

## THE SSB 5248 PROCESS

### **SSB 5248 Stakeholder Committee Meeting**

Wednesday, 5 September 2007 10 a.m. – 3 p.m.  
Holiday Inn, Renton

## **FINAL SUMMARY**

### **of the Meeting's Key Discussions, Decisions and Agreements**

**Attending:** **Agriculture:** Scott Dahlman, Jack Field, Jim Hazen, John Stuhlmiller, Dan Wood and Terry Willis (alternate); **Local Government:** Eric Johnson and Harry Reinert; **Environmental** Len Barson, Nina Carter, Kaleen Cottingham and Mo McBroom (alternate); **Tribal:** Marty Loesch, Larry Wasserman, David Troutt (alternate) and Dawn Vivian (alternate); **Ruckelshaus Center:** Branden Born, Jon Brock, Bill Budd (by telephone), Billy Gaynor, Rob McDaniel, and Bill Ruckelshaus; and **Facilitator** Jim Reid.

**Legislative Staff:** Orland Cano, John Charba, Ethan Moreno, Evan Sheffels, Mark Streuli, Amberf Ulvenes and Meg Van Schoorl. **Guests:** Joel Rupley, Clark County; Ryan Walters, Skagit County; and Ann Seiter.

### **COMMITTEE CONTINUES TO MAKE PROGRESS IN DEVELOPING GROUND RULES**

As it had on July 25<sup>th</sup>, the SSB 5248 Committee devoted the morning session of the September 5<sup>th</sup> meeting to reviewing and discussing the draft ground rules that will be the basis of the problem-solving process in which we are all involved. Members made progress by narrowing the outstanding issues to two: 1) ensuring continuity of representation of the caucuses at the table; and 2) the Committee's response to or involvement in proposed legislation or initiatives that address issues the Committee is addressing between now and when the Committee presents its report to the Governor and Legislature in September 2009. The Committee recognizes the importance and value of resolving these as soon as possible.

Attached to this summary is the 5 September 2007 (sixth version) of the draft ground rules. The track changes highlight edits the Committee members requested during the meeting.

## **DISCUSSION OF FACT-FINDING HIGHLIGHTS COMMITTEE'S INFORMATION NEEDS, PARTICULARLY REGARDING ITEMS 5-7 OF SECTION 3 OF SSB 5248**

The afternoon session of the meeting was devoted to identifying the Committee's information needs pertaining to items 5-7 of Section 3 of the legislation. The Committee is already making progress in development of items 1-4, and it was determined at the last meeting that we would begin with a discussion of items 5-7 so that the Ruckelshaus Center could obtain additional guidance. For these items, the legislation states, "The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to... (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements." The Center provided a status summary of fact finding activities to the Committee.

Overall, the discussion of fact finding items 5-7 led to a realization that these three items are components of a broader, unified intention to understand as fully and accurately as possible the impact of salmon recovery efforts and water quality requirements on agricultural viability, and the impact of agriculture on water quality and salmon recovery. Rather than look at these as three distinct items to study, the discussion suggested that a more helpful approach, which would also cover the items specifically, would seek to identify the facts regarding what is presently required for salmon recovery and water quality compliance, and its impact on agriculture and the environment, so that we can subsequently examine or evaluate things like: Do the costs and impacts of such requirements unduly interfere with the goals of agricultural viability described in the legislation? Are there gaps in the coverage of existing requirements or in related items such as compliance and monitoring that create limiting factors on salmon recovery or water quality? Following such fact-finding and evaluation of their implications, the Committee can better make its recommendations.

Combining the comments from Committee members, one way to describe this aspect of the fact-finding task is that the legislature heard from various interests that agriculture must already comply with many laws and programs that contribute to critical areas protections, and also heard arguments about agricultural activities that impair water quality and salmon recovery. In view of these competing arguments, this aspect of the fact-finding task in the legislation can be described as identifying what already exists to protect critical areas, how well it is working or can be expected to work, what are the costs or consequences of compliance, and what are the gaps , if any.

This approach was expressed variously as a mutual desire to be open to the validity of the other sides' perspectives, and to develop sufficient knowledge to get away from the temptation to simply minimize the position of the other side. Those participating in this process expect to collectively step back for a fresh look, and make an effort to get the facts to understand the present requirements, the burdens imposed, and the environmental impacts, without assumptions or pre-judgment of the past that have led to previous arguments.

Another way to summarize the fact-finding aspect was: What are the requirements? What's the status of compliance? Is the combination sufficient to ensure protection of critical areas? What does it take for agriculture to comply, and how does that square with viable agriculture? It was urged that we reach a higher standard of understanding of how the systems affect agriculture and farmers, and find the links of the environmental impact back to farms, so that necessary issues can be addressed.

The discussion pointed out the importance of initially gathering facts while being careful to avoid opinion, and recognizing the potential for differences in views of what might be considered facts.

