

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

## *A Framework for Stewardship*

*Final Report of the William D. Ruckelshaus Center  
on the work of the Agriculture and Critical Areas Committee*

**October 2010**



**Submitted to the  
Washington State Legislature and Governor Christine Gregoire**

**A Framework for Stewardship  
Final Report on the Work of the Agriculture and Critical Areas Committee  
October 2010\***

**Report available from:**

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*\*This report updates the Center's report dated August 31, 2010.*

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The William D. Ruckelshaus Center (Center) is a neutral policy consensus center operated by Washington State University and the University of Washington. For more information please go to <http://ruckelshauscenter.wsu.edu/> or contact the Center at 509-335-2937, [RuckelshausCenter@wsu.edu](mailto:RuckelshausCenter@wsu.edu)

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

October 12, 2010

Christine Gregoire, Governor  
Lisa Brown, Senate Majority Leader  
Frank Chopp, Speaker of the House  
Richard DeBolt, House Minority Leader  
Mike Hewitt, Senate Minority Leader

RE: Preserving Agricultural Viability and Protecting Critical Areas

Enclosed is the framework for a voluntary stewardship program to address the goals of SSB 5248/6520 for achieving a "successful agricultural economy and a healthy environment" for Washingtonians. The William D. Ruckelshaus Center was asked to facilitate discussions between our constituents to resolve this long-standing controversy over agricultural activities and critical areas related to provisions of the Growth Management Act. The Agriculture and Critical Areas Committee is pleased to inform you that we have now concluded discussion on a set of recommendations, and we are working together to translate these concepts into draft legislative language.

In your letter to us dated November 7, 2007 you asked us to develop a set of effective recommendations, and indicated that the Legislative and Executive branches would be ready to "seriously consider [our] recommendations, knowing they will be fiscally responsive, innovative, and practical." We believe the proposed stewardship framework meets all those criteria. It builds on existing programs for preserving agriculture and protecting critical areas, including salmon recovery, watershed planning, and agricultural land conservation. It provides focus and direction for stewardship actions related to agriculture, and relies on local watershed groups to set the direction for making effective use of existing programs and resources. Local people know their watersheds best and are the ones who must commit to doing the work.

The framework for stewardship is characterized by choices at the county and landowner level. As directed in the 5248/6520 legislation, one of our key principles is to emphasize voluntary stewardship first. In those places where agricultural activities intersect with sensitive critical areas, we want to promote incentives for agricultural landowners and operators to voluntarily enhance the condition of critical areas through restoration projects and farm management practices. Counties have been in the middle of the agriculture and critical areas controversy for several years. The framework offers

them the option to engage in the voluntary stewardship program, or review and if necessary revise their critical areas ordinances under existing provisions of the Growth Management Act.


The enclosed framework also contains many checkpoints to ensure that progress is being made. We want to be able to determine that the proposed stewardship activities are scientifically sound, that the stewardship actions get implemented, and that the voluntary program is effective in protecting and enhancing critical areas on the ground. A key element of the voluntary program is a complementary effort toward the enforcement of existing water quality regulations. We agree that education and incentives are the first approach in encouraging stewardship, but the knowledge that an effective enforcement program is operating is also an important motivator.


We are very aware of the fiscal situation of Washington State at the moment when we have completed the mandate of SSB 5248/6520 to deliver a set of recommendations. Funding for technical assistance to landowners, program operations and enforcement are essential to making the voluntary stewardship program a success, and we are actively seeking federal and private sources in addition to state support. The agriculture and critical areas controversy has been long and expensive and will continue to drain resources from valuable efforts to support agriculture and the environment if we do not implement this unique accord.

We look forward to answering your questions and working with you to move the Agriculture and Critical Areas project into the next phase. Thank you.

Sincerely,

Caucus Coordinators of the Agriculture and Critical Areas Committee

  
\_\_\_\_\_  
John Stuhlmiller  
Agricultural Caucus

  
\_\_\_\_\_  
Len Barson  
Environmental Caucus

  
\_\_\_\_\_  
Eric Johnson  
County Caucus

**A Framework for Stewardship**  
**Final Report on the Work of the Agriculture and Critical Areas Committee**

The William D. Ruckelshaus Center  
October, 2010

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*Len Barson, The Nature Conservancy  
David Bricklin, Futurewise  
Nina Carter, WA Audubon Society  
Kaleen Cottingham, Futurewise  
Scott Dahlman, WA State Grange, WA State Farm Bureau  
Jack Field, WA Cattlemen's Association  
Jay Gordon, WA State Dairy Federation  
Jim Hazen, WA State Horticultural Association  
Eric Johnson, WA State Association of Counties  
The Honorable Bob Kelly, Chairman of the Nooksack Tribe  
and Whatcom County Commissioner  
Marty Loesch, Swinomish Tribe  
Jeanne McNeil, WA State Nursery & Landscape Assn.  
Mo McBroom, Washington Environmental Council  
The Honorable Rick Miller, Franklin County Commissioner  
The Honorable Betty Sue Morris, Clark County Commissioner  
The Honorable Don Munks, Skagit County Commissioner  
April Putney, Futurewise  
Harry Reinert, King County  
Bill Robinson, The Nature Conservancy  
Joe Ryan, Washington Environmental Council  
Mike Schwisow, WA State Water Resources Assn.  
Mike Shelby, Western WA Agricultural Association  
John Stuhlmiller, WA State Farm Bureau  
David Troutt, Nisqually Indian Tribe  
The Honorable Ron Walter, Chelan County Commissioner  
Larry Wasserman, Swinomish Tribe  
James Weber, Northwest Indian Fisheries Commission  
Terry Willis, Olympic View Dairy  
Dan Wood, WA State Farm Bureau*

***The Center would also like to thank the many elected officials and staff of federal, state, tribal, and county governments, special purpose districts, and non-governmental organizations for their assistance to this project.***

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<sup>1</sup> From 2007 to 2009 the Committee was called the SSB 5248 Committee

***The following individuals contributed to the Agriculture and Critical Areas (SSB 5248/6520) process as part of the William D. Ruckelshaus Center's project team.***

*Debra Akhbari, WSU Extension*  
*Alon Bassok, UW College of Built Environments*  
*Catherine Bombico, UW Evans School of Public Affairs*  
*Branden Born, UW College of Built Environments*  
*Jon Brock, UW Evans School of Public Affairs*  
*Bill Budd, WSU School of Earth & Environmental Sciences*  
*Jerry Cormick, UW Evans School of Public Affairs*  
*Deb Finken, UW Evans School of Public Affairs*  
*William Gaynor, William D. Ruckelshaus Center*  
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*Lisa Stoll, William D. Ruckelshaus Center*  
*Aubri Wall, UW Evans School of Public Affairs*

*“The Legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The Legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The Legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.”*

*---Substitute Senate Bill 5248, 2007 Legislature*

## **I. Introduction**

Washington State is world famous for its magnificent natural environment and outstanding agricultural products. For almost a century, apples and salmon have been two icons of the “Evergreen State.” These symbols represent a rich cultural landscape with extraordinary species of fish, marine mammals, and wildlife, and a farm industry producing a bounty of fruits, grains, and dairy products. Although advocates for the environment and agriculture have many common interests, they have been in conflict with one another as they struggle to retain farms, restore fisheries, and ensure an environmental and agricultural heritage for future generations. A front line for these conflicts has historically been at the county level, where disputes have occurred over the statutory requirements for the protection and restoration of critical areas on agricultural lands.

