

Thurston County Voluntary Stewardship Program Work Plan

Appendix I – Voluntary Incentive Programs and Regulatory Backstop

Table of Contents

1	Voluntary Incentive Programs	2
1.1	Thurston Conservation District (TCD)	2
1.2	Washington State Conservation Commission.....	3
1.3	USDA Natural Resources Conservation Services.....	3
1.4	U.S. Fish and Wildlife Service	4
1.5	Thurston County	5
1.6	Center for Natural Lands Management	5
1.7	Global G.A.P.	5
1.8	Safe Quality Food Institute	5
1.9	Primus Labs	5
1.10	USDA	6
1.11	Land Trusts in Thurston County	6
2	Regulatory Backstop	6
2.1	Relevant Federal Regulations	7
2.2	Relevant State Regulations	7
2.3	Relevant County Regulations	10
2.3.1	Inclusion in the VSP Work Plan	10

1 Voluntary Incentive Programs

Conservation of environmentally critical areas can be combined with the improvement of agricultural operations through the implementation of existing voluntary incentive programs. Implementing conservation practices and stewardship activities offers numerous benefits to agricultural operators. For example, it directly gives farmers the means to conserve, improve, and increase efficient use of their natural resources and agricultural production. Conservation practices may help support higher yields and higher outputs, which can maintain and improve the viability of agriculture over the long-term. Many agricultural producers participate in numerous voluntary programs that can contribute to the protection or enhancement of critical areas. It is important to note that these programs are dynamic and influenced by changing federal regulations, industry norms, and market conditions. Some existing voluntary incentive programs that are currently available to private landowners are outlined below and include, but are not limited to:

1.1 Thurston Conservation District (TCD)

- **Conservation Reserve Enhancement Program (CREP):** CREP is a voluntary program designed to benefit both farms and fish. The program compensates farmers for planting and growing native trees and shrubs as riparian vegetation on streamside areas of their property. TCD works with the landowner to develop a flexible design that aligns with the goals of the landowner for their property and provides a yearly rental payment for the length of the contract. The rental rate is determined at time of enrollment and the landowner also receives a one-time signing bonus. CREP pays the full installation costs of the plantings, fence for livestock operations, and a watering facility if necessary. The first five years of maintenance are also paid for by CREP.
- **Technical Assistance:** Qualified resource specialists provide free technical assistance to landowners and residents of Thurston County with all types of questions on land management, crop and livestock advice, forestry, soils, shorelines, wetlands, prairie, wildlife habitat, streams and lakes, erosion, native plants, riparian restoration, soil testing and much more.
- **Manure Brokering Program:** A free service that connects manure and compost sources with recipients. TCD offers this list as a service to the community and residents and neighboring counties.
- **Conservation Planning:** Landowners can learn useful information and obtain assistance implementing Best Management Practices (BMPs) including; gutter and downspout installation, cross fencing, pasture renovation, stream fencing, streamside and wetland planting for wildlife habitat and erosion control, creating sacrifice areas and manure management. A conservation plan inventories soil, water, plants, and animals on the property, explores production problems on the farm, and provides a list of suggested alternatives to solve production and natural resource issues.
- **South Sound FarmLink:** Connects farmers and landowners to: resources, technical and financial assistance and links farmland seekers with landowners that are looking to sell or rent their farmland. Through the farmland leasing database, farmers looking for land have access to landowners with land for lease or purchase. South Sound FarmLink also provides educational

workshops and other programs to help farmers establish their operation and landowners plan for the future of their property.

1.2 Washington State Conservation Commission

- **Irrigation Efficiencies Grant Program:** Restores instream flows in rivers and streams determined to not have enough water for fish populations and other competing needs. The Washington State Conservation Commission (SCC) works with conservation districts to provide financial incentives – up to 85 percent of total project costs – to landowners willing to install irrigation systems that save water. The water saved helps increase the stream flow in tributaries where ESA (Endangered Species Act)-listed species will benefit. And, in most cases, the more efficient irrigation systems lead to increased crop production due to reduced water stress.
- **Office of Farmland Preservation:** Supports and sponsors agricultural conservation easements, provides technical assistance to localities as they develop and implement programs, mechanisms, and tools to encourage the retention of agricultural lands, and supports and develops farm transition programs.
- **Shellfish Grants:** Funds conservation district projects, such as manure storage, livestock exclusion, riparian restoration, and other practices that improve water quality in shellfish harvest areas.
- **Water Quality (non-shellfish) Grant Program:** This legislative appropriation is provided to conservation districts solely for grants to complete natural resource enhancement projects necessary to improve water quality in non-shellfish growing areas.

