management and protection of shorelines of the state located within the county.
Final Draft Restoration Plan: Franklin County Shoreline Master Program Update	2016	Anchor QEA, LLC	The Restoration Plan builds off a previous inventory and analysis of shoreline ecosystem functions and identifies how and where shoreline ecological functions can be

²³ <http://www.ecy.wa.gov/programs/wq/tmdl/TMDLsbyCounty/franklin.html>

Plan or Program	Date	Author/Agency	Description
			protected, restored, or enhanced within the county's shoreline jurisdiction.
<u>Groundwater Management Area Plan</u>	2001	<u>Columbia Basin Groundwater Management Area of Adams, Franklin and Grant Counties, Washington</u>	<u>The Groundwater Management Area Plan for Adams, Franklin, and Grant Counties provides a framework for addressing groundwater contamination issues. The plan characterizes groundwater quality and quantity in the area, provides the organization and administration behind the plan, and identifies goals, objectives, and measures of success for groundwater management in the area.</u>
Management Recommendations for Washington's Priority Habitats: Riparian	1997	Washington State Department of Fish and Wildlife	The riparian habitat management plan provides statewide riparian management recommendations based on the best-available science. This plan describes impacts from various activities, including agricultural practices and specific management recommendations.
Management Recommendations for Washington's Priority Habitats: Managing Shrub-steppe in Developing Landscapes	2011	Washington State Department of Fish and Wildlife	The shrub-steppe management plan provides statewide shrub-steppe habitat management recommendations based on the best-available science. This includes long-range planning and site-specific measures.
Washington State Recovery Plan for the Greater Sage Grouse	2004	Washington State Department of Fish and Wildlife	The greater sage grouse recovery plan prescribes strategies to recover the species such as protecting and restoring habitat.
<u>Natural Heritage Program</u>	NA	<u>Washington State Department of Natural Resources</u>	<u>The Natural Heritage Program provides conservation methods for protecting rare and important species endemic to Washington State.</u>

Federal, State, and Local Regulations that Apply to Agriculture

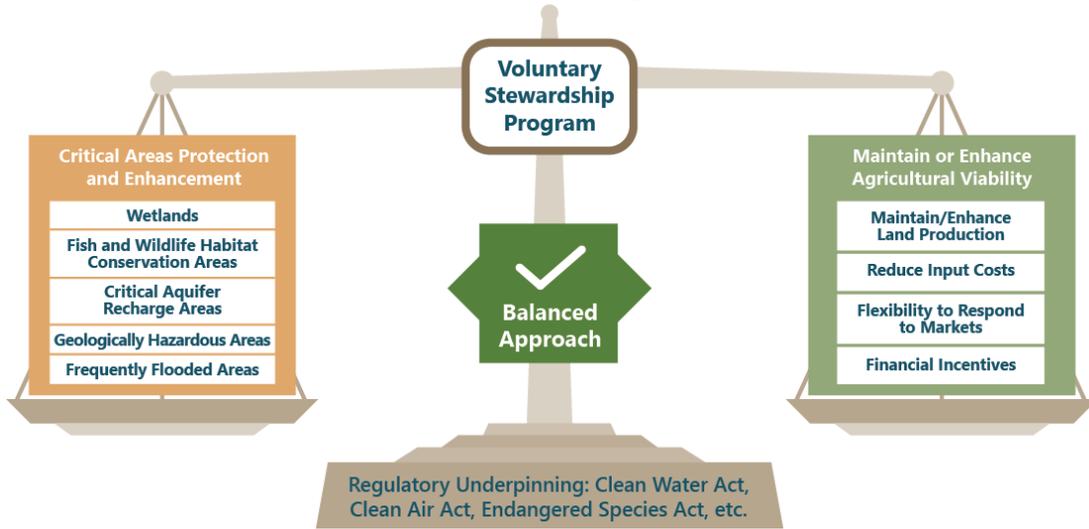
The VSP is provided as an alternative to protecting critical areas used for agricultural activities through development regulations under the Growth Management Act. Despite its voluntary nature, it is still the intent of the VSP to improve, and not limit, “compliance with other laws designed to protect water quality and fish habitat,” per RCW 36.70A.700 and 36.70A.702. Per RCW 36.70A.720, the development regulations used to achieve the goals and measurable benchmarks for protection of critical areas must be incorporated into the VSP Work Plan.

Tables 4 and 5 include a summary of federal, state, and local development regulations that are used to achieve the goals and measurable benchmarks of the VSP Work Plan. This list includes the most common environmental regulations affecting agriculture. The list does not include all regulations potentially impacting agricultural producers in the County. For instance, regulations on taxation, employment practices, marijuana production, and other regulations are not included. Because no regulations are enforced via the VSP, regulatory enforcement in the County provides a “regulatory backstop.” For example, the Washington State Department of Ecology will continue to regulate wetland conversions on agricultural lands through the local Water Pollution Control Act.²⁴ Continued compliance with these regulations provides assurance the functions and values of critical areas are protected.

