

## TIMELINE FOR VSP WORK PLANS TO BE COMPLETE

Within sixty days of the Conservation Commission (“Commission”) making funds available to a county, the county must acknowledge the receipt of funds and designate a watershed group.<sup>1</sup> On October 23, 2015, the Commission made funds available to the counties who opted-into the VSP.

The watershed group (“workgroup”) shall develop and submit the work plan (“WP”) to the Commission’s director for approval.<sup>2</sup> Submitted WPs must be approved **within three years** after receipt of funding.<sup>3</sup> “Receipt of funding” means the date a county takes legislative action accepting any funds as required in [RCW 36.70A.715\(1\)](#) to implement the program.<sup>4</sup>

Upon receipt of a WP submitted to the Commission’s director under [RCW 36.70A.720\(2\)\(a\)](#), the director must submit the WP to the Technical Panel (“TP”) for review.<sup>5</sup> The TP shall review the WP and report to the director within **ninety days**<sup>6</sup> after the director receives the WP. The TP shall assess “whether at the end of ten years after receipt of funding, the work plan, in conjunction with other existing plans and regulations, will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.”<sup>7</sup>

**TP recommends WP approval:** If the TP determines the proposed WP will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed, then the TP must recommend approval of the WP and the director must approve the WP.<sup>8</sup>

**TP does not recommend approval of WP:** If the TP determines the proposed WP will not protect critical areas while maintaining and enhancing the viability of agriculture in the watershed, then the TP must identify the reasons for its determination; and the director must advise the watershed group of the reasons for disapproval.<sup>9</sup>

The watershed group may modify and resubmit its WP for review and approval consistent with [RCW 36.70A.725\(4\)](#). However, if the director does not approve a WP submitted under this section within **two years and nine months** after receipt of funding, the director shall submit the WP to the Statewide Advisory Committee (“SAC”) for resolution.

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<sup>1</sup> [RCW 36.70A.715\(1\)\(a\) and \(b\)](#).

<sup>2</sup> [RCW 36.70A.720\(2\)\(a\)](#).

<sup>3</sup> [RCW 36.70.725\(6\)](#).

<sup>4</sup> [RCW 36.70A.703\(9\)](#).

<sup>5</sup> [RCW 36.70A.725\(1\)](#).

<sup>6</sup> The Legislature amended RCW 36.70A.725 (2) on June 30, 2017 as part of the operating budget bill ([SSB 5883, §961](#)), and changed the time period in which the Technical Panel must conduct a review of a work plan formally submitted to the Conservation Commission from forty-five days to ninety days.

<sup>7</sup> [RCW 36.70A.725\(2\)](#).

<sup>8</sup> [RCW 36.70A.725\(3\)\(a\)](#).

<sup>9</sup> [RCW 36.70A.725\(3\)\(b\)](#).

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If the SAC recommends approval, the director must approve the WP.<sup>10</sup> If the director does not approve a WP for a watershed within **three years** after receipt of funding, the provisions of [RCW 36.70A.735\(2\)](#) apply to the watershed.<sup>11</sup>

If a participating watershed does not have a WP approved by the director as provided in [RCW 36.70A.725](#) or the WP's goals and benchmarks for protection have not been met as provided in [RCW 36.70A.720](#), then within **18 months** the county must develop its own WP, adopt regulations previously adopted by another local government to protect critical areas, adopt Department of Commerce critical area regulations, or review, and if necessary, revise development regulations certified by the department as protective of critical areas in areas used for agricultural activities.<sup>12</sup>

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<sup>10</sup> [RCW 36.70A.725\(5\)](#).

<sup>11</sup> [RCW 36.70A.725\(6\)](#).

<sup>12</sup> [RCW 36.70A.735](#).