1.3 USDA Natural Resources Conservation Services

- **Financial Assistance Programs:** Provide technical and financial assistance to implement conservation practices for sustainable natural resource management. These voluntary programs address natural resource concerns, help save energy, promote agricultural stewardship, and improve environmental quality¹. Programs include:
 - The [Environmental Quality Incentives Program](#) (EQIP) helps agricultural producers address a specific natural resource need utilizing tools such as a Conservation Activity Plan (CAP) to identify conservation practices and deliver environmental benefits, including improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation, and improved wildlife habitat.
 - The [Conservation Stewardship Program](#) (CSP) helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. Participants earn CSP payments for conservation performance—the higher the performance, the higher the payment.

¹ More info on USDA Financial Assistance programs is available at: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/>

- **Agricultural Conservation Easement Programs:** (ACEP) provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits. Under the Agricultural Land Easements component, NRCS helps Indian tribes, state and local governments and non-governmental organizations protect working agricultural lands and limit non-agricultural uses of the land.

1.4 U.S. Fish and Wildlife Service

- **Safe Harbor Agreements:** Property owners voluntarily agree to actions that contribute to the recovery of species protected by the Endangered Species Act (ESA). In exchange, USFWS gives assurances that additional or different management activities will not be required without the landowner's consent. The property owner receives an Enhancement of Survival Permit when the SHA is finalized.²
- **Candidate Conservation Agreements:** Working with USFWS, participants voluntarily identify threats to species that are candidates for Endangered Species Act (ESA) protection and design and implement conservation measures so that listing may not be necessary.
- **Partners for Fish and Wildlife Program:** Locally-based field biologists work one-on-one with partners to plan, implement, and monitor projects that focus on restoring habitat for migratory birds, anadromous fish and declining plant and animal species. The program provides financial and technical assistance to private landowners, Tribes, and other conservation partners. Partners Program field staff help landowners find other sources of funding and help them through any necessary environmental permitting. Cooperators sign an agreement to retain restoration projects for at least 10 years but otherwise retain full control of their land.³
- **Conservation Banks:** Property owners can obtain credits for permanently protecting their land and managing it for threatened, endangered, candidates for listing, or otherwise at-risk species. They can sell these credits to developers who need to mitigate for adverse impacts to these rare and protected species. If landowners need to develop portions of their lands, they may be able to mitigate the impacts to endangered species by purchasing credits from a Conservation Bank. These banks consolidate conservation efforts on large conservation preserves and manage the resources in perpetuity.⁴

² More info on Safe Harbor Agreements and links to resources for other USFWS voluntary incentive programs are available at: <http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html>

³ More info on the Partners for Fish and Wildlife Program available at: <http://www.fws.gov/partners/aboutus.html>

⁴ More info on Conservation Banks available at: <http://www.fws.gov/endangered/landowners/conservation-banking.html>

1.5 Thurston County

- **Open Space Tax Program:** Property owners with agricultural, open space or timberlands may apply to classify the land as open space. This generally means a reduced assessed value and lower property taxes for the duration of the classification.⁵
- **Transfer and Purchase of Development Rights:** Compensates land owners for agreeing to conserve their land. The property owner would continue to own, live on, and farm the property.

