

SENATE BILL REPORT

SB 6573

As Reported By Senate Committee On:
Agriculture & Rural Economic Development, January 30, 2006

Title: An act relating to maintaining and enhancing the viability of agriculture.

Brief Description: Maintaining and enhancing the viability of agriculture.

Sponsors: Senators Zarelli, Honeyford, Sheldon, Hargrove, Morton, Swecker and Mulliken.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/23/06, 1/30/06 [DPS-GO].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6573 be substituted therefor, and the substitute bill do pass and be referred to Committee on Government Operations & Elections.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen, Morton and Sheldon.

Staff: Bob Lee (786-7404)

Background: Wetlands are defined for the purpose of the Growth Management Act to be areas that are inundated or saturated by surface or ground waters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The definition of wetlands states that the following are not included: artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, and farm ponds.

The wetlands included in this definition are included in the definition of critical areas which are to be protected under the Growth Management Act. The Growth Management Act also provides for the protection of agricultural lands. Those agricultural lands of long-term commercial significance in counties that are required to or opt to plan under the act are to be protected through development regulations. These regulations are not to prohibit uses legally existing on any parcel prior to their adoption.

The Federal Food Security Act of 1985 contains a definition of prior converted wetlands. The term "converted wetland" means wetland that has been drained, dredged, filled, leveled, or otherwise manipulated for the purpose of producing an agricultural commodity.

Wetlands designated as prior converted crop land are a type of wetland that is exempt from regulation by the federal government as long as it remains in agricultural use.

Summary of Substitute Bill: Wetlands converted to agricultural use prior to the effective date of the Federal Food Security Act of 1985 are not to be considered as wetlands under the Growth Management Act and the state Water Pollution Control Act. However, if the lands are proposed to be converted to a nonagricultural use, they are subject to a new delineation and the proposed change in use is subject to the provisions of each of these acts.

Substitute Bill Compared to Original Bill: If conversion of these lands is proposed to a nonagricultural use, the new use is subject to delineation and the provisions of both the Growth Management Act and the state Water Pollution Control Act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill with the suggested amendments create parallel policies between state and federal law regarding prior converted crop lands. There have been instances when state agencies have attempted to assert jurisdiction over these agricultural lands and the state policy needs to be clarified to protect the continued agricultural use of these lands.

Testimony Against: Amendments to the Growth Management Act are unnecessary because local governments provide an exemption for existing and ongoing agricultural use of these lands. There are a number of issues regarding the inclusion of the federal policy into the state water policy laws that need further examination. Clarification is needed as to what happens if the prior converted cropland is converted to a nonagricultural use.

Who Testified: PRO: John Stuhlmiller Dean Farrens and Bill Zimmerman, Farm Bureau; Richard Goldin, A-Total Service; Jim Halstrom, Wash. State Horticultural Association; Victor Jensen, Ron Wesen and Jay Gordon, Washington State Dairy Federation; Jack Field, Washington Cattlemen's Association.

CON: Bruce Wishart, People for Puget Sound; Heath Packard, Audobon Society; Kaleen Cottingham, Futurewise; Tom Clingman, Department of Ecology; Leonard Bauer, Department of Community, Trade and Economic Development; E.L. Johnson, citizen; Susie Kyle, citizen.