In 2007, the Washington State Legislature passed Substitute Senate Bill 5248, which established a three-year moratorium for the counties, precluding them from adopting amendments to critical areas ordinances with respect to agricultural activities. The William D. Ruckelshaus Center, a neutral policy consensus center operated by Washington State University and the University of Washington, was asked to convene the chief participants in the conflict at a negotiating table and search for “common ground.” The Agriculture and Critical Areas Committee, comprised of representatives from agricultural and environmental organizations, counties, and tribes, met for two years discussing potential solutions to protect and restore critical areas while preserving agricultural viability. In the 2010 legislative session, participants from the counties, agriculture, and environmental organizations requested a one-year extension of the process, which was adopted via SSB 6520.

During 2010, the committee focused on three major issues: the structure for implementing a voluntary stewardship program, options for counties related to critical areas ordinances, and accountability and privacy for agricultural landowners/operators. The enclosed report provides the Agriculture and Critical Areas Committee’s resulting framework for a stewardship program and the Ruckelshaus Center’s report on the negotiation process. The committee concluded its deliberations on September 30, 2010 and forwarded information on program implementation and guidance to a subcommittee and legislative liaisons with the charge to develop draft



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legislation for the stewardship program. A funding subcommittee was also formed to explore options for federal, state, and private resources.

**The Agriculture and Critical Areas Committee** was organized in the summer of 2007 with multiple representatives from tribes, counties, agricultural organizations, and environmental groups. The Committee has met frequently throughout the past three years, holding a total of 29 full committee meetings, three retreats for in-depth discussion, and 32 meetings of workgroups and subcommittees. Most of the organizations represented on the Committee have remained consistent throughout the process. The most significant change to the Committee was in January 2010, when the Northwest Indian Fisheries Commission indicated that it would not continue to participate. The Ruckelshaus Center held independent meetings to brief interested tribal leaders and staff after this change occurred.

The following individuals and organizations actively participated on the Committee and in workgroups in 2010. (Please see the acknowledgements page at the beginning of the document for a list of the committee members and alternates who participated over the course of the three year process.)

### **Agriculture:**

John Stuhlmiller, WA State Farm Bureau (Caucus Coordinator)  
Scott Dahlman, WA State Grange and WA State Farm Bureau  
Jack Field, WA Cattlemen's Association  
Jay Gordon, WA State Dairy Federation  
Jeanne McNeil, WA State Nursery & Landscape Association  
Mike Shelby, Western WA Agricultural Association  
Dan Wood, WA State Farm Bureau

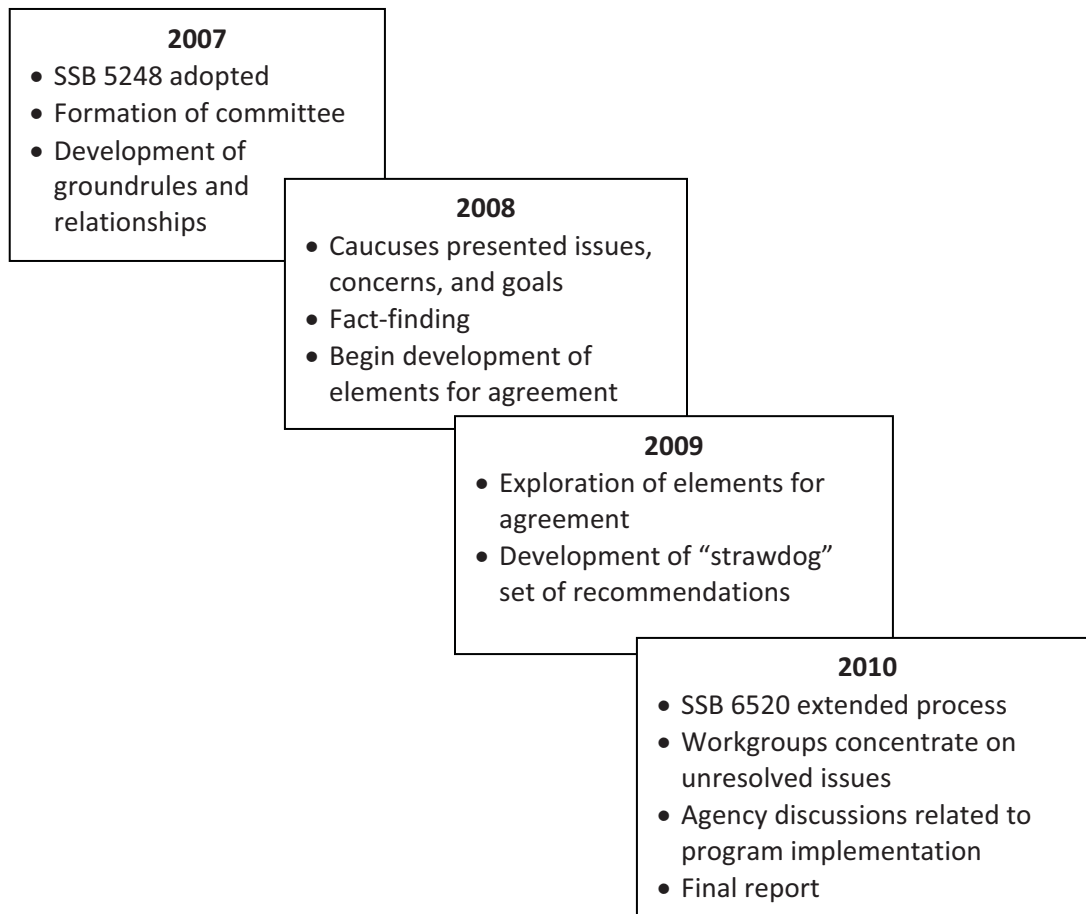
### **Environmental:**

Len Barson, The Nature Conservancy (Caucus Coordinator)  
Mo McBroom, WA Environmental Council  
April Putney, Futurewise  
Bill Robinson, The Nature Conservancy

### **Counties:**

Eric Johnson, WA Association of Counties (Caucus Coordinator)  
Rick Miller, Franklin County Commissioner  
Betty Sue Morris, former Clark County Commissioner  
Harry Reinert, King County Department of Development & Environmental Services  
Joel Rupley, Clark County  
Ron Walter, Chelan County Commissioner  
Ryan Walters, Skagit County Prosecutor's Office

## Timeline of the Agriculture and Critical Areas Process



**Legislative Direction for the Project:** The 2007 legislation (SSB 5248) set out a directive to seek “common ground” in advancing a productive agricultural economy and a healthy environment. Furthermore, the Legislature directed participants to emphasize voluntary stewardship efforts, while ensuring that desired outcomes are achieved.