<b>TIMELINE BY COUNTY</b>			
<b>County</b>	<b>Date BOCC signed K (date of receipt of funding)</b>	<b>Deadline for WP approval via the TP review process (2 yrs, 9 mo)</b>	<b>Deadline for WP approval via the SAC review process (3 yrs)</b>
Adams	5.23.16	2.23.19	5.23.19
Asotin	12.14.15	9.14.18	12.14.18
Benton	1.12.16	10.22.18	1.12.19
Chelan	1.20.14	*	*
Columbia	1.20.16	10.26.18	1.20.19
Cowlitz	12.22.15	9.22.18	12.22.18
Douglas	1.22.16	10.22.18	1.22.19
Ferry	3.14.16	12.15.18	3.14.19
Franklin	2.24.16	11.24.18	2.24.19
Garfield	11.30.15	8.30.18	11.30.18
Grant	12.14.15	9.14.18	12.14.18
Grays Harbor	3.21.16	12.21.18	3.21.19
Kittitas	11.17.15	8.17.18	11.17.18
Lewis	4.18.16	1.18.19	4.18.19
Lincoln	3.21.16	12.21.18	3.21.19
Mason	11.24.15	8.24.18	11.24.18
Okanogan	12.28.15	9.28.18	12.28.18
Pacific	12.22.15	9.22.18	12.22.18
Pend Oreille	2.2.16	11.2.18	2.2.19
San Juan	12.21.15	9.21.18	12.21.18
Skagit	1.19.16	10.19.18	1.19.19
Spokane	4.22.16	1.22.19	4.22.19
Stevens	3.10.16	12.10.18	3.10.19
Thurston	1.20.14	*	*
Walla Walla	3.7.16	12.7.18	3.7.19
Whitman	1.19.16	10.19.18	1.19.19
Yakima	1.21.16	10.21.18	1.21.19

<b>TIMELINE BY <i>FINISH DATE</i></b>			
<b>County</b>	<b>Date BOCC signed K (date of receipt of funding)</b>	<b>Deadline for WP approval via the TP review process (2 yrs, 9 mo)</b>	<b>Deadline for WP approval via the SAC review process (3 yrs)</b>
Chelan	1.20.14	*	*
Thurston	1.20.14	*	*
Kittitas	11.17.15	8.17.18	11.17.18
Mason	11.24.15	8.24.18	11.24.18
Garfield	11.30.15	8.30.18	11.30.18
Asotin	12.14.15	9.14.18	12.14.18
Grant	12.14.15	9.14.18	12.14.18
San Juan	12.21.15	9.21.18	12.21.18
Cowlitz	12.22.15	9.22.18	12.22.18
Pacific	12.22.15	9.22.18	12.22.18
Okanogan	12.28.15	9.28.18	12.28.18
Skagit	1.19.16	10.19.18	1.19.19
Whitman	1.19.16	10.19.18	1.19.19
Yakima	1.21.16	10.21.18	1.21.19
Benton	1.12.16	10.22.18	1.12.19
Douglas	1.22.16	10.22.18	1.22.19
Columbia	1.20.16	10.26.18	1.20.19
Pend Oreille	2.2.16	11.2.18	2.2.19
Franklin	2.24.16	11.24.18	2.24.19
Walla Walla	3.7.16	12.7.18	3.7.19
Stevens	3.10.16	12.10.18	3.10.19
Ferry	3.14.16	12.15.18	3.14.19
Grays Harbor	3.21.16	12.21.18	3.21.19
Lincoln	3.21.16	12.21.18	3.21.19
Lewis	4.18.16	1.18.19	4.18.19
Spokane	4.22.16	1.22.19	4.22.19
Adams	5.23.16	2.23.19	5.23.19

