

SSB 6521 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT CONSIDERED 03/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that loss of
4 productive farmland is a critical issue of statewide importance that
5 puts at risk the long-term viability of agriculture in the state. To
6 address the issues relating to loss of farmland the legislature, in
7 2007, created the office of farmland preservation as a program within
8 the state conservation commission. One of the tasks of the office is
9 to provide the legislature and governor with an analysis of the factors
10 contributing to the loss of farmland in the state.

11 (2) State agencies acquire various interests in real property that
12 range from easements and leases to purchases in fee simple. Sometimes
13 agencies will acquire an interest in real property that is currently
14 used as working agricultural land for the production of food and fiber,
15 or has the potential for such production. In these acquisitions, the
16 agency plans for the real property may or may not include the continued
17 use of the land for agricultural production. When the agency does not
18 continue agricultural production, these lands may be put to other uses
19 that will permanently remove productive agricultural lands from future
20 use. Given the continuing loss of productive agricultural lands, the
21 legislature intends to gather information to determine the scope and
22 extent to which state agency acquisition of real property contributes
23 to this ongoing loss of productive agricultural lands.

24 (3) The legislature finds that agricultural lands are also acquired
25 and in some cases converted to other uses by activities that are not
26 undertaken by state agencies. It is the intent of the legislature to
27 gather information on the scope and extent of the impact of these
28 private activities on agricultural lands.

29 (4) State agencies adopt rules, guidance, and policies that may
30 impact productive agricultural lands. It is the intent of the

1 legislature to examine whether additional information is needed to
2 determine the scope and extent to which agricultural lands may be
3 impacted by these activities.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.08 RCW
5 to read as follows:

6 (1) The commission shall develop a form and process for an
7 agriculture impact statement to be completed by any state agency before
8 the acquisition of an interest in real property when the interest
9 includes agricultural land as defined in this section. The acquisition
10 of a water right separate from real property shall not be considered an
11 interest in real property for the purposes of this section and is not
12 subject to completion of an agriculture impact statement form.

13 (2) When developing the agriculture impact statement form and
14 process, the commission shall consult with affected agencies before
15 final adoption. The commission may exempt smaller scale acquisitions
16 and activities from the requirements of this section. The commission
17 shall work with affected agencies to identify sources of information
18 that minimize costs to agencies but will still provide the necessary
19 information.

20 (3) The commission shall report to the governor and legislature no
21 later than December 1st of each calendar year, which at a minimum
22 should provide information on the status of the agriculture impact
23 statement program, the results of the information submitted to the
24 commission over the previous year, and other factors the commission
25 deems appropriate to report that fulfill the purposes of this section
26 and section 3 of this act. The commission may also make
27 recommendations to the governor and legislature on issues raised
28 through the evaluation of the agriculture impact statement forms.

29 (4) An agriculture impact statement completed by an agency pursuant
30 to this chapter may not be used as the basis for appeal of an agency
31 action or to otherwise delay or stop the proposed agency activity
32 described in the agriculture impact statement.

33 (5) The definitions in this subsection apply throughout this
34 section.

35 (a) "Agriculture impact statement" means the document developed by
36 the state conservation commission and used by agencies consistent with

1 this section, and is separate and distinct from the detailed
2 environmental review documents required under chapter 43.21C RCW and
3 WAC 197-11-400.

4 (b) "Agricultural land" includes land that is (i) currently used
5 for agricultural production, (ii) zoned agricultural land of long-term
6 commercial significance, or (iii) otherwise zoned as agricultural land
7 by a local jurisdiction. "Agricultural land" does not include
8 timberland as defined in RCW 84.40.032.

9 (c) "Interest in real property" includes an easement, lease, any
10 interest in fee simple or less than fee simple, a restrictive covenant,
11 or a deferred purchase mechanism.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.17 RCW
13 to read as follows:

14 (1) Except as otherwise provided in this section, all state
15 agencies including all state departments, boards, councils,
16 commissions, and state universities, colleges, and community colleges
17 shall complete an agriculture impact statement in the form and process
18 described and adopted by the Washington state conservation commission
19 pursuant to chapter 89.08 RCW before acquisition of an interest in real
20 property when the interest includes agricultural land.

21 (2) The terms used in this section have the same meaning as defined
22 in section 2 of this act. Agricultural land does not include
23 timberland as defined in RCW 84.40.032.

24 (3) This section does not apply to the following:
25 (a) Any interest in a water right; and
26 (b) Any acquisition by the department of transportation of a right-
27 of-way to be used only for physical construction purposes.

28 NEW SECTION. **Sec. 4.** (1) In the first report to the legislature
29 and governor under section 2 of this act, the state conservation
30 commission shall address the information obtained through the
31 agriculture impact statement process and other research by the
32 commission. The first report must contain state conservation
33 commission recommendations on:

34 (a) The potential applicability of the agriculture impact statement
35 to agency rule-making actions;

1 (b) The potential applicability to acquisition and land use
2 activities by federal and local governments;

3 (c) Whether the agriculture impact statement should be applied to
4 the state acquisition of an interest in a water right; and

5 (d) Whether existing processes adequately provide for the
6 evaluation of impacts to agricultural lands from other project
7 activities.

8 (2) After consultation with local governments and other appropriate
9 stakeholders, the state conservation commission shall make
10 recommendations on how the agriculture impact statement could be used
11 to track conversions of agricultural land through private transactions.

12 (3) This section expires July 31, 2011."

13 Correct the title.

EFFECT: Exempts the rights-of-ways purchases from the department
of transportation from the requirement to complete an agriculture
impact statement and provides an expiration date for a one-time
reporting requirement.

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