As illustrated in Figure 1, the VSP is intended to balance critical areas protection and agricultural viability at the County level through voluntary actions by agricultural producers. VSP is not a replacement for compliance with other laws and regulations, but participation in the program can often help agricultural producers comply with these requirements.

²⁴ Washington State Department of Ecology, 2013. The Voluntary Stewardship Program and Clean Water. Available at: <https://fortress.wa.gov/ecy/publications/publications/1310030.pdf>.

Figure 1
Balanced Approach of Critical Areas Protection and Agricultural Viability



**Table 4
Federal Regulations that Apply to Agriculture**

Regulation(s)	Agency	Description	VSP Intersect
Agricultural Act (Farm Bill) ²⁵	U.S. Department of Agriculture	The Farm Bill, reauthorized in 2014, eliminates direct payments and continues crop insurance.	The Farm Bill includes the “swampbuster” conservation policy prohibiting land owners from converting wetlands to cropland. The “sodbuster” provision requires participating parties to maintain a specified level of conservation.
Clean Water Act (CWA) ²⁶	U.S. Environmental Protection Agency (USEPA); regulated locally by Washington State Department of Ecology	The CWA regulates discharges of pollutants into waters of the United States, including discharges of dredge or fill material in wetlands. CWA exemptions for agriculture are designed consistent with and support existing U.S. Department of Agriculture programs.	Compliance with the CWA maintains or enhances water quality, which in turn benefits critical areas, including wetlands and fish and wildlife habitat conservation areas.
Safe Drinking Water Act (SDWA) ²⁷		The SDWA protects public drinking water supplies in the United States, including sole-source aquifers. The USEPA provides technical and financial resources under the Clean Water State Revolving Fund for improving water quality, protecting drinking water sources, and controlling nonpoint source pollution.	The SDWA is designed to protect critical aquifer recharge areas, an important source for drinking water that is vulnerable to contamination.
National Pollution Discharge Elimination System (NPDES) ²⁸		NPDES is promulgated under the CWA to regulate discharges to waters of the United States from animal feeding operations.	Regulated discharges to waters of the United States helps to protect water quality in critical areas, including wetlands and fish and wildlife habitat conservation areas.

²⁵ <https://www.fsa.usda.gov/programs-and-services/farm-bill/index>

²⁶ <https://www.epa.gov/laws-regulations/summary-clean-water-act>

²⁷ <https://www.epa.gov/sdwa>

²⁸ <https://www.epa.gov/npdes>

Regulation(s)	Agency	Description	VSP Intersect
Endangered Species Act (ESA) ²⁹³⁰	National Marine Fisheries Service and the U.S. Fish and Wildlife Service	The ESA protects threatened and endangered species and critical habitat throughout the United States.	ESA-listed species and critical habitat are protected through avoidance and minimization measures such as the “no-spray” pesticide buffer zones near ESA-listed salmon-bearing waterbodies. The no-spray buffer zones are 60 feet for ground and 300 feet for aerial pesticide applications.
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) ³¹	USEPA	FIFRA regulates pesticide distribution, sale, and use and includes labeling and registration requirements.	Compliance with FIFRA is intended to maintain or enhance water quality, which in turn benefits critical areas, including wetlands, fish and wildlife habitat conservation areas, and critical aquifer recharge areas.
National Emissions Standards for Hazardous Air Pollutants (NESHAP) ³²	USEPA	NESHAP regulates hazardous air pollutant emissions, including from new and existing facilities that manufacture organic pesticide active ingredients used in herbicides, insecticides, and fungicides.	These regulations are intended to reduce or eliminate hazardous air pollutant emissions with the potential to spread via aerial application to critical areas, including wetlands and fish and wildlife habitat conservation areas.

