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SENATE BILL 6559

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State of Washington

61st Legislature

2010 Regular Session

By Senator Haugen

Read first time 01/18/10. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to operation of anaerobic digesters under the  
2 Washington right to farm act; and amending RCW 7.48.310.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 7.48.310 and 2009 c 200 s 3 are each amended to read  
5 as follows:

6 For the purposes of RCW 7.48.305 only:

7 (1) "Agricultural activity" means a condition or activity which  
8 occurs on a farm in connection with the commercial production of farm  
9 products and includes, but is not limited to(~~(7)~~):

10 (a) Marketed produce at roadside stands or farm markets;

11 (b) Noise;

12 (c) Odors;

13 (d) Dust;

14 (e) Fumes;

15 (f) Operation of machinery and irrigation pumps;

16 (g) Movement, including, but not limited to, use of current county  
17 road ditches, streams, rivers, canals, and drains, and use of water for  
18 agricultural activities;

1        (h) Ground and aerial application of seed, fertilizers,  
2 conditioners, and plant protection products;

3        (i) Keeping of bees for production of agricultural or apicultural  
4 products;

5        (j) Employment and use of labor;

6        (k) Roadway movement of equipment and livestock;

7        (l) Protection from damage by wildlife;

8        (m) Prevention of trespass;

9        (n) Construction and maintenance of buildings, fences, roads,  
10 bridges, ponds, drains, waterways, and similar features and maintenance  
11 of streambanks and watercourses; ~~((and))~~

12        (o) Operation of an anaerobic digester, as defined in RCW  
13 82.08.900;

14        (p) Conversion from one agricultural activity to another, including  
15 a change in the type of plant-related farm product being produced(~~(-~~  
16 ~~The term includes))~~); and

17        (q) Use of new practices and equipment consistent with  
18 technological development within the agricultural industry.

19        (2) "Farm" means the land, buildings, freshwater ponds, freshwater  
20 culturing and growing facilities, and machinery used in the commercial  
21 production of farm products.

22        (3) "Farmland" means land or freshwater ponds devoted primarily to  
23 the production, for commercial purposes, of livestock, freshwater  
24 aquacultural, or other farm products.

25        (4) "Farm product" means those plants ~~((and))~~, animals, and  
26 commodities useful to humans and includes, but is not limited to~~((τ))~~:

27        (a) Forages and sod crops~~((τ))~~;

28        (b) Dairy and dairy products~~((τ))~~;

29        (c) Poultry and poultry products~~((τ))~~;

30        (d) Livestock, including breeding, grazing, and recreational equine  
31 use~~((τ))~~;

32        (e) Fruits~~((τ))~~;

33        (f) Vegetables~~((τ))~~;

34        (g) Flowers~~((τ))~~;

35        (h) Seeds~~((τ))~~;

36        (i) Grasses~~((τ))~~;

37        (j) Trees~~((τ))~~;

38        (k) Freshwater fish and fish products~~((τ))~~;

- 1        (l) Apiaries and apiary products((~~r~~))i
- 2        (m) Equine and other similar products((~~r~~or))i
- 3        (n) Electricity generated by an anaerobic digester, as defined in
- 4 RCW 82.08.900; or
- 5        (o) Any other product which incorporates the use of food, feed,
- 6 fiber, or fur.

7        (5) "Forest practice" means any activity conducted on or directly  
8 pertaining to forest land, as that term is defined in RCW 76.09.020,  
9 and relating to growing, harvesting, or processing timber. The term  
10 "forest practices" includes, but is not limited to, road and trail  
11 construction, final and intermediate harvesting, precommercial  
12 thinning, reforestation, fertilization, prevention and suppression of  
13 diseases and insects, salvage of trees, brush control, and owning land  
14 where trees may passively grow until one of the preceding activities is  
15 deemed timely by the owner.

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