*“In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to ensure...that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.”*

*---Substitute Senate Bill 5248, 2007 Legislature*

The combination of a voluntary program with appropriate regulatory constraints has been the most challenging portion of the Legislature’s mandate for the stakeholders in achieving consensus.

**Responsibilities of the William D. Ruckelshaus Center in examining agriculture and critical areas:**

1. Conduct fact-finding and stakeholder discussions to identify issues, desired outcomes, opportunities and barriers related to agriculture and critical areas ordinances.
  2. Facilitate stakeholder discussions to identify policies and financial options and opportunities to address the issues identified.
  3. Issue a final report of findings and legislative recommendations.
-

## II. Overview of the Framework for Stewardship

### Envisioning a future for productive agriculture and a healthy environment

The members of the Agriculture and Critical Areas Committee recognize that a healthy environment and productive agriculture are not mutually exclusive. Critical areas support essential fish and wildlife habitat and sustain vital ecosystem functions such as water quality and quantity, and flood management. Agricultural lands also provide multiple environmental benefits including open space, soil retention, and habitat. Agriculture and a healthy environment provide the basis of the local food supply, enhance the quality of life enjoyed by Washington State residents, and support vital sectors of the economy.

To ensure that productive agriculture and a healthy environment can co-exist, the Committee developed a shared vision. Desired outcomes for the future in this vision include opportunities for the next generation of farmers and fishermen to earn a living. Critical areas support clean water, sustainable and harvestable populations of salmon and shellfish, and healthy and diverse populations of wildlife and plant species. Farmers would operate successful agricultural businesses while taking the initiative to improve the environment on their land. Washington State is already a model for local watershed groups working together to identify problems and implement solutions. A successful agricultural stewardship program would enable these local communities to apply cooperation, innovation, and effective action for the advancement of agriculture and the environment.

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#### ***Principles for the Agriculture and Critical Areas Stewardship Program***

- 1. Build on existing work in local watersheds.*
  - 2. Emphasize voluntary stewardship first.*
  - 3. Protect critical areas from further degradation, and apply consequences where volunteer measures fall short.*
  - 4. Set priorities for voluntary actions to restore and enhance critical areas.*
  - 5. Enforce existing state laws for water quality and habitat.*
  - 6. Work together to find funding.*
-

**Framework of the Agriculture and Critical Areas Stewardship Program:** The Committee developed recommendations for a voluntary stewardship program that largely build on existing programs. The framework contains choices for counties and landowners to take a voluntary approach, and checkpoints to ensure that voluntary measures are effective.

**Major Elements of the Stewardship Framework Include:**

**Counties have a choice** whether to opt in to the stewardship program and defer possible amendments to their critical areas ordinances as it relates to agricultural activities; or they can opt out and proceed with the update requirements of the Growth Management Act. Counties that opt in will be eligible for funding for **base** stewardship program operations and may nominate specific watersheds as **priority** watersheds for additional incentives and project funding. Counties will confer, and where appropriate collaborate, with tribes in the designation of local watershed groups and nomination of priority watersheds. Counties will also confer with interested stakeholders in establishing and carrying out a local voluntary stewardship program.

**Local watershed groups will prepare a workplan** for agricultural activities and critical areas. The watershed workplan will be built from existing watershed plans, salmon recovery information, water quality clean-up plans, the Puget Sound Action Agenda, and other available data, and will incorporate information on local agricultural conditions and objectives. Watershed workplans will set goals and benchmarks for protection and enhancement of critical areas and will undergo a technical review and approval process. Details of the technical review and approval process are still under discussion.

**Technical assistance will be provided to agricultural landowners and operators** in developing individual farm stewardship plans through conservation districts or other qualified technical assistance organizations.

**State roles and responsibilities:** The Washington State Conservation Commission will provide administrative oversight for the voluntary stewardship program, with a state-wide advisory committee to be comprised of the four original caucuses (counties, tribes, agricultural and environmental organizations). It is also recommended that state agencies collaborate to develop a consistent set of guidelines to assist local watersheds in the development and implementation of voluntary measures to protect and enhance critical areas. Enforcement of state and federal water quality regulations by the Department of Ecology is considered to be an integral part of the program.

**Stewardship programs will be evaluated at 3, 5, and 10 years, and counties will trigger consequences if watershed benchmarks for protection are not met.** For base watersheds, an evaluation will occur at 5 and 10 years from the beginning of the program. Priority watersheds will operate on a faster timeline, and will also undergo an initial evaluation at year 3 of the program. If watersheds do not meet the local benchmarks for protection of critical areas through the voluntary stewardship program, those counties will be required to take further

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action through amendments to their critical areas ordinances or adopt an alternative plan for protecting critical areas subject to state agency approval.

**The Stewardship Program will have three phases:** Phase 1 will consist of designating local watershed groups, preparing a watershed workplan, and conducting initial outreach to landowners for participation and sign-up. Phase 2 will be directed at improving participation, and preparing and implementing individual farm stewardship plans. Phase 3 consists of full implementation of the watershed workplan and program evaluation.

**Funding:** The goals of the voluntary stewardship program assume that there will be funding for technical assistance, operation of local watershed groups, incentive funds for implementing voluntary stewardship measures, and enforcement of existing regulations. Participants in the Agriculture and Critical Areas process consider an unfunded program agreement to be tantamount to a non-agreement. Given the economic situation in 2010, the quest for funding to make the program successful will be a significant challenge for all parties and implementing agencies.

Stewardship Program Timeline	year 1	2	3	4	5	6	7	8	9	10	11
Legislation adopted	→										
Counties must decide whether to opt in or out	6 mos. →										
<b>Counties that opt out:</b>											
Must review and if necessary revise CAO within 18 months.	→		CAO subject to appeal as usual								
<b>Counties that opt in:</b>											
Base watershed program (timeline subject to funding, See B3.1)	—		●	●	●	●	●	●	●	●	Program continues if benchmarks for protection continue to be met .....→
Priority watershed program (timeline subject to funding see B4.1 and B4.3)	—		●	●	●	●	●	●	●	●	Program continues if benchmarks for protection continue to be met .....→
<b>State wide activities</b>											
If funding for the base stewardship program is not obtained for all counties that opt in by July 1, 2015, the remaining counties will be required to review and if necessary revise their CAO by December 1, 2016											
State wide compliance	.....→										
State wide evaluation					→					→	Legislature decides whether to extend the program

● Counties may opt out of the Voluntary Stewardship Program.

● Deadline for Acceptance of the Workplan.