**DEADLINE TO SUBMIT TO TP (90 DAY REVIEW)^**

County	Date BOCC signed K (date of receipt of funding)	Date WP must be submitted to TP (TP approval deadline minus 90 days)	Deadline for WP approval via the TP review process (2 yrs, 9 mo)	Deadline for WP approval via the SAC review process (3 yrs)
Thurston	1.20.14	*3.13.17	*4.26.17	7.25.17
Chelan	1.20.14	*4.5.17	*5.20.17	8.20.17
Kittitas	11.17.15	5.17.18	8.17.18	11.17.18
Mason	11.24.15	5.24.18	8.24.18	11.24.18
Garfield	11.30.15	5.30.18	8.30.18	11.30.18
Asotin	12.14.15	6.14.18	9.14.18	12.14.18
Grant	12.14.15	6.14.18	9.14.18	12.14.18
San Juan	12.21.15	6.21.18	9.21.18	12.21.18
Cowlitz	12.22.15	6.22.18	9.22.18	12.22.18
Pacific	12.22.15	8.7.18	9.22.18	12.22.18
Okanogan	12.28.15	6.28.18	9.28.18	12.28.18
Skagit	1.19.16	9.4.18	10.19.18	1.19.19
Whitman	1.19.16	9.4.18	10.19.18	1.19.19
Yakima	1.21.16	7.21.18	10.21.18	1.21.19
Benton	1.12.16	7.22.18	10.22.18	1.12.19
Douglas	1.22.16	7.22.18	10.22.18	1.22.19
Columbia	1.20.16	7.26.18	10.26.18	1.20.19
Pend Oreille	2.2.16	8.2.18	11.2.18	2.2.19
Franklin	2.24.16	8.24.18	11.24.18	2.24.19
Walla Walla	3.7.16	9.7.18	12.7.18	3.7.19
Stevens	3.10.16	9.10.18	12.10.18	3.10.19
Ferry	3.14.16	9.15.18	12.15.18	3.14.19
Grays Harbor	3.21.16	9.21.18	12.21.18	3.21.19
Lincoln	3.21.16	9.21.18	12.21.18	3.21.19
Lewis	4.18.16	10.18.18	1.18.19	4.18.19
Spokane	4.22.16	10.22.18	1.22.19	4.22.19
Adams	5.23.16	11.23.19	2.23.16	5.23.19

† All timelines subject to continued Legislative funding.

^ The dates for the counties shaded in grey operate under the forty-five day timeframe under RCW 36.70A.725 (2) before the Legislature amended RCW 36.7A.725 (2) on June 30, 2017 in the operating budget bill, [SSB 5883](#), [S961](#) to change the forty-five day period to ninety days.

\* Special note on Chelan and Thurston County: Both Chelan and Thurston County were pilot projects that received funding much earlier than all the rest of the counties that opted-into VSP. As such, their timelines are substantially different. In addition, seven months must be excluded from their timelines since no funds were available for a seven month period.

They received funding on January 20, 2014. Three years from that date, January 20, 2017, was their original deadline for work plan approval. Their work plans would have needed to be finished with the Technical Panel review process by October 20, 2016 (two years and nine months from receipt of funding). So, on September 5, 2016, they would have needed to have submitted their work plans to the Technical Panel for review (their due date of October 20, 2016, minus 45 days).

Adding approximately six months to the Thurston and Chelan timelines results in the following: Their work plans now need to be finished with the Technical Panel review process by April 26, 2017. So they will need to submit their work plans to the Technical Panel for review by March 13, 2017 (their due date of April 26, 2017, minus 45 days). July 25, 2017 is now their final deadline for work plan approval. The timeline for them was confounded when there was a period of time where funding was not made available. Accommodating for that period of time and calculate their timeline for the above statutory references as follows:

January 14, 2014 - Date funding was first received by both counties for VSP. Timeline clock begins as per RCW 36.70A.725 (5) and (6).

June 30, 2015 - Date funding was no longer available due to the end of the state biennium. Time transpired for their VSP efforts to this date: 1 year, 5 months, 17 days.

July 1, 2015 to January 13, 2016 - Period of time funding was not made available to them for VSP work. This period of 6 months will not count against their VSP timeline.

January 14, 2016 - Funding is made available to them for VSP work. Timeline re-starts.

January 14, 2016 to April 26, 2017 - Period of time remaining on their VSP timeline (1 year, 3 months 13 days). This will be the deadline for the 2 years, 9 month statutory timeline. If no work plan is approved by the WSCC director by that date we then work with the county work group and the Statewide Advisory Group for completion of a plan.

If no plan is approved by July 25, 2017 the three year timeline will have expired and they will have failed out of VSP.

As noted, the 2 year 9 month timeline expires on April 26, 2017. The work plan must be reviewed by the Technical Panel prior to action by the WSCC director. The VSP statute gives the Technical Panel 45 days to review the work plan. Subtracting this 45 day requirement from the April 26, 2017 deadline results in the date of March 13, 2017 as the last day when the work plan could be submitted to the Commission to get to approval by the April 26, 2017 deadline.