²⁹ <http://www.nmfs.noaa.gov/pr/laws/esa/>

³⁰ <https://www.fws.gov/endangered/>

³¹ <https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act>

³² <https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9>

Table 5
State and Local Regulations that Apply to Agriculture

Regulation(s)	Agency	Description	VSP Intersect
<i>Revised Code of Washington (RCW)</i>			
Title 15 Agriculture and Marketing	Washington State Department of Agriculture	RCW Title 15 includes general regulations pertaining to agricultural practices.	<ul style="list-style-type: none"> Regulations cover pest and disease control, fertilizers, and commodity commissions
Title 16 Animals and Livestock	Washington State Department of Agriculture	RCW Title 16 includes general regulations pertaining to animals and livestock practices.	<ul style="list-style-type: none"> Regulations cover range areas, meat licensing, feed lot certification, and fencing
Title 17 Weeds, Rodents, and Pests	Washington State Noxious Weed Control Board*	RCW Title 17 includes general regulations pertaining to weed, rodent, and pest control.	<ul style="list-style-type: none"> RCW Title 17.06 establishes intercounty weed districts
Title 36 Counties	<i>Various</i>	RCW Title 36 includes regulations pertaining to counties including the VSP.	<ul style="list-style-type: none"> RCW Titles 36.70A.700-904 comprise the VSP, a program designed to promote plans to protect and enhance critical areas while maintaining and improving agricultural viability
Title 77 Fish and Wildlife	Washington Department of Fish and Wildlife	RCW Title 77 includes fish and wildlife enforcement regulations.	<ul style="list-style-type: none"> Salmon recovery and enhancement programs include habitat projects and plans, including voluntary, incentive-based enhancement programs In-water construction activities (i.e., hydraulic projects) are regulated under RCW Title 77.55
Title 87 Irrigation	Irrigation Districts	RCW Title 87 regulates irrigation and irrigation districts.	<ul style="list-style-type: none"> RCW Title 87.03 establishes irrigation and improvement districts
Title 89 Reclamation, Soil Conservation, and Land Settlement	Conservation Districts, Office of Farmland Preservation, and Irrigation Districts	RCW Title 89 includes general regulations pertaining to reclamation and local conservation districts.	<ul style="list-style-type: none"> RCW Title 89.08 establishes conservation districts RCW Title 89.10 establishes the Office of Farmland Preservation RCW Title 89.12 includes adoption of the Columbia Basin Project Act and related regulations

Regulation(s)	Agency	Description	VSP Intersect
Title 90 Water Rights – Environment	<i>Various</i>	RCW Title 90 regulates various aspects of water rights and appropriation for public and industrial purposes.	<ul style="list-style-type: none"> • RCW Titles 90.42-46 include regulations pertaining to water resource management, regulation of public groundwater, and reclaimed water use • RCW Title 90.48 includes the Water Pollution Control Act which regulates agricultural discharges to surface waters and wetlands • RCW Title 90.64 includes dairy nutrient management regulations • RCW Title 90.90 includes the Columbia River Basin water supply rules for allocation and development of water supplies
<i>Washington Administrative Code (WAC)</i>			
Title 16	Washington State Department of Agriculture	WAC Title 16 includes Washington State Department of Agriculture rules pertaining to agriculture regulation, certification, and marketing.	<ul style="list-style-type: none"> • WAC Chapters 16-200 through 16-202 include standards for fertilizer and pesticide usage • WAC Chapter 16-611 includes standards for nutrient management
Title 173	Washington State Department of Ecology	WAC Title 173 includes Washington State Department of Ecology rules for air and water quality protection.	<ul style="list-style-type: none"> • WAC Chapters 173-15 through 173-27 include state Shoreline Management Act rules and permitting requirements. The County currently implements the Shoreline Master Program under these state rules • WAC Chapter 173-134A sets the Quincy groundwater management and zones • WAC Chapter 173-158 includes floodplain management rules • WAC Chapters 173-166, 173-170, and 173-173 include rules for drought relief programs, agricultural water supply facilities, and measuring and reporting water usage • WAC Chapter 173-220 includes National Pollution Discharge Elimination System rules for discharges to waters of the state • WAC Chapter 173-430 includes rules for agricultural burning

Regulation(s)	Agency	Description	VSP Intersect
Title 220 and 232	Washington State Department of Fish and Wildlife	WAC Titles 220-232 include Washington State Department of Fish and Wildlife rules for management of fish and wildlife species and habitat.	<ul style="list-style-type: none"> WAC Chapter 220-410 defines game management areas, including the Game Management Units in Franklin County WAC Chapter 220-620 describes the volunteer cooperative fish and wildlife enhancement program WAC Chapter 220-660 includes the Washington State Hydraulic Code which regulates in-water construction activities (hydraulic projects) through Hydraulic Project Approvals WAC Chapter 232-28 includes wildlife interaction rules, including those pertaining to damage of commercial crops and livestock
Title 246	Washington State Department of Health	WAC Title 246 includes Washington State Department of Health rules, including those for protection of water systems.	<ul style="list-style-type: none"> WAC Chapters 246-290 and 246-291 include rules for Group A and B public water supplies and water systems, respectively; these include regulations for using greywater for irrigation purposes
<i>Franklin County Regulations</i>			
Franklin County Code (FCC) 18.08.	Franklin County Planning and Building Department	Franklin County Critical Area/Resource Area Protection Standards	<ul style="list-style-type: none"> FCC 18.08.120 exempts existing and ongoing agricultural operations occurring within critical areas and their buffers from the Critical Area/Resource Area Protection Standards. If agricultural activities cease, then that land would be subject to the ordinance.
FCC 18.16	Franklin County Planning and Building Department	Franklin County Shorelines Master Program Update	<ul style="list-style-type: none"> The Shoreline Master Program covers new or additional uses within shorelines of the state (defined as 200 feet from mean higher high water) and does not limit or modify existing or ongoing agricultural practices. The VSP applies to critical areas both inside and outside of the shoreline jurisdiction.

*Includes agencies responsible for overseeing agriculture-specific regulations. Other agencies may be assigned jurisdiction for non-agriculture related regulations described therein.