

# SENATE BILL REPORT

## SB 6082

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As Amended by House, March 2, 2012

**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, Swecker, Hatfield, King, Ericksen, Honeyford, Shin and Parlette.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/17/12, 1/23/12 [DP].

Passed Senate: 2/08/12, 48-0.

Passed House: 3/02/12, 63-34.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

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

**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 SEPA'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 based on a list of questions, and based on the responses to the questions an environmental impact statement (EIS) may be required. 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 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

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

The Growth Management Act (GMA) was enacted in 1990. Local governments that plan under the GMA are to designate and protect agricultural lands of long term commercial significance. All goals are to be considered by local governments when developing regulations and there is no prioritization among the planning goals. GMA contains 13 goals including the goals of:

- maintaining and enhancing the natural resource-based industries: agriculture, timber and fisheries;
- conserving productive agricultural lands and discouraging incompatible uses; and
- protection of the environment and designation and protection of critical areas.

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 also charged with analyzing major factors that have led to past declines in the amount and use of agricultural lands and 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:** The Department of Ecology (DOE) must add the following questions to the SEPA environmental checklist, and the checklist form must be updated in the administrative rules at the next update of those rules.

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 the 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.

Lead agencies must evaluate the checklist to determine whether a proposal will affect or be located on agricultural land.

For the purposes of this section, agricultural lands means those lands designated as agricultural lands of long-term commercial significance pursuant to the GMA.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** None.

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

**Staff Summary of Public Testimony:** PRO: In order to protect agricultural lands designated by counties for long-term use, adding questions that relate to impact of projects on these lands is important to decision makers and will aid in finding alternatives that have less impact.

OTHER: DOE is neutral on the bill. The bill will have no fiscal impact to the agency because they will include the list of questions to the administrative rules the next time the agency updates the rules.

**Persons Testifying:** PRO: Tom Davis, Washington Farm Bureau; April Putney, Futurewise; Jay Gordon, Washington State Dairy Federation; Bill Robinson; Nature Conservancy.

OTHER: Lauren Driscoll, DOE.

**House Amendment(s):** Removes the requirement that DOE add seven questions regarding potential impacts to agricultural lands of long-term commercial significance to the environmental checklist at the next update of SEPA rules. Instead, requires DOE to conduct rulemaking by December 31, 2013, to review and consider whether the current environmental checklist ensures consideration of potential impacts to agricultural lands of long-term commercial significance. Directs DOE to ensure that the checklist is adequate to allow consideration of impacts on adjacent agricultural properties, drainage patterns, agricultural soils, and normal agricultural operations.