

THE SSB 5248 PROCESS

SSB 5248 Stakeholders Committee Meeting

Friday, 25 January 2008 9 a.m. – 12:30 p.m.

Capitol Court, Room 408

1110 Capitol Way South

Olympia, WA

(The Old Thurston County Courthouse)

PRELIMINARY DRAFT SUMMARY FOR INITIAL REVIEW

of the Meeting's Key Discussions, Decisions and Agreements

Attended: **Agriculture:** Scott Dahlman, Jack Field, Jay Gordon, Jim Hazen, John Stuhlmiller, Terry Willis, and Dan Wood. **Local Government:** Eric Johnson, Betty Sue Morris, and Harry Reinert. **Environmental:** Len Barson, Dave Bricklin, Nina Carter, Mo McBroom, and Bill Robinson. **Tribal:** Marty Loesch, David Troutt, Larry Wasserman, and Jim Weber. **Governor's Office:** John Mankowski. **Ruckelshaus Center:** Alon Bassok, Branden Born, Jon Brock, Bill Budd, Rob McDaniel, Cheryl Rajcich, Lane Rawlins, and Ann Seiter. **Guests:** Steven Greimann, Jim Weber, and Ryan Walters. **Facilitator:** Jim Reid.

THE MEETING'S PURPOSE

At the Committee meeting in late November 2007, the stakeholders expressed an interest in preparing to discuss substantive issues by sharing with each other their interests, needs, and concerns, and by identifying what information the four caucuses need from one another. To lay the foundation for substantive discussions in 2008, provide additional input into fact-finding, and achieve a more accurate understanding of stakeholder interests and views, this meeting was devoted to a discussion in which the caucuses addressed these two questions:

1. What do you want the other members of the Committee to know about your caucus in terms of important themes, concerns, or information as we consider how to make mutual progress in the coming year on resolving the critical areas protections and agriculture issues covered by SSB 5248?
2. What are some important areas that your caucus would like to learn more about or more thoroughly understand from the other caucuses?

THE CAUCUSES' INTERESTS, CONCERNS AND PERSPECTIVES

The following are the interests, concerns and perspectives that the Committee members presented on behalf of their caucuses, or that were further identified during the question and answer period that followed each presentation.

The Counties Caucus:

The interests, concerns and perspectives of the Counties Caucus are:

- Keep agriculture viable in Washington State because it is a critical or leading economic component—and the cultural and historical fabric—of many communities.
- Note that farmers are important stewards of the land.
- Recognize that the issues the Committee is addressing are very personal for County officials. We are in the unique and difficult position of regulating our friends and neighbors. County Commissioners have been turned out of office for trying to implement meaningful environmental regulations. Counties face the risk of losing money from the costs of challenges and other events in the implementation of the Act. Everyday we address the challenges of implementing the Growth Management Act, including balancing all thirteen goals.
- Think “outside the box” by showcasing creative solutions. This has been difficult because of the risk of appeals. We would like to present to the Committee a number of jurisdictions’ examples of successes and ideas that have been put in place.
- Bring certainty to processes and decision-making, and focus on implementation. We want collaborative processes that get us out of litigation.
- Create partnerships to build trust and understanding. Trust has become strained and we want to rebuild that. among the partners who have successfully collaborated with Counties, including Conservation Districts and volunteers.
- We believe there are voluntary programs and measures that can be used. For example, Island County’s Shore Stewards Program, is one from which we could learn.
- Equitable solutions—for the landowner and for the broader public—but not one size fits all.
- Tailor solutions to unique conditions and work towards outcomes and outcome-based approaches rather than prescriptive solutions.
- Funding for monitoring and evaluation. Outcome-based solutions require monitoring and evaluation. Those are costly. Monitoring, for example, is very expensive. Island County is spending \$400,000 on monitoring this year. Counties cannot accept solutions that add to our burden or become unfunded mandates. We need the resources to implement the solutions, and the rest of the Committee to support us in securing them.
- Learn from other experiences. Bring to the Committee programs and processes of other states and within our state from which we could learn lessons about building collaborative relationships and decision-making. Two examples: 1) Watershed planning conducted in

Washington State under the Watershed Resource Inventory Areas (WIRAs); 2) King County's Agricultural Commission and innovative programs.

