

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

## Preserving Agricultural Viability and Protecting Critical Areas Substitute Senate Bill 5248 Progress Report No. 1



*San Juan Islands Conservation District photo  
Courtesy SJICD and Washington Conservation Commission*

**Submitted to the  
Washington State Legislature and Governor Christine Gregoire  
from the SSB 5248 Committee**

*November 29, 2007*

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

November 29, 2007

Governor Christine Gregoire  
Washington State Legislature

RE: Progress Report No. 1 submitted by the William D. Ruckelshaus Center under the provisions of Section 3 of Substitute Senate Bill 5248

Ladies and Gentlemen:

The William D. Ruckelshaus Center is pleased to submit the first progress report on our activities specified in Substitute Senate Bill 5248. The task set forth by the Legislature in SSB 5248 was to examine the interactions between agricultural activities and the environmental regulation of critical areas, and to work with participating stakeholders to identify innovative approaches that will advance both environmental protection and agricultural viability goals. This report is the first of three reports required by the legislation and is submitted on behalf of the SSB 5248 Committee, a broadly representative committee that has been formed to oversee the project.

During these early months of the project, the participants have concentrated on forming a committee comprised of agricultural and environmental organizations and county and tribal governments, and developing a set of operating procedures to foster trust, transparency and ownership in the process. Additionally, the committee has provided oversight to the Center to carry out fact-finding as the basis for identifying constructive policy options. The fact-finding research is being conducted by faculty and graduate students at Washington State University and the University of Washington. In 2008, we will continue stakeholder discussions and examine programs and field examples from the region that will help to illustrate potential opportunities for policy development. As required under the bill, the final report and recommendations are due in 2009.

We appreciate the opportunity to serve the State of Washington in finding solutions for this important, and often contentious, subject. We will continue to keep representatives from the Governor's Office and Legislative staff informed about our progress, and welcome questions and input from the Governor and Legislature at any time.

On behalf of the SSB5248 Committee,



V. Lane Rawlins  
Interim Director



Bill Ruckelshaus  
Chairman



Jon Brock  
Project Director



# Preserving Agricultural Viability and Protecting Critical Areas SSB 5248 Progress Report No. 1

November 29, 2007

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*Riparian fencing and replanting along McAlister Creek  
Thurston Conservation District photo  
Courtesy TCD and Washington Conservation Commission*

# Preserving Agricultural Viability and Protecting Critical Areas

## SSB 5248 Progress Report No. 1

November 29, 2007

### 1. Introduction

In ancient times, parties wishing to exchange their goods often came to a clearing, or “common ground,” where each could lay down their trading items without fear of attack or treachery. Recognizing the mutual advantage of allowing traders to complete their exchanges, all parties trusted each other to leave their weapons well back in the woods. The modern usage of the term “common ground” has come to mean the exchange of ideas rather than trade goods, but the need for a forum that enables open discussion and the ability to present different ideas without reprisal remains valid.

*Common Ground is defined as, “a foundation for mutual understanding; an area of mutual agreement or shared interest, often used as the starting point for discussion.”<sup>1</sup>*

Substitute Senate Bill 5248 was adopted by the Washington State Legislature in April, 2007 following continuing controversy over the designation of critical areas under the Growth Management Act and regulatory requirements for agricultural activities. The bill established a temporary pause in the adoption and/or amendment of provisions of critical areas ordinances related to agricultural activities. The Legislature requested that agricultural and environmental interests, plus tribal and local governments, embark on fact-finding and dialogue to prepare recommendations for the preservation of agricultural viability and the protection of critical areas. To this end, the William D. Ruckelshaus Center, a neutral policy consensus center operated by Washington State University and the University of Washington, was designated to coordinate fact-finding research and facilitate the discussion.

The enclosed progress report is the first of three reports required by SSB 5248. In keeping with the Legislature’s directive to “find and pursue common ground,” key elements of the 5248 process are drawn from the same enduring concepts of trust, exchange, and mutual interest. Participants on the SSB 5248 Committee have developed a set of ground rules designed to ensure that the process is transparent to affected communities, and builds a broad coalition for future support. Additionally, the Committee and the Ruckelshaus Center have begun fact finding to prepare a common set of information for productive discussion.

### 2. Background, Purpose and Authorizing Legislation

Agriculture and the environment are essential, interrelated, and interdependent parts of the Washington State economy and social fabric. The value of “farmgate” products (direct production from agriculture) in 2000 was \$5.1 billion,<sup>2</sup> and total economic impact of agriculture and the food industry in Washington State is estimated to be over five times that amount.<sup>3</sup> Furthermore, these figures do not adequately represent the benefits for job creation and the value that Washington’s farmers place on their way of life. Stewardship of the environment also directly affects a huge sector of the Washington economy and lifestyle. Recreational spending alone for fishing, hunting, and wildlife viewing is estimated at \$2.1 billion, and an estimated 48,107 jobs are directly related to fish and wildlife.<sup>4</sup> River systems, wetlands, coastal areas, and farmlands also provide vital functions in controlling flooding and erosion and preserving human health. Although it is difficult to completely capture the economic and social values of a productive environment, it is clear that Washington residents, including farm families, take pride in Washington’s natural blessings and consider a healthy environment to be an essential legacy for future generations.