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### III. The Negotiation Process

*“The [William D. Ruckelshaus] Center must conduct fact-finding and discussions with stakeholders including, but not limited to, agricultural, environmental, tribal, and local government interests... These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. ... The Center must facilitate discussion between the stakeholders ... to identify policy and financial options or opportunities to address the issues...”*

*---Substitute Senate Bill 5248, 2007 Legislature*

#### **Project Steps**

SSB 5248/6520 directed the Ruckelshaus Center to conduct fact-finding and stakeholder discussions to identify concerns, desired outcomes, opportunities and barriers. Fact-finding was intended to provide background and scientific information to the group and establish a common basis of factual understanding for the discussions. The Center was also required to facilitate discussions and assist the representatives in identifying policy and financial options and opportunities to address the issues identified. In undertaking these phases, the Agriculture and Critical Areas project has followed six steps:

##### **Step 1: Form a broadly representative and constructive stakeholder group.**

Agriculture and critical areas issues in Washington affect a variety of communities that potentially include 250 agricultural commodities, 39 counties, 29 recognized tribes, and over 20 environmental organizations. As a result, a major challenge of the process was to form a workable, yet diverse, group to steer the process. To begin this step, the Ruckelshaus Center invited the individuals who were most actively involved in the development of the initiating legislation to reach out to their respective communities and provide feedback on the composition, communications structure, and representatives for the committee. The initial structure of the committee included:

- 18 working members from the four caucuses specified in the 2007 Legislation (tribal and county governments, and agricultural and environmental interests)
- Each caucus named its own representatives in consultation with the Center.
- A coordinator was selected by each caucus to work closely with the Center to ensure coordination and communication that would help keep the process on track.
- Internal communications within each caucus were left to the discretion of caucus representatives. Typically, caucus representatives kept their constituents informed through consortium newsletters, organizational meetings, and/or updates at conferences.
- Tribal representation: In 2007, the Ruckelshaus Center made additional efforts to contact tribes throughout Washington State through the Governor’s Office of Indian Affairs, and issued invitations to participate to each tribe. In response to the invitations, several tribes requested to remain informed, and a few chose to



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participate at the table. Additionally, a representative from the Northwest Indian Fisheries Commission (NWIFC) participated in 2008 and 2009. In January, 2010, the NWIFC indicated that it would no longer participate; however, a few tribes contacted the Center and asked to be updated on an informal basis. The Ruckelshaus Center met with interested tribal officials and staff in the summer of 2010, to provide information and obtain input that was passed on to the parties at the table.

### The 5248 Agriculture and Critical Areas Committee in 2009



#### *Step 2: Prepare operating principles and ground rules to foster trust and ownership in the process.*

In order to establish constructive working relationships between the participants, the committee carefully crafted a set of ground rules during the initial months of the process. The groundrules established the purpose of the committee, the composition of the group and structure for participation, and the roles and responsibilities of the committee members, caucus representatives, facilitator, and Center. As noted in the groundrules, committee members committed to, “fully exploring the issues and

*searching for creative solutions that best serve the parties' mutual interests in addition to those of the constituents that each caucus represents."*

*Step 3: Initiate fact-finding and stakeholder discussions.*

As described below, the Ruckelshaus Center was charged with the task of collecting data in seven relevant subject areas that could be used by the committee for resolving conflicts and shaping policy proposals. Fact-finding was conducted primarily by faculty and graduate students from the University of Washington and Washington State University. Information was obtained through field trip/case examples, interviews, literature reviews, and presentations from several organizations with relevant expertise.

**2009 field trip to Ellensburg**



*Step 4: Build a framework for solutions, and prepare a package of findings and recommendations*

Committee meetings in early 2008 were largely devoted to allowing caucuses to express their key issues and desired outcomes for the process. Following the first in-depth retreat in May 2008, a rough set of key elements necessary for building an agreement began to emerge. In 2009, caucuses came forward with ideas for building a “strawdog”

agreement. A “strawdog subcommittee” of eight members was established to work on the key concepts. A total of 12 meetings of the subcommittee were held in 2009, in addition to regular full Committee meetings. Two retreats of the full committee were used to review the “strawdog” program, explore areas of agreement and dispute, and review draft findings and recommendations.

*Step 5: Build support for recommendations among individuals, organizations, and governments affected by the process.*

Caucus representatives have kept their members informed throughout the process. Caucus coordinators and committee members have also made joint presentations to legislative committees, and Center staff members have met with state agencies and legislative liaisons that have interest in the process.

*Step 6: A new approach was implemented by the Ruckelshaus Center in 2010.*

After the extension of the Agriculture and Critical Areas process in early 2010 via SSB 6520, the Ruckelshaus Center developed a work plan for project completion, based on input from the Agriculture and Critical Areas parties about what would help them reach an agreement. At the same time, there were changes in the Center’s director, project facilitators, and coordinating staff. The Center received permission from the participants to undertake a more proactive style of facilitation. Center staff members were authorized to craft proposal scenarios and engage in “shuttle diplomacy.” Three workgroups were formed to develop recommendations for key unresolved issues. An interagency workgroup was formed to provide feedback on developing recommendations. The workgroups made consistent progress from May through July of 2010. August and September were devoted to final negotiations with the committee as a whole.

## **Funding for the Process**

The Center has provided facilitation, fact finding, writing services, and logistical support to the committee. Graduate students and part-time faculty from University of Washington and Washington State University were funded for research during the fact finding portion of the negotiation process. Program coordination and support included staff to carry out meeting logistics, copying, cost of meeting rooms, and food.

Funding for the process from 2007 to June 30, 2009 was provided by the Legislature, Office of Financial Management, Department of Ecology and the Department of Commerce (formerly CTED) as contracts and direct appropriations/provisos. The following amounts were provided during this period:

FY07 \$80,000  
FY08 \$350,000  
FY09 \$300,000

From July 1, 2009 to September 30, 2010 the Ruckelshaus Center has spent an additional \$166,000 from private funding. In-kind contributions from the participants on the committee are conservatively estimated to be over \$250,000 for their time and travel to the 61 meetings of the committee and workgroups, plus time for caucus meetings and correspondence.

## **Fact-finding**

*“The fact-finding must identify existing regulatory, management, and scientific information related to critical areas including, but not limited to:*

- *critical areas ordinances adopted under 36.70A RCW;*
- *acreage enrolled in the conservation reserve enhancement program;*
- *acreage protected by conservation easements;*
- *buffer widths*
- *requirements of federally approved salmon recovery plans;*
- *the impacts of agricultural activities on Puget Sound recovery efforts; and*
- *compliance with water quality requirements.”*

The purpose of fact-finding for the Agriculture and Critical Areas process has been to develop a common level of understanding among caucus representatives on regulations, programs, and issues affecting agriculture and critical areas. Informal draft papers, presentations, case examples, and program summaries were provided to committee members to support the discussion. Fact finding documents will be made available from the Center’s website.