- Ensure solutions are transferable. Whatever decisions the Committee comes up with should be transferable to help address and resolve other issues and problems.
- Use a variety of tools to protect the environment. Environmental quality and how we achieve it are important to the Counties. The methods we use and how they are structured affect how well regulations work. And regulations are not enough in this arena. Counties need a combination of programs, including restoration and incentive programs, appropriate staff training and programs structured to assist.

The Tribal Caucus:

The interests, concerns and perspectives of the Tribal caucus are:

- As background, note the relatively short history of the Tribes in dealing with the state on these issues, so the relationship is still developing. The Centennial accords and the development of this relationship accounts for the presence of the Tribes in this process. Most of the Tribes' relationships have been with the Federal Government. There is, of course, an even longer history of traditions, culture and economy surrounding fishing, and that deeply affects the tribes' interests and concerns. Treaties defined that the usual and accustomed fishing areas would be guaranteed forever.
- Recognize the issues that the Committee is addressing are personal for us, as we know it is for others here. Fishing is the structure around which many communities in the Puget Sound are organized. For the Swinomish Tribe, for example, fishing touches every family, and is the core of spirituality, today as in the past.
- Ensure the viability of agriculture and of commercial fishing and make a similar collective commitment to each. You can expect us to support the continuation of the agricultural enterprise and would like the same commitment.
- Fishing in Puget Sounds presents for Tribes the same kinds of challenges that agriculture presents for farmers, including declining prices, poor distribution, and growing international competition. The Chinook harvest is down 95% since 1995...imagine being able to farm only five days each year.
- Preserve and strengthen our relationships and partnerships. We are neighbors of County officials and farmers, and work with them on civic boards, in community organizations, and in the fields, and have had close relationships for generations. These challenges strain those relationships, and we would like to see that addressed. We share with the environmental community the core values that have led to protecting salmon and other resources.
- Protect our heritage and traditions, and preserve opportunities for future generations. Like the other members of the Committee, we are interested in protecting our connection to where we live, preserving our heritage, being good stewards, and leaving a legacy that ensures that our children and grandchildren experience and enjoy what we have enjoyed.

- Like County officials, the Tribes are concerned about sufficient funding for schools, courts, infrastructure and services, the burdens of unfunded mandates, and threats of litigation.
- Solve problems in other ways than litigation and fighting. Some existing federal tools that we have had to rely on are “nuclear.” We haven’t relied heavily on State tools, but that is evolving. We don’t find joy in litigation, but rely on it as a last resort. We would rather not keep fighting, but find new tools or methods to resolve problems. We would prefer to work things out at the state and local levels, and avoid the kind of confrontation that we have had. Basic endangered species enforcement doesn’t allow us to fish. We need more and better steps.
- Provide certainty and an equitable distribution of risk. We need programs that provide certainty to farmers and Tribes, and a balance between voluntary and regulatory programs that ensures an equitable degree of risk.
- It is important to find ways to measure success that are meaningful in terms of impact on fish. Simply measuring how many people have signed up for a voluntary program is not sufficient.
- Can we get away from focusing on the individual to focus on agricultural viability overall? Keeping agriculture and fishing viable, overall, may require protections on certain lands. Actual need for buffers may only affect a small percentage of lands.
- Learn from other experiences. For example, in the Skagit, the Tribes have worked closely and successfully with representatives of counties and the timber and hydro-electric industries, despite contentious issues. Another example: In the Nisqually watershed, Tribes and other key stakeholders are celebrating twenty years of working together. Look to these and other experiences to learn about successful processes and programs., and what it took to build positive, enduring relationships and collaboration.
- Educate and engage the local community to make better decisions. The model of regulation that we currently rely on is not saving fish, our experience tells us. We cannot rely solely on state and county government. And we don’t spend enough on enforcing existing regulations, but it is still far more than we spend on needed and valuable public education. Experience with other local groups and interests in the Nisqually watershed, for example, may illuminate how local efforts can result in community-based solutions and implementation.