*The fisheries and farm interests have the same goal in this process - improving their lot.”*

*~Representative on the SSB 5248 Committee*

## Origins of Substitute Senate Bill 5248

The 1990 Growth Management Act required local governments throughout Washington State to designate critical areas, agricultural lands of long term significance, and rural lands which may also include agricultural uses. The definitions and requirements associated with these lands have been subject to debate, amendments, and litigation. Of particular concern have been the differences over the setback requirements, protections and allowable uses for critical areas as adopted by county legislative authorities. Over the years, some farmers and others have expressed concerns about requirements of GMA-related ordinances. They contend that critical area restrictions would remove large amounts of productive farmland from agricultural use or otherwise compromise their operations.<sup>5</sup> Environmental organizations, fisheries interests, and tribes have countered that many codes have been inadequate to effectively safeguard habitat or provide adequate protection and restoration.<sup>6</sup> County elected officials and staff point out that they are faced with the difficult responsibility of adopting and enforcing ordinances in the midst of this debate.

The long-standing controversy over agriculture, critical areas, and related land use issues gained state-wide visibility in 2006 during the campaign surrounding Initiative 933. The initiative proposed that landowners be financially compensated if environmental regulations would curtail the use or value of real or personal property. The initiative did not pass but the debate raised a number of issues related to protection of the environment, regulatory fairness, impact to family farms and small forest landowners, eminent domain, and the future certainty of farming. Environmental advocates acknowledged that the protection of agricultural and forest lands can provide benefits for the environment and pledged to work through several issues in the 2007 legislative session. Also during the 2007 session, agricultural organizations approached state legislators and asked for an exemption for agriculture from some of the provisions of the Growth Management Act with respect to critical areas codes. Ultimately, a compromise was crafted and was adopted by the Legislature as Substitute Senate Bill 5248.<sup>7</sup>

Recognizing that *“efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have been difficult,”* the Legislature prescribed a three year “time-out” from the adoption or amendment of new critical areas codes under the Growth Management Act as they specifically apply to agricultural activities. This pause represented a significant compromise for the groups that had been involved in the legislative debate. Environmental groups were reluctant to defer the adoption of critical areas codes or amendments at individual counties that were on the brink of approval. Agriculture received a temporary deferral from the pressures of the Growth Management Act, but not the permanent exemption that they had sought. In the interim, the William D. Ruckelshaus Center, a service jointly operated by Washington State University and the University of Washington, was asked to assist in resolving the conflict.

*“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. The Legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.”*

*~ SSB 5248, Sec. 1(1) and (2)*

*Full text of SSB 5248 in appendix.*

## Involvement of the William D. Ruckelshaus Center in the SSB 5248 Process

The work toward building a coalition of ideas and committed people to preserve agricultural viability and protect critical areas began before the passage of SSB 5248. State policy makers and individuals involved with the issue during the Initiative 933 campaign and 2007 legislative debate sought a neutral forum where the issues could be examined away from the heat of the legislative process. Governor Gregoire first approached the WSU/UW Ruckelshaus Center for possible involvement in December of 2006. Following that initial contact, the Center commenced informal discussions with over 120 individuals from the agriculture and environmental communities, and state, tribal, and local governments to determine if there was sufficient common ground for further discussion. These discussions helped to identify issues and concerns, as well as determining whether the involvement of the Center was acceptable and likely to be beneficial.

SSB 5248 directs the Center to work and consult with willing participants, including, but not limited to, agricultural and environmental interests, and tribal and local governments, and to involve and apprise legislators and legislative staff. Accordingly, the Center initiated work in May of 2007 to establish an objective forum in which issues can be candidly examined and discussed, described further in Section 3. The Ruckelshaus Center has conducted research on effective collaborative processes and can draw on other regional and national expertise to utilize best practices. The Center also brings the experienced perspectives of William D. Ruckelshaus and V. Lane Rawlins in creating a neutral, constructive, and transparent forum for resolving issues. The role of the Center is not intended to make recommendations, but rather to serve as a catalyst and provide support for the participating governments and organizations to do so. Project management, including bringing together research resources, contacts, and conflict resolution expertise, rests with the Center's Associate Director, Jon Brock, at the University of Washington.

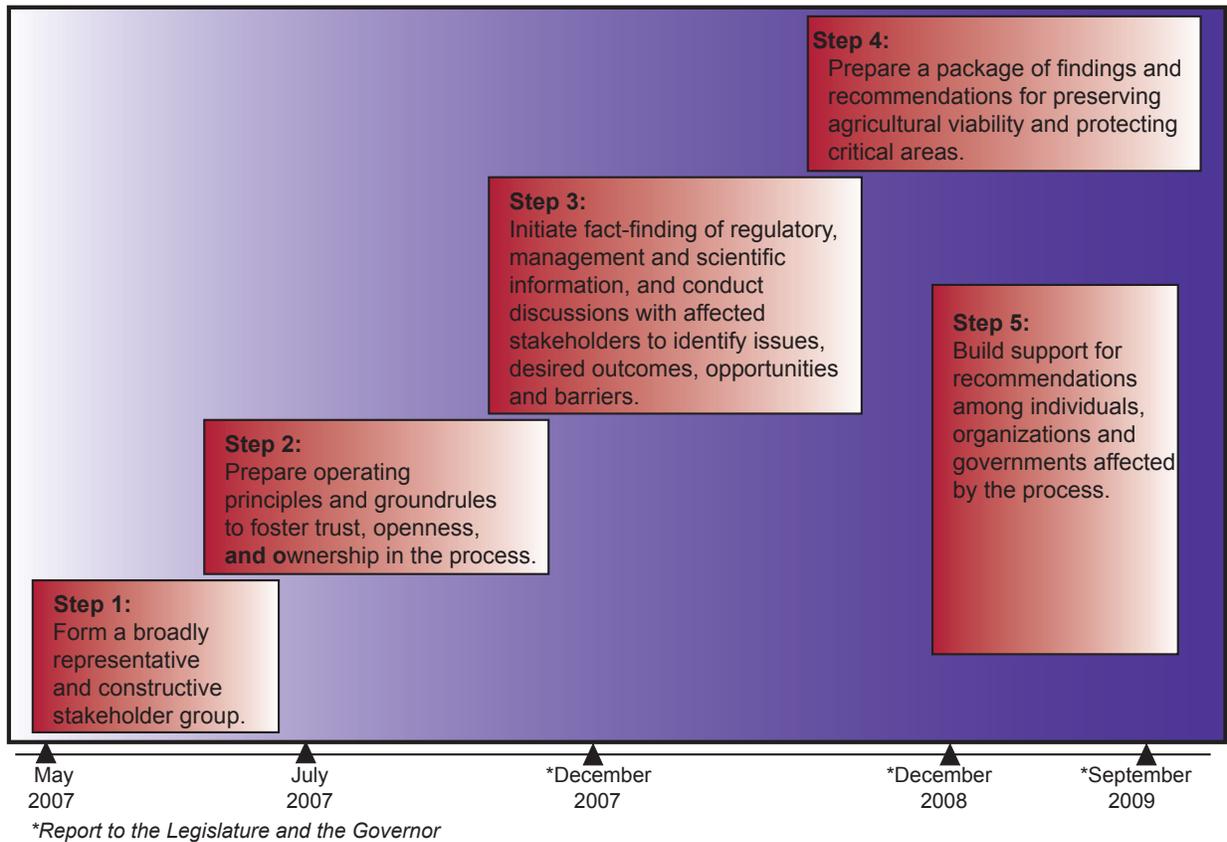
*As per the SSB 5248 legislation, the Ruckelshaus Center will:*