***It is important to emphasize that the information in the fact-finding papers represents the views of the authors, based on readily available information obtained at the time of the research. The draft fact-finding papers and other fact-finding materials were not approved by the Agriculture and Critical Areas Committee and do not represent the views of committee members or their constituent organizations, or the members of the William D. Ruckelshaus Center Board or its members.***

### **4.2.1 Required Elements of Fact-Finding:**

For fact-finding elements required by SSB 5248, draft papers were completed by faculty and graduate students at Washington State University or the University of Washington, or by contractors to the Ruckelshaus Center, as follows:

- “Analysis of Language of Selected Elements of the Critical Areas Ordinances of Washington Counties” -- April 30, 2008 by William W. Budd, PhD & Heidi Sowell, MS; Washington State University. The authors reviewed all critical areas ordinances in Washington State counties and analyzed the regulations, exemptions, and conditions pertaining to agriculture. A matrix of CAO

provisions and content analysis summary document was presented to the Committee in 2008.

- “Acreage Enrolled in CREP (Conservation Reserve Enhancement Program) and Additional Conservation Program Descriptions” -- Revised draft September 19, 2008 by Branden Born, PhD and Alon Bassok, MUP; University of Washington. The paper summarizes findings from of a review of CREP, Conservation Reserve Programs, and other incentive-based conservation programs available to agricultural landowners in Washington State. The paper was presented to the Committee in 2008.
- “Acreage Protected by Conservation Easements” – July 3, 2008 draft by Branden Born, PhD and Alon Bassok, MUP; University of Washington. The paper compiles data from The Nature Conservancy, state agencies, land trusts, and counties about the extent and nature of conservation easements in the state. The paper was presented to the Committee in 2008.
- “Buffers and Agricultural Practices Related to Riparian Habitat Protection” – July, 2009 draft by Julie D. Horowitz, MS; for the William D. Ruckelshaus Center. The paper consisted of a literature review of scientific studies related to characteristics and functions of riparian zones, and the varying effectiveness of buffer types and widths. Drafts of the paper were circulated among members of the Committee designated by each caucus in 2009.
- “An Overview of Salmon Recovery Plans and Agriculture in Washington State” – June 30, 2008 draft by Ann Seiter, MS; for the William D. Ruckelshaus Center. The paper provides a general overview of the listing process for salmon under the Endangered Species Act and the status of salmon recovery planning and implementation in Washington State. The paper was based on information from salmon recovery plans and interviews with regional salmon recovery program managers. The paper was presented to the Committee in July, 2008.
- Comparison of the SSB 5248 Framework for Critical Areas and Agricultural Viability with the Priorities of the Puget Sound Action Agenda – draft matrix and memo, March 31, 2009 by Ann Seiter, MS; for the William D. Ruckelshaus Center. Memo summarized the elements of the Puget Sound Action Agenda and results of interviews with Puget Sound Partnership staff to highlight areas where the processes have common elements. Memo was provided to the Caucus Coordinators in March, 2009.
- “Compliance with Water Quality Requirements” by Branden Born, PhD & Alon Bassok, MUP; University of Washington. Paper describes methods used by the Washington Department of Ecology to operate water quality programs

consistent with the provisions of the Federal Clean Water Act, monitor the condition of water bodies throughout the state, and conduct compliance activities. A draft paper was presented to the Committee in 2008, and revised in 2008-2009.

#### **4.2.2 Additional Fact-Finding Activities and Products:**

- Incentives Matrix – June 1, 2009 by Catherine Kilbane, Research Assistant; University of Washington, Evans School of Public Affairs. Comprehensive matrix of incentive programs available to agricultural landowners in Washington State. Distributed to Committee in November, 2008 and updated in 2009.
- Summary of Expert Interviews on Conservation Districts and Incentive Programs – June 1, 2009 by Catherine Kilbane, Research Assistant; University of Washington, Evans School of Public Affairs. Informational memo distributed to caucus coordinators.
- “An Overview of Federal and State Environmental Regulations with Respect to Agriculture” – draft July 7, 2008 by William W. Budd, PhD; Washington State University. Draft paper distributed to the Committee summarizing the federal and state environmental regulations that currently affect agriculture.
- Summary of Habitat Work Schedule (Salmon) Projects – memo June 1, 2009 by Catherine Kilbane, Research Assistant; University of Washington, Evans School of Public Policy. Informational memo with examples of salmon recovery projects related to agriculture around the state, and summary of the total number of projects currently on the habitat work schedule/list. Distributed to caucus coordinators, June, 2009.
- **Case studies, individual and panel presentations, and field trips:**
  - Whatcom County Conservation District – restoration projects and relationship to Whatcom CAO
  - Clark County-- CAO development and farm plan program
  - Nisqually Watershed Council—history and overview of the council
  - Kittitas Conservation District—presentation and field trip; Ellensburg
  - Washington Farm Bureau-- safety inspection program
  - CREP program (Washington Conservation Commission)
  - Conservation easement programs, (Recreation and Conservation Office, The Nature Conservancy, and representatives from land trusts)
  - Monitoring programs (Washington Department of Ecology, Salmon Recovery Funding Board)
  - Salmon recovery (Puget Sound Partnership)
  - Information on relevant state agencies, boards, and commissions (Center staff)

## **Process Used for Meetings and Discussions**

Recognizing that communication is the key to building solutions, the Center held a total of 61 meetings of the combined caucuses, not including individual caucus meetings, meetings with agency staff, and individual discussion. There were 29 full meetings of the Agriculture and Critical Areas Committee over the three year timeframe of the project and three committee retreats. Additionally, there were 32 meetings of workgroups and subcommittees in 2009 and 2010 to develop a “strawdog” set of findings and recommendations and to work on the resolution of outstanding issues. The 2010 discussions focused on program implementation, county options and regulatory consequences, and accountability and privacy for landowners. The Center’s facilitation staff spoke numerous times with each individual caucus to allow representatives to speak frankly, and to clarify points of contention and agreement. At the end of September, 2010, the Committee formed two subcommittees to take the process into the next phase—one for the legislative process and one to explore funding options.

Each caucus designated a caucus coordinator and the coordinators met or corresponded to address project issues, such as approval of procedures. Caucus coordinators and committee members made in-person reports to legislative committees and the William D. Ruckelshaus Center Board. Interaction between the Agriculture and Critical Areas project and state agencies was largely coordinated through the Governor’s Office.