1.6 Center for Natural Lands Management

- **Riparian Restoration:** Work with landowners in the Chehalis Basin to restore riparian corridors. Provide information on riparian restoration at workshops and other community events and offer certain invasive species control to landowners at no cost.⁶

1.7 Global G.A.P.

- **Good Agricultural Practices (G.A.P.)** certification program for agricultural producers around the world. The voluntary program encourages use of safe and sustainable agricultural practices. Specific certification requirements include waste management protocols and the development of wildlife and habitat conservation plans, though the measures are broadly stated.⁷

1.8 Safe Quality Food Institute

- **Safe Quality Food program (SQF):** Provides certification in food safety and quality that is recognized by the Global Food Safety Initiative. The [code](#) includes requirements for several relevant good agricultural and livestock practices including water management, the storage of hazardous chemicals, soil management and use of fertilizers, and waste disposal.⁸

1.9 Primus Labs

- **Good Agricultural Practices (GAP):** Provides tools and audit programs (checklists) to support good agricultural practices relating to site selection, adjacent land use, fertilizer usage, water sourcing and usage, pest control and pesticide monitoring, and harvesting practices.⁹

⁵ More info on Thurston County programs for the Voluntary Preservation of Working Lands available at: <http://www.co.thurston.wa.us/planning/workingland/workingland-home.htm>

⁶ More info on CNLM programs in South Puget Sound available at: <http://cnlm.org/south-puget-sound/>

⁷ More info on the Global G.A.P. program available at: http://www.globalgap.org/uk_en/

⁸ More info on the Safe Quality Food certification program available at: <http://www.sqfi.com/about-sqf/>

⁹ More info on Primus Labs G.A.P. available at: <http://www.primuslabs.com/services/StandardGAP.aspx>

1.10 USDA

- **Produce GAPs Harmonized Food Safety Standard:** Consist of audit checklists to ensure food safety standards and provide certification. Relevant topics include field operation and post-harvest operation activities that relate to water quality and chemical use.¹⁰

1.11 Land Trusts in Thurston County¹¹

- **South of the Sound Community Farm Land Trust:** uses a variety of means to permanently protect farmland, assure its affordability, stewardship, and agricultural production, and support a viable agricultural economy as well as build community support for local working farms. SSCFLT employs the Community Land Trust Model and community supported farmland preservation strategies, education, outreach, and partnerships to improve the long-term viability of farmland and sustainable farming practices.
- **Capitol Land Trust:** use conservation easements, land acquisition, and other tools to conserve important wetland and wildlife habitat areas as well as working lands.
- **Nisqually Land Trust:** work collaboratively to acquire and manage critical lands for the benefit of water, wildlife, and people of the Nisqually River Watershed.
- **PCC Farmland Trust:** use conservations easements, land procurement, perpetual stewardship, habitat restoration, and public access to conserve sustainable farmland.
- **Center for Natural Lands Management:** a private, nonprofit organization dedicated the protection of sensitive biological resources through professional, science-based stewardship of conservation lands in perpetuity. CNLM establishes stewardship endowments and provides full depth-of-service for natural resources stewardship, monitoring, restoration, and conservation easement compliance activities.

2 Regulatory Backstop

According to Washington State’s Legislature ([RCW 36.70A.720](#)) the Voluntary Stewardship Workgroup must incorporate into the work plan any existing development regulations relied upon to achieve the goals and benchmarks for protection relevant to agriculture and critical areas. It is important to note that VSP does not “limit the authority of a state agency, local government, or landowner to carry out its obligations under any other federal, state, or local law” (RCW 36.70A.702). One statutory VSP objective is the incentive-based promotion of enhancements to “improve compliance with other laws designed to protect water quality and fish habitat” (RCW 36.70A.700). Voluntary enhancements can also support agricultural viability by reducing regulatory risks and increasing regulatory certainty for agricultural operators.

¹⁰ More info on the USDA G.A.P. available at: <http://www.ams.usda.gov/AMSV1.0/HarmonizedGAP>

¹¹ This is not an exclusive list of Land Trust organizations. The list will be updated as other local Land Trusts form to support working farms and a viable agricultural economy.

2.1 Relevant Federal Regulations

Existing regulatory structures and agriculture-specific programs to which agricultural producers are already in compliance are outlined below. For regulators, these may be seen as regulatory backstop and security that critical area functions and values are protected.

Federal laws including the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Food Quality Protection Act regulate use of pesticides. The Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and National Pollution Discharge Elimination System (NPDES) regulate water quality, though most regulatory actions are the responsibility of Washington State.