- Work with willing participants... and involve and apprise legislators and legislative staff.*
- Conduct fact-finding and discussions with identified stakeholders...*
- Identify stakeholder concerns, desired outcomes, opportunities and barriers...*
- Identify existing regulatory, management, and scientific information related to critical areas...*
- Issue two interim reports... to the governor and appropriate committees of the house and senate by December 1, 2007 and December 1, 2008.*
- Facilitate discussions to identify policy and financial options or opportunities to address issues and desired outcomes identified in first phase.*
- Examine innovative solutions, including, but not limited to, outcome-based approaches that incorporate to the maximum extent practicable, voluntary programs or approaches.*
- Examine ways to modify existing statutory provisions 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.*
- Work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 session.*
- Issue a final report of findings and legislative recommendations to the governor and appropriate committees of the house and senate by September 1, 2009.*

*Excerpts paraphrased from SSB 5248 related to the stakeholder process.*

### 3. Overview of the 5248 Process

The goal of the SSB 5248 process is to develop recommendations that will ensure the protection of environmentally sensitive areas in ways that also support the preservation of farm lands and a strong farm economy. In the six months since the bill passed, the Ruckelshaus Center has taken a series of steps to initiate discussion among the participating groups, and begin the fact finding process.



#### Steps in the Formation of the 5248 Process

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

SSB 5248 affects a variety of communities that potentially include 250 agricultural commodities, 39 counties, 33 tribes, and at least 20 environmental organizations; thus a major challenge was to form a workable, yet diverse, group to steer the process. To begin this step the Center invited the individuals who were most actively involved in the development of SSB 5248 to attend an informal exploratory dinner in May, 2007. Each of the four entities named in the legislation (tribal and local governments, agricultural and environmental organizations) was represented at this initial gathering, along with staff from the Legislature and the Governor's Office. The Center expressly asked the participants to tell them what the legislation meant from their perspective, and pursued the following questions:

- Who else would need to be involved in order to make progress?
- Who would bring constructive ideas and positive interaction to the table?
- How could the various governments and groups organize themselves into a small number of representatives, while still effectively involving and representing those who could not be at the table?

Prior to and following the initial meeting, the participants were also asked to reach out to their respective communities to obtain feedback on the composition, communication structure and representation of the 5248 Committee. Environmental organizations indicated that it would be appropriate to designate four representatives, and the agricultural organizations established seven representatives. Each set of participants called for in SSB 5248 named their own representatives in consultation with the Center, and the 5248 Committee consisting of 18 members was formed (see box). Within each caucus, a coordinator was selected to work closely with the Center to ensure coordination and communication that would help keep the process on track.

### *Representatives and Alternates on the SSB 5248 Committee*

#### *Agriculture:*

- *Scott Dahlman, WA State Grange*
- *Jack Field, WA Cattlemen's Association*
- *Jay Gordon, WA State Dairy Federation*
- *Jim Hazen, WA State Horticultural Association*
- *Mike Shelby, Western WA Agricultural Association*
- *John Stuhlmiller, WA State Farm Bureau\**
- *Dan Wood, WA State Farm Bureau*
- *Jeanne McNeil, WA State Nursery & Landscape Association (alternate)*
- *Mike Schwisow, WA State Water Resources Association (alternate)*
- *Terry Willis, Olympic View Dairy (alternate)*

#### *Environmental:*

- *Len Barson, The Nature Conservancy\**
- *Nina Carter, WA Audubon Society*
- *David Bricklin, Futurewise*
- *Joe Ryan, Washington Environmental Council*
- *Mo McBroom, Washington Environmental Council (alternate)*
- *Bill Robinson, The Nature Conservancy (alternate)*

#### *Local Government:*

- *Eric Johnson, WA State Association of Counties\**
- *Betty Sue Morris, Clark County Commissioner*
- *Harry Reinert, King County Dept. of Development & Environmental Services*
- *Ron Walter, Chelan County Commissioner*
- *Rick Miller, Franklin County Commissioner (alternate)*
- *Don Munks, Skagit County Commissioner (alternate)*

#### *Tribal Government:*

- *Bob Kelly, Nooksack Tribe*
- *Marty Loesch, Swinomish Tribe\**
- *David Troutt, Nisqually Indian Tribe*
- *Larry Wasserman, Swinomish Tribe*

*\* Caucus Coordinators*

The Center also made a special appeal to tribal governments to participate. Utilizing information from the Governor's Office of Indian Affairs, individual letters were sent to each tribal chairman. Additional notices were disseminated through the Northwest Indian Fisheries Commission (NWIFC) and several personal contacts were made to get the word out. Although many tribes have issues in common that are potentially affected by the outcome of the 5248 process, the ability of individual tribes to participate regularly is limited by their resources and other competing processes. The nature of tribes as sovereign governments precludes representatives for one tribe from speaking on behalf of another. However, the tribes communicate regularly through various forums such as the NWIFC and work collectively to keep each other informed and provide input to this and other processes. A number of tribes have asked to be kept informed, but are not seeking to be at the table.