**Timeline of the Agriculture and Critical Areas Process**

<b>2007: Formation of the stakeholder committee and issue identification</b>	
May 2007	Substitute Senate Bill 5248 was adopted, directing the William D. Ruckelshaus Center to undertake the Agriculture and Critical Areas process.
July 2007	A broadly representative stakeholder group was formed from representatives of county and tribal governments, and agricultural and environmental organizations.
August 2007	A set of operating principles and groundrules were developed to foster trust, openness, and ownership in the process.
Fall 2007	Issue identification and exchange of stakeholder concerns.
December 2007	Progress report #1 submitted to the Governor and Legislature
<b>2008: Fact finding and discussion</b>	
2008	The Ruckelshaus Center conducted fact finding on the seven topics required by SSB5248: 1) requirements of county critical areas ordinances; 2) the Conservation Reserve Enhancement Program; 3) conservation easements; 4) buffer widths; 5) requirements of federally-approved salmon recovery plans; 5) relationship between agriculture and Puget Sound recovery efforts; and 7) requirements of water quality regulations.
May 2008	Committee retreat
Summer 2008	Committee heard staff presentations of fact finding and guest speakers from county government, conservation districts, watershed councils, state agencies, and non-profit organizations. Topics included critical areas ordinances, farm planning, conservation reserve programs, monitoring, and other subject as requested by the committee.
Fall 2008	Discussion to identify desired outcomes, opportunities, and barriers.
Dec 2008	Progress report #2 submitted to the Governor and Legislature
<b>2009: Development of a "Strawdog" set of recommendations</b>	
January 2009	The Agriculture Caucus presented a "Strawdog" set of ideas and a sub-committee was formed for further development.
June 2009	Committee retreat and field trip to Ellensburg. Conceptual agreement was reached on a general framework for a voluntary stewardship program.
Summer 2009	Continued discussion of unresolved issues. Committee retreat in Bellingham. Staff meetings with state agencies and Governor's Office.
Fall 2009	Brief progress report submitted to the Governor and Legislature. Continued discussion of the "Strawdog" recommendations. Committee indicated their desire to extend the process.
<b>2010: Legislative extension and new approach</b>	
January 2010	The county, agriculture and environmental participants indicated that they would like to continue and supported legislation to extend the process for one year. The Northwest Indian Fisheries Commission indicated that it would not continue to participate.
March 2010	SSB 6520 adopted to continue the process.
Spring / Summer 2010	Ruckelshaus Center project team changed. Workgroups were established to work on major unresolved issues. A state agency workgroup was formed to provide input. Workgroups concluded their work in July. The full committee worked to resolve remaining issues in August and September. The Ruckelshaus Center updated tribal representatives in July and August.
Fall 2010	Final report to Governor's Office and Legislature, caucus preparation of legislative proposals. Exploration of funding options.



**APPENDICES**

- A. Acronyms, Abbreviations, and Frequently Used Terms
- B. Information on The William D. Ruckelshaus Center
- C. Substitute Senate Bill 5248 updated as SSB 6520
- D. Letter from Governor Gregoire and the WA State Legislature; November 7, 2007

## Appendix A: Acronyms, Abbreviations and Frequently Used Terms

### Acronyms and Abbreviations

CAO	Critical Areas Ordinance
CD	Conservation District
Commerce	Washington State Department of Commerce
CWA	Clean Water Act (Federal)
Ecology	Washington State Department of Ecology
FTE	Full time equivalent (one person working full time for one year, or a combination of part time positions that add up to one full time position)
GMA	Growth Management Act
GMHB	Growth Management Hearings Board
NRCS	Natural Resource Conservation Service
TMDL	Total Maximum Daily Load (refers to the amount of pollutant loading into a given water body. TMDL is also used to describe water quality clean up plans)
WDFW	Washington Department of Fish and Wildlife
WSCC	Washington State Conservation Commission
WSDA	Washington State Department of Agriculture

### Frequently Used Terms

**Agricultural activities** as defined in SSB5248/6520 means “agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.”

**Benchmarks for protection:** locally-adopted, quantifiable standards and measures to define and provide protection for critical areas.

**Benchmarks for enhancement:** locally-adopted, voluntary measures for desired watershed improvements to water quality, fish and wildlife habitat, and other functions and values of critical areas to be achieved through voluntary measures.

**Biodiversity (biological diversity)** refers to the array of species and their habitats in an ecological region, and the physical processes that support them.

**Critical areas:** are defined in the Growth Management Act (RCW 36.70A.030(5)) and include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

**Enhancement:** Refers to voluntary actions by agricultural landowners and operators to improve the functions and values of critical areas above existing levels.

**Incentives:** Programs to encourage private landowners to undertake conservation actions on their land. Areas of incentives include: Funding, tax relief, advice and technical assistance or recognition and certification.

**Individual Stewardship Plan:** A plan prepared by an individual agricultural landowner/operator to specify farm management practices that address site-specific functions and values of critical areas. May be a subset of a larger farm plan or a separate stewardship plan.

**Local watershed group:** a broadly representative group of key watershed stakeholders designated by the county (in consultation with tribes and others) to oversee the operation of the local voluntary stewardship program. Where lead entities, watershed planning units, local integrating organizations, and/or watershed councils have already been established, one of these entities may be the local watershed group to focus on critical areas and agriculture. The group will include agricultural and environmental representatives.

**Outcomes:** Short-term and medium-term effects of the collective actions and work performed by landowners and cooperating organizations within a watershed. Refers to measurable indicators such as fecal coliform levels, stream miles of riparian vegetation, acres of productive farmland.

**Outputs:** Actions and work performed by the technical assistance entity and individual agricultural landowners and operators. Refers to preparation of individual stewardship plans, and implementation of identified projects such as replanting riparian vegetation, establishment of vegetative buffers, wetland restoration, and livestock access management.

**Protection:** Protection is defined as preventing degradation of existing critical areas functions and values.

**State-wide advisory committee:** An advisory committee appointed by the Washington State Conservation Commission to provide recommendations related to the operation of the Agriculture and Critical Areas Stewardship program. The committee will be comprised of 2 representatives each of four caucuses: counties, tribes, agricultural and environmental organizations.

**Technical assistance entity:** A conservation district and/or another qualified stewardship entity or technical assistance organization, such as Cooperative Extension that is designated to work with agricultural landowners and operators to prepare individual stewardship plans and enhancement projects for the management of agricultural activities in critical areas.

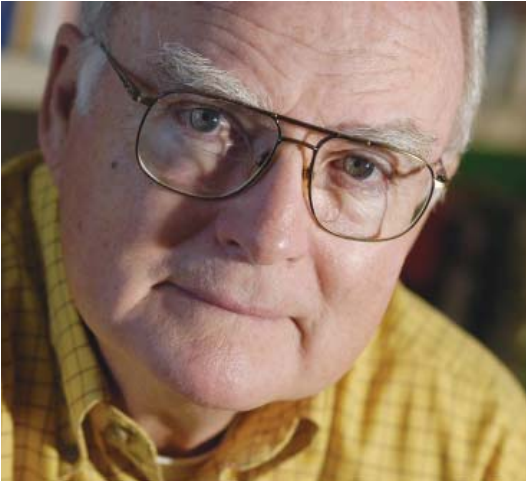
**Voluntary Stewardship Program** refers to the program described herein at the watershed, county or statewide scale. The intent of the voluntary stewardship program is to protect, and voluntarily restore, the functions and values of critical areas by encouraging agricultural operators to voluntarily engage in stewardship practices.

**Watershed:** geographic area consisting of a Water Resource Inventory Area, salmon recovery planning area, or a sub-basin.