Further, Chelan County's deadline for submittal of the work plan to the Technical Panel was extended by contract to April 5, 2017.

Background RCW Excerpts Pertinent to Work Plan Timelines:

**RCW 36.70A.703**

**(9) "Receipt of funding" means the date a county takes legislative action accepting any funds as required in [RCW 36.70A.715\(1\)](#) to implement the program.**

**RCW 36.70A.715**

**Funding by commission—County's duties—Watershed group established.**

**(1) When the commission makes funds available to a county that has made the election provided in [RCW 36.70A.710\(1\)](#), the county must within sixty days:**

**(a) Acknowledge the receipt of funds; and**

**(b) Designate a watershed group and an entity to administer funds for each watershed for which funding has been provided.**

**RCW 36.70A.720**

**Watershed group's duties—WP—Conditional priority funding.**

**(2)(a) The watershed group shall develop and submit the WP to the director for approval as provided in [RCW 36.70A.725](#).**

(b)(i) Not later than five years after the receipt of funding for a participating watershed, the watershed group must report to the director and the county on whether it has met the WP's protection and enhancement goals and benchmarks.

(ii) If the watershed group determines the protection goals and benchmarks have been met, and the director concurs under [RCW 36.70A.730](#), the watershed group shall continue to implement the WP.

(iii) If the watershed group determines the protection goals and benchmarks have not been met, it must propose and submit to the director an adaptive management plan to achieve the goals and benchmarks that were not met. If the director does not approve the adaptive management plan under [RCW 36.70A.730](#), the watershed is subject to [RCW 36.70A.735](#).

(iv) If the watershed group determines the enhancement goals and benchmarks have not been met, the watershed group must determine what additional voluntary actions are needed to meet the benchmarks, identify the funding necessary to implement these actions, and implement these actions when funding is provided.

(c)(i) Not later than ten years after receipt of funding for a participating watershed, and every five years thereafter, the watershed group must report to the director and the county on whether it has met the protection and enhancement goals and benchmarks of the WP.

(ii) If the watershed group determines the protection goals and benchmarks have been met, and the director concurs under [RCW 36.70A.730](#), the watershed group shall continue to implement the WP.

(iii) If the watershed group determines the protection goals and benchmarks have not been met, the watershed is subject to [RCW 36.70A.735](#).

(iv) If the watershed group determines the enhancement goals and benchmarks have not been met, the watershed group must determine what additional voluntary actions are needed to meet the benchmarks, identify the funding necessary to implement these actions, and implement these actions when funding is provided.

**RCW 36.70A.725**

**Technical review of WP—Time frame for action by director.**

**(1) Upon receipt of a WP submitted to the director under [RCW 36.70A.720\(2\)\(a\)](#), the director must submit the WP to the technical panel for review.**

**(2) The technical panel shall review the WP and report to the director within ~~forty-five~~ ninety days after the director receives the WP.** The technical panel shall assess whether at the end of ten years after receipt of

funding, the WP, in conjunction with other existing plans and regulations, will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.

**(3)(a) If the technical panel determines the proposed WP will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed:**

**(i) It must recommend approval of the WP; and**

**(ii) The director must approve the WP.**

**(b) If the technical panel determines the proposed WP will not protect critical areas while maintaining and enhancing the viability of agriculture in the watershed:**

**(i) It must identify the reasons for its determination; and**

**(ii) The director must advise the watershed group of the reasons for disapproval.**

**(4) The watershed group may modify and resubmit its WP for review and approval consistent with this section.**

**(5) If the director does not approve a WP submitted under this section within two years and nine months after receipt of funding, the director shall submit the WP to the statewide advisory committee for resolution. If the statewide advisory committee recommends approval, the director must approve the WP.**

**(6) If the director does not approve a WP for a watershed within three years after receipt of funding, the provisions of RCW [36.70A.735\(2\)](#) apply to the watershed.**

