

THE SSB 5248 PROCESS

SSB 5248 Stakeholder Committee Meeting

Wednesday, 25 July 2007 10 a.m. – 3 p.m.
La Quinta Hotel, Tacoma

FINAL SUMMARY

of the Meeting's Key Discussions, Decisions and Agreements

Attending: **Agriculture Caucus:** Scott Dahlman, Jack Field, Jay Gordon, Jim Hazen, Mike Shelby, John Stuhlmiller, and Dan Wood; **County Government Caucus:** Eric Johnson and Rick Miler; **Environmental Caucus:** Len Barson, Nina Carter, Kaleen Cottingham, and Joe Ryan; **Tribal Caucus:** Marty Loesch and Larry Wasserman; **Ruckelshaus Center:** Branden Born, Jon Brock, Bill Budd, Deb Finken, Lane Rawlins, and Rob McDaniel; and **Facilitator** Jim Reid.

Guests: **Legislative Staff:** Orland Cano, Heather Lewis-Lechner, Ethan Moreno, Mac Nicholson, Evan Sheffels, Amberf Ulvenes; and Mike Rundlett, Western Washington Agricultural Association.

COMMITTEE REACHES TENTATIVE AGREEMENT ON CAUCUSES' ROLE IN REPLACING MEMBERS AND BRIEFING ALTERNATES, AND LEANS TOWARD A CLARIFICATION OF THE RUCKELSHAUS CENTER'S ROLE IN FACT-FINDING

The SSB 5248 Committee devoted the morning session of the meeting to reviewing and discussing the draft ground rules. This discussion was not finished, and it is expected that the Committee will make additional changes to, finalize and adopt the ground rules at its next meeting.

At the beginning of the discussion of ground rules, facilitator Jim Reid identified ground rules that had been identified as of particular interest and importance to the caucuses when he and Jon Brock of the Ruckelshaus Center spoke with the caucus leads in the few days leading up to the July 25th meeting. Committee members then added to the list. As part of the overall review and approval of the draft ground rules, the following list will be reviewed and discussed by the caucus leads and Committee members before the Committee adopts a final set of ground rules.

Ground rules of particular interest and importance include:

- Committee's purpose statement. (Section: Purpose)
- Title or name of the process and the Committee. (Section: Purpose)

- Description of the groups or causes seated at the table. (Ground Rule 1)
- Role of the representatives of the Governor's Office and Legislature. (Ground Rules 4-5)
- Involvement of other parties. (Ground Rule 7)
- Open meetings, including the intentions of the Committee. (Ground Rule 9)
- Facilitator's role in helping write reports and in dealing with the media. (Ground Rules 15 and 31)
- Definition of "agreement." (Ground Rules 18-20)
- Final report. (Ground Rule 32)
- Possible political or legislative actions during the process that might address issues the Committee is addressing, and the Committee's reactions to them. (Ground Rule 33)

The Committee reached tentative agreement on two changes under "Participation," the section that defines the role and responsibilities of, among others, the caucus members and their alternates. Those changes were: 1) the insertion of a new sentence into draft ground rule 2 to allow caucuses to replace members who can no longer serve; and 2) the elimination of a sentence in draft ground rule 3, the effect of which is to make caucus members responsible for ensuring that alternates are up-to-speed on the Committee's work when they temporarily replace a caucus member.

In addition, the Committee members appeared to lean in favor of language that was proposed to draft ground rule 16 that more completely defines the role of the Ruckelshaus Center in the fact-finding phase of the SSB 5248 process. Draft language to this effect will be produced and circulated to the Committee members for review, comment and discussion.

DISCUSSION OF FACT-FINDING STRUCTURE PRODUCES COMMITTEE DIRECTION

The Committee devoted the meeting's afternoon session to a discussion of how to proceed on fact-finding. Bill Budd of Washington State University and Branden Born of the University of Washington made presentations to the Committee on this topic.

It was noted that there has not yet been an opportunity to discuss each category of information requested by the legislature in SSB 5248 or the intentions of the legislature in regard to them. Hence, it was agreed that these would be discussed by the Committee as part of providing direction to the Center in gathering, organizing, and assessing information, and then presenting the findings to the Committee. The Center will organize the necessary preparation and agenda to accomplish this.

