

SENATE BILL REPORT

SB 6210

As Reported by Senate Committee On:
Agriculture & Rural Economic Development, January 28, 2010

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, Hatfield, Morton and Shin.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/18/10, 1/28/10
[DPS].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler, Ranking Minority Member; Becker, Haugen, Jacobsen, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: The State Environmental Policy Act (SEPA) was enacted in 1971. One of the stated purposes of the act includes a state policy which will encourage productive and enjoyable harmony between man and his environment. In the act's preamble, the Legislature recognizes that man depends on his biological and physical surroundings for food, shelter and other needs.

SEPA requires that the lead agency make a threshold determination and an environmental impact statement (EIS) may be required. The EIS evaluates whether a particular major action has a probable significant adverse environmental impact.

Under SEPA, specific questions must be evaluated by governmental agencies before making decisions. Among the questions that are to be evaluated are the impact on air, water, earth, plants, animals, energy requirements, the effect on potential solar energy production, noise, recreation, aesthetics, glare, and numerous other factors. The environmental checklist does

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.

not include questions relating to impacts on agricultural lands, nor the ability of agricultural landowners to continue farming.

The Growth Management Act was enacted in 1990. The act contains 13 goals including the goal of maintaining and enhancing the natural resource-based industries (agriculture, timber and fisheries) and the goal of conserving productive agricultural lands and discouraging incompatible uses. Local governments that plan under the act are to designate and protect agricultural lands of long term commercial significance. Another planning goal is the protection of the environment and designation and protection of critical areas. All goals are to be considered by local governments when developing their development regulations and there is no prioritization among the planning goals.

In 2007 the Office of Farmland Preservation (OFP) and the Farmland Preservation Task Force were created. These entities are charged with monitoring the retention and conversion of agricultural lands. OFP is to conduct an analysis of major factors that have led to past declines in the amount and use of agricultural lands and factors that will likely affect retention and economic viability of these lands in the future, including pressures to convert land to non-agricultural use.

Summary of Bill (Recommended Substitute): The Department of Ecology (Ecology) must conduct a review of the SEPA rules and the environmental checklist to make appropriate changes to require a more detailed review and evaluation of program and project proposals for identification of probable impacts to agricultural resources.

The environmental checklist must be modified to include the following:

1. Is there any agricultural land affected by the proposal?
2. How much agricultural land will be converted to non-agricultural use as a result of the proposal?
3. Would the proposal affect the ability of adjacent agricultural landowners to continue farming?
4. Would this proposal affect existing agricultural drainage?
5. Would the proposal affect or interfere with normal agricultural operations?
6. Would the proposal result in placing or removing agricultural soils from the site?
7. Describe any proposed measures to preserve or enhance agricultural resource lands.

A deadline of January 1, 2011, is established for completion of the work by the department.

EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): The requirement that Ecology adopt the questions in the SEPA rules was replaced by the requirement that the agency add the questions to the state environmental policy act checklist guidance policies prior to January 1, 2011.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: There is concern about loss of the agricultural land base, particularly in Western Washington. Requiring seven additional questions to be added to the SEPA checklist doesn't place a burden on the applicant. Several examples were provided as to how acquisition of neighbor's property can impact farming operations such as disruption of drainage or otherwise affecting the adjacent landowners ability to continue to farm. With an extensive list of questions already required by the SEPA checklist, there is no reason why impacts to agricultural operations should not be noted.

OTHER: The potential fiscal impact is of concern, as the cost of rulemaking to add seven questions is not contained in the Governor's budget. An alternative is for Ecology to update guidance now, and then update the rules at a later date. Citizens can challenge actions under SEPA if the questions are added to the SEPA rules.

Persons Testifying: PRO: Mike Shelby, Western Washington Agricultural Association; Jack Field, Washington Cattlemen's Association; Dan Wood, Washington State Farm Bureau.

OTHER: Lee Faulconer, Department of Agriculture; Gordon White, Ecology.