- **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).** Label use restrictions and registration requirements from EPA put limitations on pesticide usage, storage, and disposal.
- **Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and National Pollution Discharge Elimination System (NPDES)** regulate water quality, although most regulatory actions are the responsibility of Washington State and are implemented by the state Department of Ecology. For example, NPDES permits are required for concentrated animal feeding operations and Dredge and Fill permits for activities on wetlands. A federal general NPDES permit restricts pesticide application near waterbodies. Farms must meet regulatory requirements for pollutant limits, reporting, and other requirements.
- **Endangered Species Act (ESA).** ESA prohibits the “take” of species listed as threatened or endangered and protects their habitats. Specific limitations imposed though ESA consultation requirements include pesticide no-spray buffers of twenty to one hundred yards (depending on application) from salmon bearing waterways.
- **Farm Bill Conservation Compliance.** To be eligible for many USDA programs producers must comply with the 2014 Farm Bill’s conservation compliance requirements, which prohibit conversion of wetlands and restrict planting and other agricultural activities on highly erodible lands. Compliance-dependent benefits include many programs that can help maintain and enhance the viability of agricultural operations, such as federal government loans, disaster assistance, conservation assistance, and premium discounts for recently broadened federal crop insurance coverage. The NRCS link below provides more detail on 5 steps to meeting conservation compliance: <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/wa/home/?cid=nrcseprd340750>
 - The 2014 Agricultural Act (formerly 1985 Food Security Act) includes a “Swampbuster” conservation compliance provision to prohibit agricultural land owners participating in Farm Bill programs from converting wetlands to cropland. A “Sodbuster” provision also requires participating producers to maintain specified levels of conservation.

2.2 Relevant State Regulations

State of Washington programs implement CWA requirements for waterways regarding nonpoint source pollution. The Department of Ecology has developed water quality improvement projects (TMDLs) for waterbodies in all five watersheds in Thurston County (Nisqually, Deschutes, Kennedy-Goldsborough, and the Upper Chehalis). Numerous state regulations address agriculture specifically.

Revised Code of Washington

- **RCW Title 15 – Agriculture and Marketing.** Regulates agricultural practices generally, with specific reference to pest and disease control, fertilizers, and crop-specific commissions.
- **RCW Title 16 – Animals and Livestock.** Regulates livestock practices generally, including stock on state or federal lands, fence practices, etc.
- **RCW Title 17 – Weeds, Rodents, and Pests.** Establishes and regulates pest control, agricultural pest districts, etc.
- **RCW Title 77 – Fish and Wildlife.** Establishes Department of Fish and Wildlife and enforcement code, hydraulic project approval permits, salmon recovery, invasive species, etc.
- **RCW Title 87 – Irrigation.** Establishes and regulates irrigation and rehabilitation districts.
- **RCW Title 89 – Reclamation, Soil Conservation, and Land Settlement.** Establishes conservation districts, watershed restoration, agricultural conservation, farm plans, etc.
- **RCW Title 90 – Water Rights-Environment.** Regulates water rights, water use and flow levels, water pollution, nutrient management, wetlands mitigation, shoreline management, aquatic rehabilitation.

Washington Administrative Code

- **WAC Title 16 – Department of Agriculture.** Regulates many aspects of agriculture including marketing, standards, fertilizer and pesticide use, nutrient management, etc. WACs 16-200 through 16-232 set general and location-specific standards for fertilizer and pesticide usage.
- **WAC Title 173 – Department of Ecology.** Responsible for regulation of numerous relevant environmental features including floodplains, shorelines, ground and surface waters, biosolids, and air quality. State water quality law prohibits any discharge of pollutants to state waters without a permit. This includes protection against discharge of pollution related to nonpoint agricultural activities. The state Department of Ecology also develops and implements Total Maximum Daily Load (TMDL) plans and other water quality studies and water quality improvement projects for impaired water bodies and watershed resource inventory areas (WRIAs).
 - Chapters 173-18 through 173-27 define and designate the Shoreline Management Act (SMA). The County currently implements a Shoreline Master Program (SMP) and will be updating it in the next couple of years. The County’s critical areas regulations will become part of the SMP; likely the VSP Work Plan would be referenced as well, and also considered in the voluntary restoration plan that is part of the SMP process.
 - Chapter 173-152 and 173-153 regulate water rights; chapters 173-166, 173-170 and 173-173 describe drought relief, agricultural water supply, and water use reporting requirements.
 - Chapter 173-158 regulates floodplain management and includes restrictions regarding farm infrastructure within floodplains and recommendations for wetland management.
 - Chapter 173-201A regulates water quality and application of best management practices (BMPs) to comply with water quality regulations under the federal Clean Water Act.
 - Chapter 173-430 regulates agricultural burning.
 - Water resource and instream management regulations for state waterways are described in chapters 173-500 through 173-591.

