

HOUSE BILL REPORT

ESSB 5352

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to agricultural conservation programs.

Brief Description: Encouraging agricultural land use conservation programs.

Sponsors: Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Shin).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 4/1/03, 4/4/03 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Specifies legislative intent to address concerns regarding the Conservation Reserve Enhancement Program to promote enrollment.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Kristiansen, Assistant Ranking Minority Member; Eickmeyer, Grant, Hunt, McDermott and Quall.

Minority Report: Do not pass. Signed by 5 members: Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler, Orcutt and Sump.

Staff: Caroleen Dineen (786-7156).

Background:

Conservation districts conduct activities related to conservation of renewable natural resources. Some conservation district programs and activities include research, surveys, investigations, educational programs, and technical assistance. Conservation districts are assisted and their programs are coordinated by the Conservation Commission, a state

agency.

The Conservation Reserve Program (CRP) is a federal program administered by the federal Farm Service Agency (FSA) on behalf of the Commodity Credit Corporation. CRP is a voluntary program offering rental, incentive, and maintenance payments as well as cost-share assistance to establish approved long-term, resource conserving cover to improve soil, water, and wildlife resources. Eligible land includes crop land and pasture land meeting specified requirements.

The state Conservation Reserve Enhancement Program (CREP) is a part of the CRP and is designed to establish forested buffers along eligible streams to address salmon habitat, improve water quality, and increase stream stability. This voluntary program is administered in Washington by the FSA and the state Conservation Commission, which makes grants to local conservation districts to implement the program. Land enrolled in CREP is removed from agricultural production and grazing according to 10-15 year contracts. In exchange, land owners may receive annual rental, incentive, maintenance, and cost-share payments.

Eligible streams under CREP are those for which riparian habitat is a limiting factor for salmon and steelhead listed under the federal Endangered Species Act. Eligible land must be located parallel and adjacent to an eligible stream, have a certain cropping history, and be able to support trees and shrubs.

Summary of Amended Bill:

Legislative intent is specified to address concerns regarding the CREP to promote enrollment.

Amended Bill Compared to Engrossed Substitute Bill:

The striking amendment replaces all provisions with legislative intent to address concerns regarding the CREP to promote enrollment.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill will promote conservation and reduce barriers to enrollment in the Conservation Reserve Enhancement Program (CREP). The CREP does not work

well now despite the millions of dollars spent and several years of effort to make it work.

Using the riparian forest buffer for the CREP will bring a lot more people into the program. The riparian forest buffer is not an automatic 35-foot buffer. This buffer is a national standard used by Oregon and provides some options for people to enroll in the CREP.

The Growth Management Act (GMA) development regulations provisions address the problem of the federal agency prohibiting enrollment in the CREP if a local government establishes mandatory buffers. The state has made attempts in the past to negotiate buffers with the federal agency.

The wineries provisions recognize wineries and tasting rooms are agricultural-related industries and will treat the agricultural industry equally. Accessory uses are well defined in case law to include sales, display of art, food preparation, public and private venues, tours, gift shops, and other uses.

Testimony Against: The requirement to include the riparian forest buffer in the CREP precludes the determination of what appropriate buffers are for this program. The riparian forest buffer was not adopted with salmon protection in mind.

The GMA development regulations provisions preclude local governments from adopting any buffers. These provisions also could impact local governments' land use discretion and preclude some farmers from enrolling in the CREP. This provision allows the federal agency to tell local governments how to run their GMA programs -- it is not good state policy.

The wineries provisions will destroy attempts to preserve agriculture and to distinguish between agricultural uses. There is pending litigation in Walla Walla regarding winery uses, and this bill will affect that litigation without any notice or due process for the citizens of that area. These provisions upset the state/local balance under the GMA and fundamentally change how land use is dealt with in this state. Agricultural areas near wineries will be paved over with hotels, restaurants, and gift shops. These provisions change agricultural lands into tourist attractions -- that is not what the GMA was intended to do.

Testified: (In support) Dan Wood, Washington Farm Bureau; Todd Mielke, Daystar Partners; Steve Burns, Washington Wine Institute; Jim Jesernig, Washington Association of Conservation Districts; Chris Cheney, Hop Growers of Washington; and Jay Gordon, Washington Dairy Federation.

(With concerns) Nina Carter, Audubon; Steve Meyer, Governor's Salmon Recovery Office; Heather Ballash, Department of Community, Trade & Economic Development; and Dave Peeler, Department of Ecology;

(Opposed) Marty Loesch, Swinomish Tribe; Glenn Amster, Blue Mountain Preservation Committee; and Scott Bauer, Walla Walla County.