The Environmental Caucus:

The interests, concerns and perspectives of the environmental caucus included:

- Ensure a healthy environment. These issues are personal for us, too, because humans, animals, fish, and plants all benefit from a healthy environment. We are surrogates for animals, fish and plants who do not have a voice.
- We care about people and their livelihoods. People are part of the “food chain,” so we cannot lose the human component of these issues.
- Use an ecosystem approach to address the elements of a healthy environment. While streams and salmon are important, so, too, are animals, birds, plants, other kinds of fish, and

the land and air. We want agricultural practices to be supportive of salmon and other environmental functions, e.g. wetlands, flows and others. We recognize, of course that all elements of human society have impacts on the eco-system, like development, residents, high rise builders, etc. Not an agricultural only issue.

- Protect farming. It is an important part of our communities and economy, and much about agriculture is good for the environment, including benefits of open space, and for habitat and climate change.
- Learn and understand more about the hardships that environmental regulations might cause agriculture, issues like economic impact, invasive species and the like. We have to better understand the full system you work on, and we want to understand how to help you preserve it.
- Be flexible in the modes used to accomplish the goals. We don't come to the table to say that buffers are the only way to accomplish the goals; we are open to other types of programs. Perhaps we will find that there is a solution that doesn't rely primarily on buffers. That's ok.
- Examine and include incentive programs. We see a role for those.
- There should be funding and follow through to implement and enforce policies and rules.
- Use and fund adaptive management and monitoring to ensure that goals are being achieved.
- Learn from successful programs in our state and elsewhere.
- We would like to solve our problems and at the same time solve your problems.

The Agricultural Caucus:

The interests, concerns and perspectives presented by the agricultural caucus were:

- Recognize farmers as stewards of the land. Farmers have a respect for the land and a multi-generational connection to it. It is in the farmer's interest to respect and care for their property, and to keep it healthy. It is in our interests to ensure farmers are not pushed from their lands and replaced by someone who doesn't have the knowledge of the land or would convert it to other uses.
- Reduce barriers to successful farming. The average age of farmers is increasing; today it is close to sixty years old. Need to keep future generations interested. Rules and regulations impede farming. Realtors and developers tempt farmers to sell their land for development. Increasing costs of machinery and global competition result in higher costs and lower profits. When there is a sense of disdain or lack of respect for farmers, they feel a loss of hope and are more likely to sell. But they want to do the right thing. When they feel treated as if they are destroying the environment, not valued, it harms motivation.
- More progress can be made if we are asked to help work on a problem, rather than forced to do certain things.

- Preserve multi-generational farming. If the next generation doesn't farm the land, what happens to agriculture and to the land? And as farms disappear, so, too, do other jobs in the community.
- Provide certainty and reduce risk. Uncertainty and high risk are barriers to farming. Rules that make the livelihood of farmers even more uncertain are resisted. Farmers have favored rules that reduced risks and increased certainty, like rules that prevent land from becoming toxic.
- Focus on goals and outcomes, and allow alternative ways of achieving them. Determine the goals or outcomes that the public wants, and let farmers determine how best to achieve them.
- Help us understand the nature of the problems you believe are most important. Is it a particular stretch of river, a whole county or portion, something else? Help us see the data that supports those concerns. What changes would be helpful? Ask us to help find solutions. We can best provide ideas on incentives or other programs when trying to achieve something specific, if we know more clearly what the success measure is.
- We are interested in seeing examples, like Clark County and others, that offer promising ideas. Incentives are a promising way to go. Money is not the only incentive.
- If something has to be sacrificed for environmental protection, let us try to find the sacrifices that are least harmful to farm viability.
- Flexibility and tailoring solutions to unique conditions. Solutions must address and account for unique situations and conditions. For example, paving the most fertile soil in an area for a highway does not take into account variations in the quality of soils within an area, and ignores the fact that placing the road elsewhere may not have such a detrimental impact on farming, even if it results in the loss of some farmland. Whether determining the size of buffers or applying a set of regulations, the characteristics and qualities of the land, and other such unique conditions or circumstances, should be considered. Success and the degree of participation and needed for compliance may vary in different parts of the state, depending upon the type of farming and type of problem.