Communication structures have been developed within each of the other participating governmental entities and groups as well. The existing communication structure of the Washington Association of Counties will be utilized to reach out to county governments. The environmental caucus has an email listserv set up with all of the groups who have expressed interest in the process, through which they exchange documents and provide opportunity for feedback. Similarly, the agricultural caucus coordinator regularly mails updates to an extensive list of individuals and organizations. Both the agriculture and environmental caucuses have indicated that they plan to have periodic meetings of their larger group to ensure there is full awareness of what is going on in the process, and to hear questions, comments and potential concerns. In the agricultural caucus, the "Agriculture Summit" meetings will provide an opportunity to communicate with a broad spectrum of farmers and agricultural groups.

Additional outreach will be provided throughout the process by the Ruckelshaus Center. Public meetings will be held in various parts of the state, and a website has been established to allow other interested individuals and groups to follow the process and make contact. Center staff and Committee members are available to meet with groups and respond to individual interests for input and feedback on the process.

Step 2: Prepare operating principles and ground rules to foster trust, transparency, openness, and ownership in the process.

In order to establish constructive working relationships between the participants on the 5248 Committee, the Committee carefully crafted a set of ground rules during the initial months of the process. The ground rules, contained in the Appendix, lay out the purpose of the Committee, the composition of the group and structure for participation, and the roles and responsibilities of the Committee members, Facilitator, and Center. The ground rules establish that the 5248 Committee sets the overall direction for developing a set of recommendations as called for in SSB 5248. Individuals on the Committee bring different perspectives and ideas to the proceedings for discussion, are responsible for addressing policy issues as specified in the legislation, and serve as proactive communicators to their constituent groups. As noted in the ground rules, Committee members, *"commit 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."*



*Photo courtesy Dan Kowalski / Rollingbay Works*

Step 3: Initiate fact-finding and stakeholder discussions.

In addition to overall project management, the Ruckelshaus Center was charged with the task of collecting data in seven relevant subject areas that could be used by the 5248 Committee for resolving conflicts and shaping policy proposals. Research is presently being led by faculty members from each of the two universities: William Budd from the Division of Governmental Studies and Services at WSU, and Branden Born, from the School of Architecture and Urban Planning at UW. The role of the Center is to obtain information that will achieve a common basis of understanding among participants, and narrow disagreement on the facts. The Center will work with the stakeholders to ensure that the scope, validity, and acceptability of the fact-finding work contribute to policy and financial solutions which are helpful to the process. Active input for fact finding is being received from participants on the 5248 Committee and the groups they represent. More information on fact finding is contained in section 4 of this report.

These three steps have been the focus of activity since the project's inception in May, 2007. Ongoing attention to open and constructive participation, as well as data collection and analysis, will continue into 2008. The Committee is poised to begin tackling new steps in 2008 including the review of successful strategies that have been implemented within and outside of Washington State, exploring potentially fruitful areas for new policy, and crafting a set of recommendations. Legislative staff from both houses and caucuses and a representative from the Governor's Office are involved in the 5248 process to observe and comment. The interaction between these individuals and the other participants will help to keep the scope of the process on task, assist with communication and data gathering from state agencies, and keep legislators informed when a final package of findings and recommendations is ready to move forward to the legislative stage in 2010.

#### 4. Status of Fact Finding and Stakeholder Discussions

Social scientists who study conflict resolution have often explored why farmers and environmentalists are frequently at odds, when they are *"linked by key values and beliefs related to land and property, economic and environmental pragmatism, and the unpredictability and resilience of nature."*<sup>8</sup> One of the reasons cited for their differences is that the parties often operate under different sets of information, outlooks, and assumptions about the subject at hand. The issues surrounding agriculture and critical areas in Washington have been particularly contentious in the last decade, thus the fact-finding phase is an essential opportunity to gain new perspectives and establish a common and trusted set of information for mutual learning. Participants in the SSB 5248 process have pledged to use this opening to step back and listen to each other and to seek conclusions that can support both a healthy environment and a viable farm economy.

*"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."*

*~SSB 5248, Sec. 3 (3) (a)*

#### Fact Finding to Identify Existing Regulatory, Management and Scientific Information

During the reporting period, faculty and graduate students from Washington State University and the University of Washington began to investigate data in the seven areas of fact finding specified by the Legislature and provide them to the 5248 Committee for review. The Committee and many other agencies and organizations are providing cooperation and assistance in identifying and developing the information. Although SSB 5248 provides a list of fact finding topics, additional specific requests for information are being generated by the Committee in order to form a sufficient basis for productive discussion. Early research has been concentrated on preparing a county-by-county overview of critical areas ordinances and conservation reserve programs across the state. The fact finding requirements, as interpreted by the Committee, provide a valuable opportunity to construct a comprehensive picture of how critical areas are regulated and otherwise protected, and how farms affect critical areas and are affected by attempts to protect them. By doing so, the Committee will have a better basis from which to evaluate what kinds of improvements or changes could protect both farms and critical areas. The Committee could then proceed in a more focused way, based on more accurate and more common information and assumptions, to try and construct an effective and practical set of recommendations, as required by the statute. Presently, there is no single or integrated source of data that can provide this picture, yet, understanding these factors, within the bounds of available and reliable information, is at the heart of improving the policies in this area.