#### **RCW 36.70A.730**

**Report by watershed group—Director consults with statewide advisory committee.**

**(1) Upon receipt of a report by a watershed group under RCW [36.70A.720\(2\)\(b\)](#) that the WP goals and benchmarks have been met, the director must consult with the statewide advisory committee. If the director concurs with the watershed group report, the watershed group shall continue to implement the WP. If the director does not concur with the watershed group report, the director shall consult with the statewide advisory committee following the procedures in subsection (2) of this section.**

**(2) If either the director, following receipt of a report under subsection (1) of this section, or the watershed group, in the report submitted to the director under RCW [36.70A.720\(2\)\(b\)](#), concludes that the WP goals and benchmarks for protection have not been met, the director must consult with the statewide advisory committee for a recommendation on how to proceed. If the director, acting upon recommendation from the statewide advisory committee, determines that the watershed is likely to meet the goals and benchmarks with an additional six months of planning and implementation time, the director must grant an extension. If the director, acting upon a recommendation from the statewide advisory committee, determines that the watershed is unlikely to meet the goals and benchmarks within six months, the watershed is subject to RCW [36.70A.735](#).**

**(3) A watershed that fails to meet its goals and benchmarks for protection within the six-month time extension under subsection (2) of this section is subject to RCW [36.70A.735](#).**

#### **RCW 36.70A.735**

**When WP is not approved, fails, or is unfunded—County's duties—Rules.**

**(1) Within eighteen months after one of the events in subsection (2) of this section, a county must:**

**(a) Develop, adopt, and implement a watershed WP** approved by the department that protects critical areas in areas used for agricultural activities while maintaining the viability of agriculture in the watershed. The department shall consult with the departments of agriculture, ecology, and fish and wildlife and the commission, and other relevant state agencies before approving or disapproving the proposed WP. The appeal of the department's decision under this subsection is subject to appeal under RCW [36.70A.280](#);

**(b) Adopt development regulations previously adopted under this chapter by another local government** for the purpose of protecting critical areas in areas used for agricultural activities. Regulations adopted under this subsection (1)(b) 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;**

**(c) Adopt development regulations certified by the department** as protective of critical areas in areas used for agricultural activities as required by this chapter. The county may submit existing or amended regulations

for certification. The department must make its decision on whether to certify the development regulations within ninety days after the county submits its request. If the department denies the certification, the county shall take an action under (a), (b), or (d) of this subsection. The department must consult with the departments of agriculture, ecology, and fish and wildlife and the commission before making a certification under this section. The appeal of the department's decision under this subsection (1)(c) is subject to appeal under RCW [36.70A.280](#); or

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

(2) A participating watershed is subject to this section if:

(a) The WP is not approved by the director as provided in RCW [36.70A.725](#);

(b) The WP's goals and benchmarks for protection have not been met as provided in RCW [36.70A.720](#);

(c) The commission has determined under RCW [36.70A.740](#) 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

(d) The commission has determined under RCW [36.70A.740](#) that the watershed has not received adequate funding to implement the program.

(3) The department shall adopt rules to implement subsection (1)(a) and (c) of this section.

#### **RCW 36.70A.740**

##### **Commission's duties—Timelines.**

(1) By July 31, 2015, the commission must:

(a) In consultation with each county that has elected under RCW [36.70A.710](#) to participate in the program, determine which participating watersheds received adequate funding to establish and implement the program in a participating watershed by July 1, 2015; and

(b) In consultation with other state agencies, for each participating watershed determine whether state agencies required to take action under the provisions of RCW [36.70A.700](#) through [36.70A.760](#) have received adequate funding to support the program by July 1, 2015.

(2) By July 31, 2017, and every two years thereafter, in consultation with each county that has elected under RCW [36.70A.710](#) to participate in the program and other state agencies, the commission shall determine for each participating watershed whether adequate funding to implement the program was provided during the preceding biennium as provided in subsection (1) of this section.

(3) If the commission determines under subsection (1) or (2) of this section that a participating watershed has not received adequate funding, the watershed is subject to the provisions of RCW [36.70A.735](#).

(4) In consultation with the statewide advisory committee and other state agencies, not later than August 31, 2015, and each August 31st every two years thereafter, the commission shall report to the legislature and each county that has elected under RCW [36.70A.710](#) to participate in the program on the participating watersheds that have received adequate funding to establish and implement the program.