- **WAC Titles 220 and 232 – Department of Fish and Wildlife (WDFW).** Responsible for regulating marine and freshwater fisheries (220) and other wildlife (232) throughout the state.
 - Chapter 220-110 WAC – Now Replaced with Chapter 220-660 as of December 2014. WDFW regulates construction projects or activities (e.g. bank protection, culvert replacement, outfalls, water diversions) in or near state waters through an environmental permit called the Hydraulic Project Approval (HPA).
 - Chapter 220-140 defines Voluntary Cooperative Fish and Wildlife Enhancement Programs.
 - Chapter 232-36 describes wildlife interaction rules, including those governing commercial crop and livestock damage.
- **WAC Title 246 – Department of Health.** Includes water quality requirements for Group A and B public wells and regulation over greywater use for irrigation purposes.

Washington State Department of Agriculture (WSDA) Pesticide Compliance Program

The WSDA Pesticide Compliance Program regulates application of pesticides throughout the state. Several currently used pesticides have label statements that restrict their use near water. [These restrictions](#) are legal requirements that must be followed.

The Shoreline Management Act

Shoreline Management Act (SMA) jurisdiction extends 200 feet from the ordinary high water mark (OHWM) of all marine waters, rivers and streams with over 20 cubic feet per second mean annual flow, and lakes and reservoirs greater than 20 acres in size and an area of 200 feet landward of these waters plus associated wetlands, floodways, and up to 200 feet of floodway-contiguous floodplains.

The SMA requires local agencies, including Thurston County, to prepare Shoreline Master Programs (SMPs). When SMPs are comprehensively updated they include regulations to address critical areas [WAC 173-26-221(2)]:

- Any SMP approved since 2003 will not regulate existing and ongoing agricultural activities (RCW 90.58.065).
- The SMA does not allow updated SMPs to require modification of or limit agricultural activities on agricultural lands (RCW 90.58.065(1)).
- The SMP only applies to agriculture when new land is brought into production (relatively rare) or when a new development is added (WAC 173-26-241(3)(a)).
- SMPs do not apply to replacement, maintenance, or repair of existing agricultural facilities [RCW 90.58.065(2)a)].
- The Thurston SMP does not limit or modify existing and ongoing aquaculture, but there are specific regulations and permit requirements that will continue to apply (WAC 173-26-241(3)(b)).
- The Thurston VSP includes aquaculture as an agricultural activity, but aquaculture is not expressly listed under the SMA definition of agricultural activities.
- Activities such as building new structures or stabilizing a shoreline that are not defined as “agricultural activities” for purposes of VSP may need a new shoreline permit or exemption from

the county, but are not defined as “agricultural activities” for purposes of VSP (WAC 173-26-241(3)(a)(v)).

Shoreline Master Programs and VSP. The VSP work plan applies wherever agricultural activities and critical areas intersect, whether inside or outside of shoreline jurisdiction. Agricultural producers with agricultural activities inside the shoreline jurisdiction thus fall within the scope of VSP and are encouraged to participate. A local VSP work plan, however, does not replace the shoreline regulations of a Shoreline Master Programs (SMP), and the SMP does not need to incorporate the VSP work plan.

SMP regulations are unaffected by the approval of a VSP work plan and apply the same as before VSP. SMA “no net loss of ecological function” provisions will continue to apply when new land is brought into agricultural production or when the footprint or area being used for agriculture or aquaculture activities is expanded (WAC 173-26-241(3)(a)).

2.3 Relevant County Regulations

Thurston County Board of Health provisions (*Article VI, Section 4.2*) establish water quality enforcement protections, including civil infraction authorities, which apply directly to agricultural activities. A presumption of compliance applies to: *“farm operators with current District approved conservation plans which are being implemented and maintained as scheduled.”* VSP outreach and individual stewardship plan efforts are aligned with the standards already used by TCD in developing conservation plans. VSP efforts will therefore systematically support the legislature’s intent that the VSP “Improve compliance with other laws designed to protect water quality and fish habitat” (RCW 36.70A.700).

