

SENATE BILL REPORT

SSB 6521

As Passed Senate, February 15, 2010

Title: An act relating to retaining productive farmland.

Brief Description: Requiring state agencies to use an agriculture impact statement.

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

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/18/10, 1/26/10 [DPS].

Passed Senate: 2/15/10, 47-0.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass.

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

Staff: Bob Lee (786-7404)

Background: In 2007 the Office of Farmland Preservation and the Farmland Preservation Task Force were created within the State Conservation Commission. These entities were to provide an analysis of the major factors that are contributing to the loss of agricultural lands in the state.

In December 2009 the Legislature filed a report with the Governor and the Legislature that contained a number of findings and recommendations. One of the recommendations was for implementation of an agricultural impact statement (AIS) process that addresses impacts to agricultural lands by state land management activities.

Summary of Substitute Bill: The Conservation Commission must develop a form and process for an agricultural impact statement (AIS) that is to be completed by state agencies before it acquires an interest in property that included agricultural land. Acquisition of a

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water right separate from real property is not required to be reported. Smaller scale acquisitions and activities may be exempted by the commission.

The commission is to report to the Legislature and the Governor by December 1 of each year, the results of the information submitted to the commission over the previous year. Additionally, the first report by the commission is to contain recommendations on the following:

1. the potential applicability of the AIS to agency rule-making actions;
2. the potential applicability to acquisition and land use activities by federal and local governments;
3. whether the AIS should be applied to the state acquisition of an interest in a water right;
4. whether existing processes adequately provide for the evaluation of impacts to agricultural lands from other project activities; and
5. after consultation with local governments and others, whether the AIS could be used to track conversions of agricultural lands through private transactions.

An AIS completed by an agency may not be used as the basis for appeal of an agency action or to otherwise delay or stop the proposed agency activity described in the AIS.

Agricultural land includes land that is currently used for agricultural production, zoned as agricultural land of long-term commercial significance, or otherwise zoned as agricultural land by a local jurisdiction. Agricultural land does not include timber land.

State agencies include state departments, boards councils, commissions, and higher education institutions.

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: The impetus for the bill was the Farmland Preservation Task Force who has analyzed factors contributing to the loss of agricultural land in the state. Significant amounts of land are currently owned or managed by state agencies, some of which continues to be used for agricultural purposes. Additional lands are being purchased directly by state agencies, or from grants provided by state agencies. A draft one-page agricultural impact statement form shows how simple the data to be requested is. The approach in this bill is to collect information on how much agricultural land state agencies are purchasing, and to report this information to the Legislature for their policy response. Many purchases of farmland by state agencies, and entities that receive grant funds from state agencies, are often clandestine activities so the full ramifications are not known by the public until afterwards. About 85,000 acres of farmland is lost in the state each year.

OTHER: The definition of agricultural land is broad and may take in a lot of folks that may not be intended. Water rights would be included as property interests, and some clarification may be needed as to whether water transferred to programs that protect them from relinquishment are intended to be reported. The draft one-page agricultural impact statement form just became available so there was concern about the amount of work that would be required. There is concern that public outreach will delay projects.

Persons Testifying: PRO: Senator Honeyford, co-sponsor; Ron Schultz, State Conservation Commission; Lee Faulconer, Department of Agriculture; Mike Shelby, Western Washington Agricultural Association; Jack Field, Washington Cattlemen's Association; Dan Wood, Washington State Farm Bureau.

OTHER: Gordon White, Department of Ecology; Megan White, Department of Transportation; Heath Packard, Department of Natural Resources; Tom Davis, Department of Fish and Wildlife.