Thus far, the Center has collected data on the relevant Growth Management Act provisions for each county from several sources including websites, personal contacts with county staff, and direct requests. Databases are being established for three key areas of current Critical Area Ordinances: 1) how each county defines agricultural activities and critical areas; 2) what regulatory framework each county employs to protect critical areas associated with agricultural activities; and 3) if exemptions from Critical Areas Ordinance (CAO) requirements are in effect. In those counties where provisions for exemptions are contained in the CAO, researchers are reviewing whether exemptions are broadly defined or whether exemptions are permitted with specific conditions. Researchers are also looking at the status of proposed county revisions to the CAOs. Where spatial (mapped) data are available, these are being entered into a single Geographic Information System (GIS) for future use by the 5248 Committee. The combined databases will allow the Committee to look at the differences between counties across the state in terms of critical area definitions and protections, to the extent that the data is available. Researchers and Committee members have noted that there are differences in how the CAO language is written, how it is implemented, and how it is interpreted, and considerable effort is being made to ensure that the information is accurately captured and understood for its implications regarding critical areas protections and agriculture.

For the remaining fact finding topics, the Center and the Committee are discussing how to structure research and present findings in a way that will be the most useful for the Committee's deliberations. Acreage enrolled in the conservation reserve enhancement program has been gathered and entered into spreadsheets, and Center staff members are discussing the availability of GIS data and other information with the Washington Conservation Commission. The release of some data is contingent on the protection of legal privacy concerns related to farm management plans. The Center has obtained data on conservation easements from The Nature Conservancy, and is reviewing county data for additional easement information. Initial water quality information has been collected from the Washington Department of Ecology. The Center has also commenced a compilation of expert contacts and documents relevant to salmon recovery plans and Puget Sound and related impacts. The Committee has requested that caucus members and the Center bring forward examples of the lessons learned from other programs in the Pacific Northwest for these interrelated topics.



*Photo courtesy Dan Kowalski / Rollingbay Works*

### **Stakeholder Discussions and Next Steps**

Stakeholder discussions have been largely focused on getting the process organized in a way that would be effective and credible, providing direction to the Ruckelshaus Center for fact finding, and beginning

*“Although this decision may answer some questions, it doesn’t make the issue go away. We need to continue the 5248 process more than ever.”*

*~Representative to the SSB 5248 Committee*

to review the initial fact finding areas. However, during the October meeting the Committee received a briefing on the recent “Skagit Decision” by the Washington State Supreme Court. On September 13,

2007, the Supreme Court of the State of Washington affirmed two separate decisions by the Western Washington Growth Management Hearings Board related to Skagit County's efforts to comply with the critical areas provisions of the Growth Management Act. In developing and implementing ordinances under the GMA, Skagit County was faced with “*tension between maintaining agricultural land and protecting critical areas*” (*Swinomish Indian Tribal Cmty. v. W. Wash. Growth Mgmt. Hearings Bd. No. 76339-9*). The decisions pertained to the definition of “protect” under the law, the use of a “no harm” standard for agricultural operators, mandatory buffers, the use of best available science in developing GMA ordinances, and the benchmarks for monitoring and adaptive management. Participants on the 5248 Committee have reviewed the Skagit decision, and concluded that it underscores the importance of completing a successful process as set out in SSB 5248.

The Center is completing plans and schedules to meet separately with each of the four caucuses early in 2008 to collect observations, desired outcomes, opportunities and barriers. The Committee has noted the importance of considering local conditions and differences among types of farming in analyzing data and exploring opportunities and barriers. During these discussions, the group will also investigate where there are programs that are working well to protect agricultural viability and address environmental concerns, and bring these examples forward to the larger group. Additionally, some field visits are being planned for 2008 that will help to illustrate the challenges and desired outcomes from the perspectives of the various caucuses.

The SSB 5248 Committee recognizes that the scope of their task is state-wide and that they have been asked to develop broadly applicable solutions. Representatives for all four caucuses have expressed a mutual desire to ensure that these activities both protect the environment and do not place unnecessary burdens on Washington's farmers. The next report to the Washington State Legislature is due December 1, 2008.

## End Notes:

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<sup>1</sup> Definition combined from on-line dictionaries and encyclopedia including Merriam-Webster, Answers.com and Wikipedia.

<sup>2</sup> Center for Sustaining Agriculture and Natural Resources, 2000. Sustainable agriculture in Washington State: A look at baseline indicators. Washington State University. Puyallup, WA. 32 pp.

<sup>3</sup> Washington Department of Community Trade and Economic Development (CTED), 2004. Designation of agricultural lands in Chelan, King, Lewis, and Yakima Counties. Olympia, WA. 100pp. <[www.cted.wa.gov/growth](http://www.cted.wa.gov/growth)>

<sup>4</sup> Washington Department of Fish and Wildlife (WDFW), 2003. Benefits of sound stewardship. <[www.wdfw.wa.gov/depinfo/director/oct2503.pdf](http://www.wdfw.wa.gov/depinfo/director/oct2503.pdf)>

<sup>5</sup> Senate Committee on Agriculture and Rural Economic Development; February 5, 2007. "Senate Bill Report SB5248. <<http://www.leg.wa.gov/pub/BillInfo/2007-08/Pdf/Bill%20Reports/Senate/5248-S.SBR.pdf>>

<sup>6</sup> House Bill Report SSB 5248; April 13, 2007. <<http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bill%20Reports/House%20Historical/5248-S%20BRH%20APH%2007.pdf>>

<sup>7</sup> Pers. comm. with Kaleen Cottingham and John Stuhlmiller. October, 2007.

