

SENATE BILL REPORT

SB 6245

As Reported By Senate Committee On:
Agriculture & Environment, February 4, 1998

Title: An act relating to the enhancement of riparian habitat adjacent to cropped or pastured areas.

Brief Description: Authorizing participation in the funding of the conservation reserve state enhancement program.

Sponsors: Senators Swecker and Winsley.

Brief History:

Committee Activity: Agriculture & Environment: 1/28/98, 2/4/98 [DPS].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Bob Lee (786-7404)

Background: In 1996 Congress established a special Conservation Reserve Enhancement Program that is available to states to address water quality and fishery habitat issues in riparian areas. The federal program provides approximately 80 percent of the funding for the lease of riparian areas that have been in use for annual crop production or pasture. The program also provides cost share funding for the planting of trees, shrubs and grass filter strips and fencing of the riparian area. The program can be administered by existing federal personnel.

To make the program available to a particular state, the state government is required to help fund the program. 15 to 20 percent of the cost of the program is expected to be borne by the state. The program is activated by means of a memorandum of agreement between the state and the United States Department of Agriculture.

There is a national cap on the number of acres that may be enrolled in the program. Once that national cap is reached, no additional agreements with states will be approved. There is also a 100,000 acre cap on the number of acres that can be enrolled by an individual state in the program. The United States Department of Agriculture can reserve up to 100,000 acres for a single state if it appears that the full acreage may be utilized.

If the full 100,000 acres were enrolled, it is estimated that the riparian area for over 2,700 miles of rivers and streams would be enrolled.

The program provides for the voluntary enrollment of lands by landowners. A contract would be entered for lease of the lands for 10 to 15 years. State funds may be used to extend the length of the contract or to offer additional provisions.

Summary of Substitute Bill: A Conservation Reserve State Enhancement Advisory Committee is established. The committee consists of representatives of the State Conservation Committee, Department of Fish and Wildlife, Department of Agriculture, and the Department of Ecology, and four legislators, one from each caucus. Additionally, the Governor must appoint additional members that represent agricultural organizations, environmental organizations, county governments and tribal governments. Representatives of federal agencies may be invited to participate. The committee elects a person to serve as chair of the committee. The committee is to also consider cost effective means to protect riparian areas in the long term, including acquisition of easements.

The purpose of the committee is to provide comments on specific provisions that should be included in the Conservation Reserve State Enhancement Program and associated memorandum of agreement. The committee must hold its first meeting by June 1, 1998. A deadline for completion of the committees work can be established by the Governor. The committee expires on December 31, 1998.

Specific authorization is provided for the Governor to enter into a memorandum of understanding with federal agencies to institute the program.

Substitute Bill Compared to Original Bill: The substitute bill takes effect immediately. The limitation of 20 percent of programs cost to be borne by the state is removed. The advisory committee is to consider cost effective means to protect riparian areas for the long term.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: With the increasing likelihood that the federal government will list salmon under the Endangered Species Act, the Governor should be provided with clear authority to enter into a memorandum of agreement with the federal agencies. No one is talking to landowners to determine what kind of riparian habitat program they would be willing to participate in. The advisory committee allows for legislators, state agency directors and involved interest groups to advise the Governor on the conditions that would be offered to landowners.

Testimony Against: The formation of an advisory committee could slow down the availability of the program.

Testified: Ray Shindler, WA Association of Wheat Growers; Chris Cheney, WA State Dairy Federation; PRO: Tom Frick, WA Association of Wheat Growers; Don Stuart, WA Association of Conservation Districts; Dick Wallace, Ecology; CON: Steve Meyer, Conservation Commission