- **Base watershed:** Watershed area that has been designated by the county for the operation of the early phases of a voluntary stewardship program. A base watershed will establish a local watershed group, prepare a workplan for protection and enhancement priorities and benchmarks related to agriculture and critical areas, designate a technical assistance entity, and begin working with agricultural landowners and operators to implement voluntary activities identified in the workplan.
- **Priority watershed:** Watershed that has been nominated by the county and designated as a priority watershed by the Washington State Conservation Commission (procedures and criteria are included in the recommendations). Priority watersheds will complete the activities described for base watersheds and will be the focus for incentive programs to implement of the local voluntary stewardship program.

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON



“Unfortunately, we have historically lacked an institutional theater in which science and policy-making can come together efficiently, and produce more light than heat.”

– WILLIAM D. RUCKELSHAUS

For more information on the William D. Ruckelshaus Center, please visit our web site at: <http://RuckelshausCenter.wsu.edu>

## about the center

### Mission & Vision

The mission of the William D. Ruckelshaus Center is to act as a neutral resource for collaborative problem solving in the region. The Center provides expertise to improve the quality and availability of voluntary collaborative approaches for policy development and multi-party dispute resolution.

The Center is a joint effort of Washington’s two research universities and was developed in response to requests from community leaders. Building on the unique strengths of the two institutions, the Center is dedicated to assisting public, private, tribal, non-profit and other community leaders in their efforts to build consensus and resolve conflicts around difficult public policy issues. The Center also advances the teaching, curriculum, and research missions of the two universities by bringing real-world policy issue to the campuses.

The Center envisions a future in which governmental leaders, policy makers, stakeholders and citizens in the state of Washington and the Pacific Northwest routinely employ the tools of collaborative decision making to design, conduct and implement successful public policy processes.

### Services

The Center can:

- Provide a neutral and safe forum for parties to define and resolve issues
- Conduct a situation assessment to determine the most productive means of addressing the issues
- Provide facilitation, mediation, dispute resolution, project management, strategic planning and other services that help parties reach consensus and resolve issues
- Serve as a clearinghouse for resources and research to be used by the parties
- Perform applied research and fact finding
- Provide knowledge, training, and infrastructure development to improve the collaborative problem-solving capacity of the parties and institutions
- Host policy discussions

"Good environmental policy is crafted by involved citizens working in partnership with government. It requires a delicate balancing of viewpoints and a creative and civil search for solutions. The courtroom is no substitute for intelligent cooperation."

—DANIEL J. EVANS



## Projects

The Center offers assistance, training, and research to advance some of the most challenging issues in the state, including natural resources policy, socio-economic issues, and regulatory reform. The Center provides expertise in the process of defining the issues, enhancing the ability of stakeholders to address the substance of the issues and come to agreement.

Prior to conducting a project, the Center follows a deliberate approach of first seeking confidence of the affected and interested parties through consultation with key stakeholders. The Center's role is to improve understanding among parties and enhance the possibilities for progress on issues, rather than dictate an answer from the universities. The results belong to the parties themselves; the Center provides an independent forum and neutral resources that create the possibility for these results to take shape.

## Governance and Funding

The Center is hosted at the University of Washington by the Daniel J. Evans School of Public Affairs, and at Washington State University by WSU Extension. The Center has offices in Seattle, Olympia and Pullman. It is overseen by an advisory board chaired by William Ruckelshaus and composed of prominent local and state leaders representing a broad range of constituencies and geographic locations in the region. Funding for the Center is sought from a mix of sources, including foundations, corporations, individuals, agencies, other state and federal sources, and fees for services when appropriate.

WSU Extension and UW Evans School of Public Affairs programs and employment are available to all without discrimination.

## The William D. Ruckelshaus Center Advisory Board

Bill Ruckelshaus, Board Chair  
Madrona Venture Group

Michael Kern, Director

Sandra O. Archibald - UW Daniel J. Evans School of Public Affairs

Ernesta Ballard - Weyerhaeuser Company

Dan Bernardo - Washington State University

Phyllis Campbell - JPMorgan Chase

Megan Clubb - Baker Boyer Bank

Elizabeth Cowles - The Cowles Company

Jack Creighton - Madrona Venture Group

Greg Devereux - Washington Federation of State Employees

Bob Drewel - Puget Sound Regional Council

Hon. Daniel J. Evans - Daniel J. Evans and Associates

Anne Farrell - The Seattle Foundation

Elson Floyd - Washington State University

Francois X. Forgette - Rettig Osborne Forgette, LLP

Linda Kirk Fox - Washington State University Extension

Billy Frank, Jr. - Northwest Indian Fisheries Commission

William Gates - Bill and Melinda Gates Foundation

Peter Goldmark - Washington State Department of Natural Resources

Jay Gordon - Washington State Dairy Federation

Hon. Slade Gorton - K&L Gates

Gerald Grinstein - Madrona Venture Group

Heather Hansen - Washington Friends of Farms and Forests

Denis Hayes - Bullitt Foundation

Joe King - King Crowley and Company

Kelli Linville - Washington State House of Representatives

Jay Manning - Office of the Governor

Bill Marler - Marler Clark

Deborah Moore - Washington Agriculture & Forestry Education Foundation

Ralph Munro - Shared Strategy for Puget Sound

Bill Neukom - San Francisco Giants

Daniel Newhouse - Washington State Department of Agriculture

Jesse Palacios - Former Yakima County Commissioner

Linda Evans Parlette - Washington State Senate

Craig Pridemore - Washington State Senate

V. Lane Rawlins - Washington State University (retired)

Read Smith - JW Smith & Sons, Inc.

Michael J. Tate - Washington State University

Jim Waldo - Gordon Thomas Honeywell, LLP

Phyllis Wise - University of Washington

Cindy Zehnder - Gordon Thomas Honeywell, LLP

10/14/10



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CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6520**

Chapter 203, Laws of 2010

61st Legislature  
2010 Regular Session

CRITICAL AREAS ORDINANCES--AGRICULTURAL ACTIVITIES--FINDINGS AND  
RECOMMENDATIONS

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 10, 2010  
YEAS 47 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 9, 2010  
YEAS 97 NAYS 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved March 25, 2010, 3:09 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6520** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

March 26, 2010

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6520**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Parlette, Hobbs, Ranker, Pridemore, and Shin)

READ FIRST TIME 01/29/10.

1            AN ACT Relating to providing a one-year extension for completion of  
2 recommendations under RCW 36.70A.5601 conducted by the William D.  
3 Ruckelshaus Center; amending RCW 36.70A.560 and 36.70A.5601; and  
4 amending 2007 c 353 s 6 (uncodified).

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

6            **Sec. 1.** RCW 36.70A.560 and 2007 c 353 s 2 are each amended to read  
7 as follows:

8            (1) For the period beginning May 1, 2007, and concluding July 1,  
9 ((2010)) 2011, counties and cities may not amend or adopt critical area  
10 ordinances under RCW 36.70A.060(2) as they specifically apply to  
11 agricultural activities. Nothing in this section:

12            (a) Nullifies critical area ordinances adopted by a county or city  
13 prior to May 1, 2007, to comply with RCW 36.70A.060(2);

14            (b) Limits or otherwise modifies the obligations of a county or  
15 city to comply with the requirements of this chapter pertaining to  
16 critical areas not associated with agricultural activities; or

17            (c) Limits the ability of a county or city to adopt or employ  
18 voluntary measures or programs to protect or enhance critical areas  
19 associated with agricultural activities.