<sup>8</sup> Maloney, R.S. and M. Paolisso, 2000. Recognizing farmer environmentalism. *Human Organization* 59(2): 209-221. University of Illinois at Urbana-Champaign.

**Appendix A**

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5248**

60th Legislature  
2007 Regular Session

Passed by the Senate April 17, 2007  
YEAS 45 NAYS 2

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

Passed by the House April 13, 2007  
YEAS 82 NAYS 15

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

Approved

\_\_\_\_\_  
**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 5248** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5248**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Agriculture & Rural Economic Development  
(originally sponsored by Senators Hatfield, Schoesler, Rasmussen,  
Morton, Honeyford, Haugen, Shin and Holmquist)

READ FIRST TIME 02/07/07.

1            AN ACT Relating to preserving the viability of agricultural lands;  
2 adding a new section to chapter 36.70A RCW; creating new sections;  
3 providing an expiration date; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that the goal of  
6 preserving Washington's agricultural lands is shared by citizens  
7 throughout the state. The legislature recognizes that efforts to  
8 achieve a balance between the productive use of these resource lands  
9 and associated regulatory requirements have proven difficult, but that  
10 good faith efforts to seek solutions have yielded successes. The  
11 legislature believes that this willingness to find and pursue common  
12 ground will enable Washingtonians to enjoy the benefits of a successful  
13 agricultural economy and a healthy environment, while also preventing  
14 the unnecessary conversion of valuable agricultural lands.

15            (2) The legislature, therefore, intends this act, the temporary  
16 delays it establishes for amending or adopting provisions of certain  
17 critical area ordinances, and the duties and requirements it prescribes  
18 for the William D. Ruckelshaus Center, to be expressions of progress in

1 resolving, harmonizing, and advancing commonly held environmental  
2 protection and agricultural viability goals.

3 (3) The legislature fully expects the duties and requirements it is  
4 prescribing for the Ruckelshaus Center to be successful. If, however,  
5 the efforts of the center do not result in agreement on how to best  
6 address the conflicts between agricultural activities and certain  
7 regulatory requirements as they apply to agricultural activities, the  
8 legislature intends, upon the expiration of the delay, to require  
9 jurisdictions that have delayed amending or adopting certain regulatory  
10 measures to promptly complete all regulatory amendments or adoptions  
11 necessary to comply with the growth management act.

12 (4) The legislature does not intend this act to reduce or otherwise  
13 diminish existing critical area ordinances that apply to agricultural  
14 activities during the deferral period established in section 2 of this  
15 act.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
17 to read as follows:

18 (1) For the period beginning May 1, 2007, and concluding July 1,  
19 2010, counties and cities may not amend or adopt critical area  
20 ordinances under RCW 36.70A.060(2) as they specifically apply to  
21 agricultural activities. Nothing in this section:

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

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

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

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

32 (a) Should implement voluntary programs to enhance public resources  
33 and the viability of agriculture. Voluntary programs implemented under  
34 this subsection (2) (a) must include measures to evaluate the successes  
35 of these programs; and

36 (b) Must review and, if necessary, revise critical area ordinances

1 as they specifically apply to agricultural activities to comply with  
2 the requirements of this chapter by December 1, 2011.

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

20 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts  
21 appropriated for this specific purpose, the William D. Ruckelshaus  
22 Center must conduct an examination of the conflicts between  
23 agricultural activities and critical area ordinances adopted under  
24 chapter 36.70A RCW. The examination required by this section must  
25 commence by July 1, 2007.

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

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

33 (a) In the first phase, the center must conduct fact-finding and  
34 stakeholder discussions with stakeholders identified in subsection (2)  
35 of this section. These discussions must identify stakeholder concerns,  
36 desired outcomes, opportunities, and barriers. The fact-finding must  
37 identify existing regulatory, management, and scientific information

1 related to agricultural activities and critical areas including, but  
2 not limited to: (i) Critical area ordinances adopted under chapter  
3 36.70A RCW; (ii) acreage enrolled in the conservation reserve  
4 enhancement program; (iii) acreage protected by conservation easements;  
5 (iv) buffer widths; (v) requirements of federally approved salmon  
6 recovery plans; (vi) the impacts of agricultural activities on Puget  
7 Sound recovery efforts; and (vii) compliance with water quality  
8 requirements. The center must issue two reports of its fact-finding  
9 efforts and stakeholder discussions to the governor and the appropriate  
10 committees of the house of representatives and the senate by December  
11 1, 2007, and December 1, 2008; and

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

17 (ii) In particular, the stakeholders must examine innovative  
18 solutions including, but not limited to, outcome-based approaches that  
19 incorporate, to the maximum extent practicable, voluntary programs or  
20 approaches. Additionally, stakeholders must examine ways to modify  
21 statutory provisions to ensure that regulatory constraints on  
22 agricultural activities are used as a last resort if desired outcomes  
23 are not achieved through voluntary programs or approaches.

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

28 (4) The center must issue a final report of findings and  
29 legislative recommendations to the governor and the appropriate  
30 committees of the house of representatives and the senate by September  
31 1, 2009.

32 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
33 section 3 of this act, referencing this act and section 3 of this act  
34 by bill or chapter number and section number, is not provided by June  
35 30, 2007, in the omnibus appropriations act, this act is null and void.

1        NEW SECTION.   **Sec. 5.**   This act is necessary for the immediate  
2        preservation of the public peace, health, or safety, or support of the  
3        state government and its existing public institutions, and takes effect  
4        immediately.

