

# HOUSE BILL REPORT

## SB 6082

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**As Passed House - Amended:**  
March 2, 2012

**Title:** An act relating to the preservation and conservation of agricultural resource lands.

**Brief Description:** Regarding the preservation and conservation of agricultural resource lands.

**Sponsors:** Senators Haugen, Swecker, Hatfield, King, Ericksen, Honeyford, Shin and Parlette.

**Brief History:**

**Committee Activity:**

Environment: 2/16/12, 2/21/12 [DPA].

**Floor Activity:**

Passed House - Amended: 3/2/12, 63-34.

**Brief Summary of Bill  
(As Amended by House)**

- Requires the Department of Ecology to conduct rulemaking by December 31, 2013, to review and consider whether the current State Environmental Policy Act environmental checklist ensures consideration of potential impacts to agricultural lands of long-term commercial significance.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Uptegrove, Chair; Tharinger, Vice Chair; Fitzgibbon, Hansen, Jinkins, Morris, Moscoso, Pearson, Pollet, Takko and Wylie.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Short, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Crouse, Nealey, Shea and Taylor.

**Staff:** Anna Jackson (786-7194).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The State Environmental Policy Act (SEPA) requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. One agency is usually identified as the lead agency for a specific proposal, and the lead agency is responsible for identifying and evaluating the potential adverse environmental impacts of a proposal. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment.

The Department of Ecology (DOE) has created an environmental checklist in the Washington Administrative Code (WAC) to assist project applicants and the lead agency in identifying impacts from a proposal, as well as to assist the lead agency in deciding whether an EIS is required for the proposal. The checklist includes questions about existing conditions, as well as impacts of the proposal on identified environmental elements, including earth, air, water, plants, animals, energy and natural resources, and environmental health. The checklist also includes questions about the applicant's proposed mitigation for any adverse environmental impacts. It does not include an analysis of the identified impacts or the requirements of other applicable regulations. The checklist questions apply to all parts of a proposal, even if the applicant plans to do them over a period of time or on different parcels of land.

Currently, the environmental checklist contains two questions related to agricultural lands, one about previous use of the site and the other about soil type.

**Summary of Amended Bill:**

The DOE is required to conduct rulemaking by December 31, 2013, to review and consider whether the current environmental checklist ensures consideration of potential impacts to agricultural lands of long-term commercial significance pursuant to the Growth Management Act. In its review, the DOE must ensure that the checklist is adequate to allow consideration of impacts on adjacent agricultural properties, drainage patterns, agricultural soils, and normal agricultural operations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Encroachment is always a problem on the west side of the state for agricultural lands. This bill would create a soft regulation; it is a pretty straightforward bill, but in order to help save our agricultural lands across the state, these lands need to be treated like other important industries. The bill would require project proponents to identify potential impacts on agricultural lands from a particular project.

The bill does a lot of things for agricultural lands across the state, primarily by bringing parity between our agricultural resources and critical areas. This is a simple adjustment to

the SEPA checklist to allow project proponents to consider in more detail potential impacts to agricultural lands.

Having seven questions answered in an environmental review process will do much to put agricultural resources on par with other natural resources in the state. This is particularly important for agricultural soils – they are a finite, valuable resource that needs to be protected. While many people and organizations are actively working to purchase and conserve as much agricultural land as possible, this bill will do much to help stop conversion of these lands.

This bill will provide a more complete review when working within the SEPA process. These working lands are a major resource to the state, providing employment, tourism, and aesthetic appeal, in addition to providing food. They also provide critical forage and shelter for species. Preservation of agricultural lands is identified as a priority in the Puget Sound Action Agenda, as well as the federal Chinook Recovery Plan. This bill adds a very simple component to the SEPA process and these questions are valid, important ones to be asked for the benefit of future generations of Washingtonians.

(Opposed) None.

**Persons Testifying:** Senator Haugen, prime sponsor; Allen Rozema, Skagitonians to Preserve Farmland; Carolyn Kelly, Skagit Conservation District; Mike Shelby, Western Washington Agriculture Association; and Jim Jesernig, Washington Association of Conservation Districts.

**Persons Signed In To Testify But Not Testifying:** None.