

# HOUSE BILL REPORT

## HB 2336

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**As Reported by House Committee On:**  
Agriculture and Natural Resources

**Title:** An act relating to assessing the suitability of lands in Washington for agricultural and renewable energy purposes.

**Brief Description:** Assessing the suitability of lands in Washington for agricultural and renewable energy purposes.

**Sponsors:** Representatives Morgan, Dent, Chapman, Kloba, Orcutt, Ormsby, Wylie, Doglio, Fey, Street, Stearns, Riccelli, Gregerson, Mena, Walen, Peterson, Berg, Fosse, Davis, Reed, Duerr, Entenman, Leavitt, Springer, Ryu, Waters, Ortiz-Self, Bronoske, Bateman, Simmons, Berry, Kretz, Schmick, Ramel, Macri, Caldier, Abbarno, Cheney, Goehner, Jacobsen, Klicker, Eslick, Barnard, Walsh, McEntire, Bergquist, Sandlin, Christian, Nance and Pollet.

**Brief History:**

**Committee Activity:**

Agriculture and Natural Resources: 1/17/24, 1/24/24 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Washington State Department of Agriculture (WSDA), in consultation with the State Conservation Commission, to perform an assessment of unused and underutilized state-owned lands to determine the suitability of such lands for agricultural purposes, including grazing.
- Requires the WSDA, for state lands that the WSDA determines to be suitable for agricultural purposes, to engage in a campaign to promote agricultural production opportunities on such lands.
- Requires the Washington State University Energy Program to perform an assessment of unused and underutilized state lands that are not suitable for agricultural purposes to determine the suitability of such lands for renewable energy production purposes.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Orcutt, Schmick and Springer.

**Staff:** Robert Hatfield (786-7117).

### **Background:**

#### Washington State Department of Agriculture.

The Washington State Department of Agriculture (WSDA) oversees, manages, regulates, and supports a variety of programs related to food safety and agriculture in the state. Programs include animal and livestock health, commodity inspection, food safety, food assistance, pesticide and fertilizer inspection, and business and marketing support.

#### Washington State University Energy Program.

The Washington State University (WSU) Energy Program is a department within WSU. Staff of the WSU Energy Program include energy engineers, energy specialists, technical experts, and software developers. The WSU Energy Program team provides energy services, products, education, and information, with a focus on advancing the environmental and economic well-being of the customers of the WSU Energy Program. Customers of the WSU Energy Program include large and small businesses, public and private utilities, local and state governments, tribes, federal agencies and facilities, manufacturing plants, professional and trade associations, schools, universities, national laboratories, and consumers.

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### **Summary of Substitute Bill:**

#### Assessment of Lands for Agricultural Purposes.

The Washington State Department of Agriculture (WSDA), in consultation with the State Conservation Commission, must perform an assessment of unused and underutilized state-owned lands to determine the suitability of such lands for agricultural purposes, including grazing. The assessment must be completed no later than June 30, 2025.

For the purposes of the assessment, "underutilized state-owned lands" means lands that do not assist in meeting the goals of the state agency that owns or manages the land and that are already being considered for sale or surplus. "Underutilized state-owned lands" does not include state-owned lands held under lease or that are otherwise intended for specific purposes.

The WSDA must submit the results of the assessment to the Office of the Governor, to the Commissioner of Public Lands, to the Director of the Washington State University (WSU) Energy Program, to the Director of the Department of Commerce, and to the committees of the Legislature with jurisdiction over agricultural matters.

The WSDA must assess and evaluate, on an ongoing basis, land utilization in the state for agricultural purposes, including the use of such lands for agrivoltaics. The assessment and evaluation must include identification and mapping of agricultural land uses and water resources throughout the state, including data regarding surface water and groundwater resource availability and water quality.

#### Promotion of Agricultural Opportunities.

For unused and underutilized state lands that the WSDA determines to be suitable for agricultural purposes, the WSDA must engage in a campaign to promote agricultural production opportunities on such lands. The WSDA's promotional campaign must include outreach, education, and technical assistance. The WSDA must ensure that the promotional campaign reaches new and emerging agricultural producers, with an emphasis on reaching communities that historically may have lacked access to opportunities as agricultural producers.

#### Assessment of State Lands for Renewable Energy Purposes.

The WSU Energy Program, utilizing data obtained from the WSDA's assessment of state lands for agricultural purposes, must perform an assessment of unused and underutilized state lands that are not suitable for agricultural purposes to determine the suitability of such lands for renewable energy production purposes, including the use of such lands for agrivoltaics. The assessment must be completed by June 30, 2026.

For the purposes of the assessment, "agrivoltaics" means the use of land for both agriculture and solar photovoltaic energy generation.

The WSU Energy Program must submit the results of the assessment to the Office of the Governor, to the Commissioner of Public Lands, to the directors of Commerce and the WSDA, and to the committees of the Legislature with jurisdiction over energy matters.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the underlying bill:

- provides that grazing is included within agricultural purposes, for the purpose of the assessment of state-owned lands to determine their suitability for agricultural purposes;
- provides a definition of "underutilized state-owned lands" for the purpose of the assessment of state-owned lands, to mean lands that do not assist in meeting the goals of the state agency that owns or manages the land and that are already being considered for sale or surplus, but does not include state-owned lands held under

- lease or that are otherwise intended for specific purposes;
  - expands the scope of the assessment of state-owned lands to determine their suitability for renewable energy purposes to include the use of such lands for agrivoltaics; and
  - defines "agrivoltaics" to mean the use of land for both agriculture and solar photovoltaic energy generation.
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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on January 24, 2024.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Department of Natural Resources manages 1.8 million acres of lands in Eastern Washington, much of it leased for agriculture. It is good to clarify that the assessment will apply to "state-owned" lands, because "state lands" is a defined term with a narrower meaning.

It is a fact that the state's decision to exceed the limits of technology by forcing the adoption of alternative energy has pitted energy against agriculture. Yakima County continues to see a flood of speculators seeking to convert agricultural lands to alternative energy purposes. It is imperative that the state finds balance and parity between these two important interests. The state should not sacrifice some of the state's most productive agricultural lands to industrial energy production.

The state is seeing solar being developed on land that is suitable for agriculture. It is important to prioritize solar on land not suited for agriculture, and in the built environment. Agrivoltaics, sometimes called dual-use solar, should be included in the bill. It is important to have projects that show proof of concept for agrivoltaics.

(Opposed) None.

(Other) It would be good to add a friendly amendment to clarify the meaning of "under-utilized," to mean that it does not refer to lands held under lease or identified by the managing agency for some purpose.

**Persons Testifying:** (In support) Representative Melanie Morgan, prime sponsor; Amanda McKinney, Yakima County; Dani Madrone, American Farmland Trust; and Brian Considine, Department of Natural Resources.

(Other) Kelly McLain, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.