5        NEW SECTION.   **Sec. 6.**   This act expires December 1, 2011.

--- END ---

## Appendix B

### The SSB 5248 Process

# THE COMMITTEE'S GROUND RULES

Adopted by the SSB 5248 Committee on 20 November 2007.

## PURPOSE

The purpose of the SSB 5248 Committee is to reach agreement on recommendations for effective policies and practices that will lead to progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals. The SSB 5248 Committee is also responsible for establishing a coalition to support its recommendations during the 2010 legislative session.

As per the SSB 5248 legislation, the Ruckelshaus Center will\*:

- Work with willing participants...and involve and apprise legislators and legislative staff.
- Conduct fact-finding and discussions with identified stakeholders...
- Identify stakeholder concerns, desired outcomes, opportunities and barriers...
- 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 CREP;
  - acreage protected by conservation easements;
  - requirements of federally approved salmon recovery plans;
  - buffer widths;
  - the impact of agricultural activities on Puget Sound recovery efforts; and
  - compliance with water quality requirements.
- Issue two interim reports...to the governor and appropriate committees of the house and senate by December 1, 2007 and December 1, 2008.
- Facilitate discussions to identify policy and financial options or opportunities to address issues and desired outcomes identified in first phase.
- Examine innovative solutions, including, but not limited to, outcome-based approaches that incorporate to the maximum extent practicable, voluntary programs or approaches.
- Examine ways to modify existing statutory provisions 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.
- Work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 session.

- Issue a final report of findings and legislative recommendations to the governor and appropriate committees of the house and senate by September 1, 2009.

*\* Excerpts paraphrased from SSB 5248 related to the stakeholder process. The legislation is attached.*

## **GROUND RULES**

The following ground rules have been established by agreement of the Committee to arrange a productive and effective venue in which to carry out the stakeholder process described in the legislation.

### **PARTICIPATION:**

1. The SSB 5248 process will involve willing participants, including but not limited to, agricultural, environmental, tribal and local government interests. The Committee consists of representatives of those four groups. It is intended that each group:
  - reflects and represents the diversity of experiences and interests within its community;
  - effectively represents and informs its community; and
  - reaches agreements with the other caucuses with the support of its community.
2. It is intended that each group be mindful of a desire to keep the total number of participants at the table to a manageable size. Based on this interest, the process will be initially established with seven (7) representatives from agriculture, four (4) representatives from the environmental community, four (4) representatives from local government, and up to six (6) representatives from Tribal governments and entities. These four groupings will be referred to as “caucuses.” If a member of a caucus is unable to serve, the members of the caucus may name a replacement and bring them up-to-date on the status of the process. Prior to appointing members, a caucus will consult with the Ruckelshaus Center in order to ensure that the agreed upon numbers and process are followed, but will make the choices based on the needs and credibility within its community.
3. Each caucus may have) alternate representatives, who, like the primary representatives, will be involved on an on-going basis. All caucuses share an interest in ensuring that alternates (or replacements) are “up to speed” so that their participation does not result in the Committee revisiting issues or repeating discussions, and so that no matter who sits at the table representing any of the caucuses, the process continues to move forward. The members of the alternate’s caucus shall be responsible for ensuring that she/he is fully briefed and authorized to reach agreement.

4. To help in building both viable, informed agreements and a coalition of support for the SSB 5248 Committee's recommendations, other parties will be engaged, including a senior representative of the Governor's Office, who will act as a liaison to the Committee. The liaison will:
  - sit "at the table" and participate in the discussions;
  - serve as a contact between the Committee and the Governor's Office and all state agencies, including, but not limited to, the departments of Agriculture, Ecology, Fish and Wildlife, Natural Resources, and Community, Trade and Economic Development, and the Office of Financial Management;
  - ensure access to data, information and other resources from the Governor's Office and state agencies; and
  - actively consult with those he represents about the Committee's deliberations.
5. Legislative staff will attend meetings of the Committee to ensure that legislators are kept abreast of the Committee's progress. These staff members are expected to serve the same roles with the legislature that the Governor's liaison serves with the executive branch. The legislative staff liaisons will be drawn from appropriate committees of the house and the senate, and from the caucuses of the majority and minority parties. The Ruckelshaus Center will continually work with legislative staff to ensure continuity and effective means for involvement.
6. Other organizations or individuals will be invited by the Committee to make presentations and/or participate in and observe the discussions. The Center will manage the process of invitation and participation in consultation with the SSB 5248 Committee.
7. The Committee intends to hold public meetings around the State to seek input or to provide information on its progress.
8. The Center will work in consultation with the Committee, as necessary and appropriate, to ensure appropriate opportunities for the input of those in attendance, whether under the circumstances described in ground rule #6 or those envisioned in ground rule #7.
9. Meetings of the Committee will be open to observers from the general public or who represent interested parties, as well as being open to the media. A sign-in sheet will be provided so that the Center can adequately provide process and Committee information to these observers.

## **ROLES AND RESPONSIBILITIES OF SSB 5248 COMMITTEE MEMBERS AND ALTERNATES:**

10. All 5248 Committee members:
  - are full participants in the process with an equal opportunity to voice opinions and contribute ideas in good faith;
  - commit to treating other members and others who attend meetings with respect, civility and courtesy;
  - recognize the legitimacy of the interests, concerns and goals of others, whether or not we agree with them;
  - will make a special effort to listen carefully, ask pertinent questions and educate ourselves and those we represent about the interests and needs that must be addressed in a problem-solving atmosphere;
  - commit 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.
  - will be proactive in conveying issues raised by their constituents to the Committee; and
  - will be proactive in communicating to their constituents the progress of the Committee, including emerging decisions and agreements of the Committee and the context or rationale for those decisions and agreements.
  