It was also noted that there are other kinds of fact-finding not specified in the legislation that should be conducted, such as examining best practices and other ideas and background that could be of help to the Committee. The Center will surface for review a draft list based on input so far as a starting point so that such items can be prioritized for additional fact-finding and presentation.

The matrix that Bill Budd produced and the Committee discussed provides a "snapshot" of what counties have in their codes. Committee members appeared to support using the matrix as a starting point for gathering and organizing certain of the existing regulatory, management, and scientific information that SSB 5248 identifies. Toward the end of the

discussion about fact-finding, a comment was offered that the matrix will be helpful in gathering, organizing and synthesizing information from the first four categories identified in Section 3 of SSB 5248, but perhaps not as helpful for the fifth, sixth and seventh categories.

Besides noting the need to determine how to explore the other fact-finding information noted above, Committee members requested these changes to the draft matrix:

- Stamp “draft” and the date of each edition on it.
- Add three pieces of information: 1) a definition of “agriculture” and whether regulations apply only to “new” agriculture or to both “new” and “pre-existing” agriculture; 2) the date when county codes were last updated; and 3) whether or not the codes are compliant with the Growth Management Act (GMA).
- If wetland buffer widths or habitat conservation buffer widths are not applicable or are exempt for agriculture, that information should be stated in the appropriate columns.

The Committee also agreed that Bill should develop two additional matrixes to illustrate:

- pending changes to the codes and at what stage in the process they were when SSB 5248’s was signed into law (For example, were the pending changes a staff proposal, a proposal under review by a planning commission or by the County Commission/Council, or a proposal that the public was commenting on I ; and
- an inventory of county, state, federal and/or other voluntary programs.

The Committee members briefly discussed funding that may be accessible to farmers and initially identified these funding sources: CREP’s reserve fund; EQIP; Partners in Conservation; transfer of development rights; Joint Ventures and Partners in Flight; Salmon Safe; Farmland Protection Program; Wetlands Protection Program; grasslands protection; and Department of Defense conservation easement purchases adjacent to and nearby U.S. military bases. Suggestions were made to check the Congressional Research Service and the Biodiversity Committee report to identify additional funding sources

They agreed to send to Bill the names of funding sources they know of so he can compile a list and begin to research their purposes, requirements, who can access the funds, and other parameters. **Please email Bill additional funding sources at budd@wsu.edu.** After the list is compiled, it will be circulated by the Ruckelshaus Center among the Committee and discussed and refined in future Committee and technical workgroup meetings.

It was also suggested that the Committee may be interested in direct program information and derivative and more locally relevant information, as well as information from other states so as not to “reinvent the wheel.”

Following Branden Born’s Geographic Information System (GIS) presentation, some Committee members stated that the GIS is a valuable tool that can answer the “So what?” question that the policy and program information in the matrix highlights. It may become even more valuable to the group as it moves into the policy phase of the process. In support of the fact-finding phase, GIS could help the Committee identify and fill “gaps” in

our knowledge. A level of GIS information is being developed by the Washington Department of Fish and Wildlife that could be of use to the Committee. Cautions were noted in the use of GIS presentations, particularly the cost of such work and whether or not it is the best use of resources, and the potential for misleading or oversimplified conclusions. With these in mind, GIS presentations on the data can be useful, but care should be taken in how the Committee uses it.

In terms of other information needs, Carol Smith at the Conservation Commission might have information on SASSI streams and about where CREP, which is a voluntary program, has been used and how it has worked.

Finally, the Committee discussed the use of technical experts to assist in the collection and understanding of the data collected for fact-finding. The Center would be able to call upon experts in state and local government, and from the caucuses and others. A technical workgroup consisting of a selection of such experts as well as Committee members could possibly be formed to advance the efficiency and quality of the fact-finding process. The Committee's discussion of the seven categories of information in SSB 5248 will provide such experts and any other workgroup with its initial charter and guidance.