Due to the 2011 enactment of the VSP process, when the Thurston County Critical Areas Ordinance (CAO) was updated in 2012 it did not apply to agricultural activities, regulations related to agricultural activities from the previous CAO were combined into the Agricultural Activities Critical Areas Ordinance (Ch. 17.15), which now provides some useful guidance.

2.3.1 Inclusion in the VSP Work Plan

To promote more likely achievement of the work plan’s goals and benchmarks for critical area protection and enhancement, the Workgroup and Thurston County have initiated an adaptive management process to fully consider, for incorporation into the VSP work plan (per RCW 36.70A.720), portions of Chapter 17.15 TCC which will otherwise be replaced upon approval of the VSP work plan. This approach is consistent with the VSP directive to conduct biennial evaluations and “institute adaptive management.” Following plan adoption, and during implementation of the VSP, Thurston County can also “adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities...” (RCW 36.70A.130(8)). The following descriptions of existing TCC 17.15 provisions will help bring focus to that adaptive management process.

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan, agricultural uses and activities within critical areas and their buffers are outlined in Table 5 at the end of Ch. 17.15 and include, but are not limited to:

- Permitted uses: existing and ongoing agricultural activities are permitted without county review in all critical areas and their associated buffers. Repair and maintenance of existing agricultural access roads are also permitted without county review in all critical areas and their buffers. Other permitted uses include: agricultural ditch maintenance, open space tracts, research (education, scientific, and site investigation), signs, existing and ongoing utilities, and wildlife blind or nesting structures.
- Agricultural uses that are subject to critical areas review include: agricultural access roads, agricultural buildings, agricultural ponds, drainage ditch maintenance for private and active districts, floats (floating dock, mooring buoy, navigational aid, and swimming float), expansion of a nonconforming use, shoreline access, shoreline protective structures, slope stabilization, stormwater facilities, and single family residences related to an agricultural activity.

If, before the first 5-year report is due, the Workgroup determines that it cannot assure that critical area conditions (especially for Geologic Hazard Areas and Critical Aquifer Recharge Areas) will be maintained at or above the 2011 baseline as affected by agricultural activities in participating watersheds, then the Workgroup, through its adaptive management (AM) process, will either:

- a) Develop a non-regulatory (preferred) approach to ensure protection, including but not limited to implementing AM actions identified in Appendix C and the monitoring matrix;
- b) Incorporate into the Work Plan portions of the Thurston County Agricultural CAO Chapter 17.15 TCC (per RCW 36.70A.720), especially relating to Geologic Hazard Areas and Critical Aquifer Recharge Areas; or
- c) Request that Thurston County “adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities” (RCW 36.70A.130(8)).

Frequently Flooded Areas

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan states that it is the policy of Thurston County to accomplish the following:

- A. To preserve natural flood control, stormwater storage and drainage or stream flow patterns;
- B. To control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;
- C. To prevent turbidity and pollution of wetlands, streams and fish or shellfish bearing waters and to maintain the associated wildlife habitat; and
- D. To minimize the loss of wetlands and to increase the quality and function of wetlands within Thurston County.

Under the Thurston VSP work plan, for construction in the flood hazard area agricultural structures shall meet the provisions of chapter 14.38 (development in flood hazard areas); or under a variance process pursuant to Section 14.060(A)(8) certain agricultural structures may be wet proofed. If a variance is utilized, [Section 14.38.050\(A\)\(2\)\(d\)](#) applies. See the Federal Emergency Management Agency (FEMA) [Technical Bulletin 7](#) for additional wet flood proofing requirements for structure located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program.

Critical Aquifer Recharge Areas

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan, Chapter [17.15.520](#) of the Thurston County Code (TCC) provides performance standards for allowed uses and activities for aquifer recharge areas. The uses and activities listed in Table 2 of Ch. 17.15 related to an agricultural activity are allowed in aquifer recharge areas.

