

SENATE BILL REPORT

SB 6521

As of January 19, 2010

Title: An act relating to retaining productive farmland.

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

Sponsors: Senators Haugen and Honeyford.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/18/10.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

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 Bill: The Conservation Commission must develop a form and process for an AIS that is completed by state agencies before it acquires an interest in property that includes agricultural land. The form and timing of the AIS allows interested parties to evaluate the proposed agency action and provide comments before final decision by the agency.

Before adopting the form and process for the AIS, the commission must consult with affected agencies. State agencies, boards, councils, commissions, and institutions of higher education are required to complete an AIS before acquiring interest in real property that is: (1) currently used for agricultural production; (2) capable of agricultural production; (3) designated as agricultural land of long-term commercial significance; or (4) otherwise designated as agricultural lands by a local jurisdiction.

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.

The AIS must be separate and distinct from the environmental review documents required by the State Environmental Policy Act. An AIS completed by an agency may not be used as the basis for appeal of an agency action or otherwise delay or stop the proposed agency activity described in the AIS.

The Conservation Commission must report to the Legislature no later than December 1 of each year, the results of the impact statements submitted to the commission over the previous year. The first report should address the potential applicability of the AIS to: (1) agency rulemaking actions; (2) actions by local governments; and (3) whether existing processes adequately provide for the evaluation of impacts to agricultural lands from other project activities.

Appropriation: None.

Fiscal Note: Requested January 15, 2010.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: 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 Fauloner, Department of Agriculture; Mike Shelby, Western Washington Agricultural Association; Jack Field, Washington Cattlemen's Association; Dan Wood, Washington State Farm Bureau.

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