1 (2) Counties and cities subject to deferral requirements under  
2 subsection (1) of this section:

3 (a) Should implement voluntary programs to enhance public resources  
4 and the viability of agriculture. Voluntary programs implemented under  
5 this subsection (2) (a) must include measures to evaluate the successes  
6 of these programs; and

7 (b) Must review and, if necessary, revise critical area ordinances  
8 as they specifically apply to agricultural activities to comply with  
9 the requirements of this chapter by December 1, ((2011)) 2012.

10 (3) For purposes of this section and RCW 36.70A.5601, "agricultural  
11 activities" means agricultural uses and practices currently existing or  
12 legally allowed on rural land or agricultural land designated under RCW  
13 36.70A.170 including, but not limited to: Producing, breeding, or  
14 increasing agricultural products; rotating and changing agricultural  
15 crops; allowing land used for agricultural activities to lie fallow in  
16 which it is plowed and tilled but left unseeded; allowing land used for  
17 agricultural activities to lie dormant as a result of adverse  
18 agricultural market conditions; allowing land used for agricultural  
19 activities to lie dormant because the land is enrolled in a local,  
20 state, or federal conservation program, or the land is subject to a  
21 conservation easement; conducting agricultural operations; maintaining,  
22 repairing, and replacing agricultural equipment; maintaining,  
23 repairing, and replacing agricultural facilities, when the replacement  
24 facility is no closer to a critical area than the original facility;  
25 and maintaining agricultural lands under production or cultivation.

26 **Sec. 2.** RCW 36.70A.5601 and 2007 c 353 s 3 are each amended to  
27 read as follows:

28 (1) (~~Subject to the availability of amounts appropriated for this~~  
29 ~~specific purpose,~~) The William D. Ruckelshaus Center must conduct an  
30 examination of the conflicts between agricultural activities and  
31 critical area ordinances adopted under chapter 36.70A RCW. The  
32 examination required by this section must commence by July 1, 2007.

33 (2) In fulfilling the requirements of this section, the center  
34 must: (a) Work and consult with willing participants including, but  
35 not limited to, agricultural, environmental, tribal, and local  
36 government interests; and (b) involve and apprise legislators and  
37 legislative staff of its efforts.

1 (3) The examination conducted by the center must be completed in  
2 two distinct phases in accordance with the following:

3 (a) In the first phase, the center must conduct fact-finding and  
4 stakeholder discussions with stakeholders identified in subsection (2)  
5 of this section. These discussions must identify stakeholder concerns,  
6 desired outcomes, opportunities, and barriers. The fact-finding must  
7 identify existing regulatory, management, and scientific information  
8 related to agricultural activities and critical areas including, but  
9 not limited to: (i) Critical area ordinances adopted under chapter  
10 36.70A RCW; (ii) acreage enrolled in the conservation reserve  
11 enhancement program; (iii) acreage protected by conservation easements;  
12 (iv) buffer widths; (v) requirements of federally approved salmon  
13 recovery plans; (vi) the impacts of agricultural activities on Puget  
14 Sound recovery efforts; and (vii) compliance with water quality  
15 requirements. The center must issue two reports of its fact-finding  
16 efforts and stakeholder discussions to the governor and the appropriate  
17 committees of the house of representatives and the senate by December  
18 1, 2007, and December 1, 2008; and

19 (b) (i) In the second phase, the center must facilitate discussions  
20 between the stakeholders identified in subsection (2) of this section  
21 to identify policy and financial options or opportunities to address  
22 the issues and desired outcomes identified by stakeholders in the first  
23 phase of the center's examination efforts.

24 (ii) In particular, the stakeholders must examine innovative  
25 solutions including, but not limited to, outcome-based approaches that  
26 incorporate, to the maximum extent practicable, voluntary programs or  
27 approaches. Additionally, stakeholders must examine ways to modify  
28 statutory provisions to ensure that regulatory constraints on  
29 agricultural activities are used as a last resort if desired outcomes  
30 are not achieved through voluntary programs or approaches.

31 (iii) The center must work to achieve agreement among participating  
32 stakeholders and to develop a coalition that can be used to support  
33 agreed upon changes or new approaches to protecting critical areas  
34 during the ((2010)) 2011 legislative session.

35 (4) The center must issue a final report of findings and  
36 legislative recommendations to the governor and the appropriate  
37 committees of the house of representatives and the senate by September  
38 1, ((2009)) 2010.

1       **Sec. 3.** 2007 c 353 s 6 (uncodified) is amended to read as follows:

2       This act expires December 1, (~~2011~~) 2012.

      Passed by the Senate March 10, 2010.

      Passed by the House March 9, 2010.

      Approved by the Governor March 25, 2010.

      Filed in Office of Secretary of State March 26, 2010.



## STATE OF WASHINGTON

November 7, 2007

To the Members of the 5248 Committee:


We are pleased that you have begun your work together under the auspices of SSB 5248 and with the assistance of the Ruckelshaus Center. We share your interest in a strong agricultural economy and a healthy environment. We want to see these goals harmonized in an effective set of long-lasting solutions to the challenge of protecting critical areas on agricultural lands in a way that ensures the viability of agriculture.

Certainly, past approaches to resolution have not been fruitful due to a divergence of opinions on what state policy should be. We are optimistic that with the collective knowledge and good will of those at the table, your work will result in the development of a set of effective recommendations. Those of us in the Legislature and in the Executive branch are ready to seriously consider your recommendations, knowing they will be fiscally responsible, innovative, and practical.


We believe that the time out from new critical areas regulation provided by SSB 5248 allows for the deliberate mutual exploration of issues, options, and identification of the needed ingredients for an effective policy. Therefore, the state has invested in efforts of the 5248 Committee as the forum for resolution of the issues outlined in SSB 5248. In essence, this legislation asks everyone with concerns on these issues to make their best effort through the 5248 process, rather than through other individual channels; and to do everything they can to help this process reach an agreed upon solution and to bring the results of this common effort to the Legislature for the 2010 session. It is our intent to honor and see through the completion of the SSB 5248 process without further legislative action until the final report is delivered to the Legislature by September 1, 2009. Resolution of these difficult issues will require everyone's focus and effort, and a solution that has broad support will have the best chance of helping our environment and our agricultural economy.


As such, we look forward to your progress reports and to your recommendations in 2010. We thank each of you and your organizations for your commitment and efforts.

Sincerely,

  
Christine O. Gregoire  
Governor

  
Frank Chopp  
Speaker of the House

  
Lisa Brown  
Senate Majority Leader

  
Richard DeBolt  
House Minority Leader

  
Mike Hewitt  
Senate Republican Leader