Existing TCC 17.15 states that it is the policy of Thurston County to accomplish the following:

- A. To maintain groundwater recharge;
- B. To prevent the degradation of groundwater resources;
- C. To recognize the delicate balance between surface and groundwater resources;
- D. To balance competing needs for water while preserving essential natural functions and processes; and
- E. To comply with Chapter 173-200 WADC, as amended, the Water Quality Standards for Groundwater of the State of Washington.

The first two performance (A and B below) standards provide a succinct summary of the purpose of these standards, where uses are to be most limited, and how agricultural impacts are to be mitigated:

- A. To protect the public health and safety, prevent aquifer contamination, and preserve the groundwater resource for continual beneficial use, uses shall be most limited in those areas which have the highest degree of risk.
- B. Agricultural impacts shall be mitigated through implementation of the Northern Thurston County Groundwater Management Plan (1991) as amended, where applicable and Article VI of the Thurston County Sanitary Code, the Rules and Regulations Governing Nonpoint Source Pollution. In areas not covered by this plan, the review authority and the health officer shall employ technically sound methods that result in protection from aquifer contamination.

Consideration of agricultural activities, and sewage loading of nonresidential projects, must include (17.15.525):

- A. The requirements of Chapter 246-272 WAC, the On-Site Sewage Regulations of the Washington State Board of Health;
- B. The requirements of Article IV of the Thurston County Sanitary Code;
- C. The requirements of Chapter 173-200 WAC, the Water Quality Standards for Groundwater of the State of Washington;
- D. When the sewage system's performance, including operation and maintenance, is adequately monitored; and
- E. When the evidence presented, including that from any hydrogeological report required to be submitted as in TCC 17.15.535 and 17.15.540, and the mitigation of impacts approved by the health officer, indicate that the project will not have a significant adverse impact on groundwater quality.

Wetlands

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan, Chapter [17.15.900](#) TCC provides recommendations for the determination of the wetland edge or boundary, determination of wetland habitat types, and standards for floodplain, stream, and wetland buffers. “The Washington State Wetland Rating System for Western Washington (1993), as amended, shall be used to determine if the wetland is a Class I, II, or III wetland”. The most recently approved version of the Washington State Wetland Rating System for Western Washington (2014) is currently recommended for use in the Thurston County VSP.

Fish and Wildlife Habitat Conservation Areas

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan states that it is the policy of Thurston County to accomplish the following:

- A. To preserve habitat adequate to support viable populations of native wildlife in Thurston County;
 - B. To preserve high quality native habitat areas;
 - C. To provide habitat protection which will retain a viable population of these important animal species; and
 - D. To encourage non-regulatory methods of habitat retention whenever practical, through education. Open Space Tax Program, and such private programs as conservation easements deeded to land trusts, and additions to the Thurston County park system.
- Those agricultural land uses and activities listed in [Table 5](#) are allowed in important habitat areas or within six hundred feet of a mapped point location of an important species as set forth in that table and subject to the performance standards set forth in TCC [Section 17.15.715](#):
 - Buffers shall be established on a case-by-case basis as described in a habitat management plan (or VSP Stewardship Plan). The buffers shall reflect the sensitivity of the specific habitat and/or species to be protected.
 - Stewardship options available to the private property owner with an area of important habitat and species include, but are not limited to: the “Open Space Tax Act” to allow landowners current use property tax reductions, and a “conservation easement” that is tailored to the particular property and to the interest of the individual landowner, which provides significant property and federal income tax benefits to the property owner.

Geologic Hazard Areas

Under currently existing provisions of TCC 17.15 being considered for incorporation into the VSP work plan states that it is the policy of Thurston County to accomplish the following:

- A. To minimize damage to personal health and property due to landslide, seismic, volcanic, or other naturally occurring events;
- B. To control erosion, siltation, and stream quality to protect fish and marine shellfish;
- C. To reduce the potential shoreline erosion along the bluffs of Puget Sound;

- D. To protect areas with high potential for marine aquaculture activities from degradation by upland land uses; and
- E. To minimize the risks associated with old or abandoned coal mines.

Those uses and activities listed in Table 5 are allowed in geologic hazard areas or their buffers as set forth in that table and subject to the performance standards set forth in TCC [Section 17.15.615](#).

Each of these currently existing provisions of TCC 17.15 will be considered for incorporation into the VSP work plan (per RCW 36.70A.720).