

SENATE BILL REPORT

SSB 6617

As Passed Senate, February 8, 2006

Title: An act relating to verification of the contents of farm plans prepared by conservation districts.

Brief Description: Regarding the contents of farm plans prepared by conservation districts.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Rasmussen).

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/26/06, 1/31/06 [DPS].
Passed Senate: 2/8/06, 46-0.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6617 be substituted therefor, and the substitute bill do pass.

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

Staff: Bob Lee (786-7404)

Background: Conservation districts are non-regulatory agencies that provide technical assistance to land owners and operators. Access to a number of conservation programs is made through conservation districts.

Many farm plans requested by landowners are made on a voluntary basis to improve the management of land and other natural resources. A recent demand for copies of all farm plans held by a conservation district have lead to concerns that public disclosure of farm plans will serve as a disincentive to landowners and operators from participating in voluntary conservation programs.

Summary of Bill: Before preparing a farm plan, the conservation district is to inform the land owner or operator in writing of the types of information that is subject to disclosure to the public. Before completion of the final draft of the farm plan, the district is to send it to the land owner or operator for verification of the information. The final farm plan must not be disclosed by the conservation district until the requesting owner or operator confirms the information in the farm plan and returns a signed copy to the conservation district.

Farm plans developed by conservation districts are not subject to public disclosure unless permission is granted by the land owner or operator that requested the plan. However, farm plans used for applications or issuance of permits under the federal clean water act are not exempt. Farm plans developed solely under the state clean water act are subject to the

disclosure provisions contained in statutes enacted in 2005 which provide for creation of ranges to be used in reporting.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2006.

Testimony For: The work of conservation districts is dependent on maintaining a good working relationship and trust with small landowners. The farm plans were done on a voluntary basis and contain a lot of private information. People that participated didn't know that private information could suddenly be part of the public record. Island County is a rapidly urbanizing county. With recent events caused by an extremist group, 600 people showed up at night hearings in protest. After 13 news articles having been published, the public outcry has resulted in not a single request for a farm plan since the demand for disclosure was made. Prior to this event, the district had requests that exceeded the amount of federal Environmental Quality Improvement Program (EQIP) funds that were available. This year, only 10 percent of the available EQIP funds were even requested.

Disclosure of farm plans is a concern to all conservation districts statewide. There is a fear that the right to privacy will be jeopardized. Also, there are concerns about threats to personal safety, food safety, and the potential for domestic terrorism as a result of release of detailed information. Another county where farm plans were demanded seven years ago still has not recovered. People are refusing to respond to surveys or to put their names on anything as they might be accused of doing wrong. To rural land owners that are on the edge, this is the final straw and they are giving up and their land will be converted to development. The group that demands the plans are not scientists, but intend to threaten people and do them harm.

Testimony Against: The bill should be adjusted to be consistent with requirements under federal law for the release of certain categories of farm plans.

Testimony Other: It is important to maintain cooperative and voluntary conservation efforts. Adjusting the bill to be consistent with requirements under federal law is requested.

Who Testified: PRO: Sue Karahalios, City of Oak Harbor; Jay Gordon, Washington State Dairy Federation; Fred Colvin, Washington Association of Conservation Districts; Karen Krug and Karen Lennon, Whidbey Island Conservation District; John Cline, farmer; Carolyn Kelly, Skagit Conservation District; Jack Field, Washington Cattlemen's Association.

CON: Bruce Wishart, People for Puget Sound.

OTHER: Melodie Selby, Department of Ecology.

House Amendment(s): The general provisions of the bill are retained. A definition of farm plan is provided. Clarification is provided that farm plans subject to disclosure are those used for application or issuance of any permit, rather than only those used for the application or issuance of permits under the Clean Water Act.