Part of this relates to the Center's responsibilities for fact-finding, and part of it relates to distinctions, over which there is some disagreement, between various categories of salmon recovery efforts, such as between goals and commitments contained in plans and regulatory requirements in state programs, growth management plans and elsewhere.

In addition to helping frame, as noted above, the fact-finding task regarding items 5-7, the discussion also noted considerations that would be valuable in collecting and presenting useful and effective information: The importance and increasing availability of localized data was noted, as were distinctions among commodities. The group wished to be sure to take account of these local differences to the extent the data permits. The discussion also pointed out the distinction between available aggregate data, and anecdotes, noting the value of understanding the impact on farms of combinations of regulatory programs, and also noting differences that might pertain in different locations or types of farming, which would likely require anecdotal examples at least as indicators and guidelines. It was noted that financial impacts would also be important to measure. It was also noted that the Committee should avoid regarding the exploration of impacts of agriculture only in terms of negative or limiting factors, but consider the environmental benefits such as flood control, water filtration, habitat for wildlife and birds, and connectivity, and the costs to the public if man-made infrastructure, rather than agriculture, were needed to provide those protections and benefits. Another reminder was not to ignore the impacts of agriculture on species that are not listed.

The Center agreed to begin to gather data on these items and find a format or formats useful for presentation that will address the broader question (to put it in overly-simplistic terms) of the mutual impacts of agriculture and salmon recovery efforts on each other as noted above. As was done with the fact-finding work for items 1-4 in the legislation, the Center will bring back some draft formats with preliminary content to present to the group for feedback with notation of limitations or possibilities that should be considered in further developing the fact-finding product.

A variety of sources for gathering such data were suggested, and the Center has already begun to gather from a number of them. Committee members will send links to, copies of or potentially useful contact information to the Center (Bill Budd, Cheryl, Jim and Jon) so that the Center can begin to gather and examine available information.

*(NOTE: To email this information to us, use the following email addresses: Jon Brock: [jbrock@u.washington.edu](mailto:jbrock@u.washington.edu); Bill Budd: [budd@wsu.edu](mailto:budd@wsu.edu); Jim Reid: [falconer@seanet.com](mailto:falconer@seanet.com); or Cheryl Rajcich: [cherylr@wsu.edu](mailto:cherylr@wsu.edu).)*

Recognizing that some documents might be out of date, and noting that some of the information was already being collected in the matrix on GMA requirements, among the information sources and considerations that were brought up at the meeting were:

- 303D list from the Department of Ecology
- Understanding TMDLs (get from DOE and EPA);
- Puget Sound Salmon Recovery plans and related requirements from Governor's salmon recovery office, Shared Strategy, Puget Sound Salmon Recovery Council, and NOAA;
- Salmon recovery plans in other basins from NOAA and the Governor's salmon recovery office;
- Be in touch with similar data gathering activities of the Puget Sound Partnership;
- Articles and publications on relevant topics;
- Federal Farm Bill;
- Relevant recent studies on impacts of regulation;
- Studies of financial impact; the WSU College of Agricultural Economics as one source of possible studies;

- Puget Sound Action Team’s plan;
- Puget Sound Action Team past monitoring reports; and
- List of regulatory requirements provided by the agricultural representatives to environmental representatives during the legislative session.

## **NEXT STEPS IN CLARIFYING THE COMMITTEE’S FACT-FINDING INTERESTS AND NEEDS**

At the conclusion of the meeting, the Committee identified these next steps:

- Each caucus will send to the Ruckelshaus Center prior to the October meeting any input on sources of data that it believes would be helpful in the fact finding around items 5-7 of Section 3. While there will be other opportunities for input, please provide your initial input by September 25, if possible.
- Each caucus will review with its constituents the two matrices that Bill Budd and Branden Born have produced, and provide comments through the caucus coordinators to the Ruckelshaus Center by September 25<sup>th</sup>. You are encouraged to check this with technical experts upon whom your caucus would rely for such data.
- Each caucus will provide comment, if any, including suggestions for prioritization, on the proposed list of additional fact finding topics by September 25<sup>th</sup>, so that the Center can begin to assess and arrange the needed work on those topics. This was provided with the meeting materials for September 5.
- Each caucus will provide comment, if any, on the proposed draft agenda for the remainder of the year. This was provided with the meeting materials for September 5.
- The Ruckelshaus Center will begin developing a matrix that highlights the information requested by the Committee pertaining to items 5-7, but examined as a whole, rather than as three separate items.
- The Center will also add to the matrices it has produced or produce a new draft matrix or develop another tool to illustrate the current voluntary programs of each county, or otherwise in existence.
- The Center and caucus coordinators will work with legislative staff to prepare for a Committee presentation in November (assuming the initial September 28<sup>th</sup> will be postponed) to either the House Agricultural and Natural Resources Committee or the House Local Government Committee or both on our progress to date. The Center will coordinate communication with the legislature on these events.

**NEXT COMMITTEE MEETING IS ON OCTOBER 17<sup>TH</sup>**