11. Each of the four caucuses will designate a "coordinator" with primary responsibilities for:
  - working with the facilitator to ensure a successful process, including feedback on the facilitator's performance; and
  - providing the Ruckelshaus Center with feedback, guidance and other input on key elements of the process;
  - ensuring effective communication with team members and constituents; and
  - ensuring that alternate members of the caucuses are prepared and able to effectively fill in for caucus members when the latter are not able to attend meetings.

## **THE FACILITATOR'S ROLE AND RESPONSIBILITIES:**

12. The facilitator's role will be to manage the process in a manner that enhances the Committee's ability to perform its work and reach agreement.
  
13. With no stake in the substantive outcome, the facilitator is obligated to remain neutral on the issues. The facilitator may provide services that the caucuses request or agree to, such as serving as a "sounding board" for any of the parties, facilitating intra-caucus

discussions, acting as a liaison among the caucuses between meetings, and helping the Committee prepare briefings, reports and other public communications.

14. The facilitator is also responsible for: working with the parties and the Ruckelshaus Center to ensure that the work plan and schedule are adhered to and, if revisions are necessary, the parties agree to them; and managing the meetings to ensure that discussions are focused, all points of view are heard, and the spirit and intent of these ground rules are achieved.
15. In coordination with the Ruckelshaus Center, the facilitator will assist in writing drafts of the required reports under SSB 5248 for the Governor's Office and legislature, and in soliciting comments from the Committee. This will be done with full participation, review and approval of Committee members. Once the final version of each report has been reviewed, edited and approved by the members, the facilitator will work with them to determine the most effective ways in which to submit it to the Governor's Office and legislature.

#### **THE RUCKELSHAUS CENTER'S ROLE AND RESPONSIBILITIES:**

16. The role of the Ruckelshaus Center staff will:
  - be responsible for ensuring the process goes forward in accordance with SSB 5248;
  - have responsibility for initially organizing and then supporting the process substantively and administratively through research, analysis, writing, arranging for presentations, meetings, field visits and other needs;
  - put forth other resources for consideration by and approval of the Committee;
  - work with and support the facilitator as part of an integrated team to ensure an effective process;
  - similarly work with the facilitator to support the caucuses to reach agreement on findings and recommendations, including policy and financial options that address the issues and desired outcomes identified by the parties;
  - bring the Center's knowledge and access to information about relevant subjects and conflict resolution in related situations to assist this process;
  - engage community members, opinion leaders and others as needed to make the process effective;
  - It is intended that the Center will actively engage the parties in the process of fact-finding to build the groundwork for agreement. The Center is responsible for conducting and reporting on the fact-finding efforts as required by the legislation. It is intended that the scientific and other expertise of the universities be brought to bear in identifying relevant information. The Center has an affirmative responsibility to manage this process using

these forms of expertise and other input to help ensure the validity of information brought forward, and mindful that the fact-finding is intended as an ingredient to help reach agreement. In doing so, the fact-finding should help to dispel “myths,” narrow disagreements on the facts, and identify common ground on the nature and applicability of information, recognizing that there may be “grey areas” or areas where there may not be agreement. In fulfilling its responsibilities, the Center will work with the Committee to ensure that the scope, validity, acceptability and value of the fact-finding work contributes to policy and financial solutions and, in that vein, is illuminating to the Governor, legislature, participants, and others involved in resolving and affecting these issues.

- work with the facilitator to develop meeting agendas and summaries, and to distribute them to the parties and other interested and affected groups;
- provide general support, logistical and administratively, to the facilitator in service of the committee;
- maintain the Committee website or web page, as needed, and other outreach that is valuable and necessary, beyond the specific communication done by caucus leads and members within their own constituencies;
- work with the parties and facilitator to write and issue the interim and final reports to the Governor and legislature;
- assist the Committee in determining how to build a broad coalition of support for the findings and recommendations; and
- perform other tasks as requested by the Committee and facilitator to support and advance the process called for by the legislation.

#### **THE ROLE AND RESPONSIBILITIES OF WORK GROUPS:**

17. The SSB 5248 Committee may establish working groups to undertake specific tasks. Such groups:
  - will have their terms of reference, and tasks and responsibilities, defined by agreement of the Committee;
  - are created to provide input to the committee and otherwise support the process in accordance with the terms of reference provided;
  - may not act on behalf of the Committee unless specifically authorized by the Committee to do so; and
  - and may, with the approval of the committee, include the participation of others not directly represented on the Committee.

## **AGREEMENTS AND RECOMMENDATIONS:**

18. The Committee is expected to identify and define a wide range of interests, perspectives and opinions, and reach agreement on a set of findings and legislative recommendations by September 1, 2009. Agreement is defined as the consent of the willing participants of the 5248 process to the findings and recommendations.
  
19. If an individual Committee member cannot live with an emerging agreement of the entire group, she/he is obligated to make her/his concerns known, and the rest of the group is obligated to listen with an interest in resolving it. All are expected to work towards addressing such concerns, including such actions as requesting that the concerned party clarify the underlying interests, or identifying other dynamics that may be interfering with agreement; or proposing an alternative that not only the caucus and its constituents can support, but that it believes the other parties can support, too.
  
20. If it is not possible to reach agreement on a set of recommendations, the Center, in consultation with the parties and with assistance from the facilitator, will write a report outlining areas of agreement and disagreement. Before being submitted to the Governor and legislature, the report will be submitted to the Committee for approval so that when it is publicly released, it is the Committee's report to the Governor and legislature.

## **MEETING AGENDAS AND SUMMARIES:**

21. Meetings of the Committee will be task-oriented. Draft agendas will be prepared by the facilitator and distributed to the caucus coordinators for review and comment approximately ten days before a meeting. At least five days before a meeting the "final" draft agenda will be distributed to the members. Agendas will describe the matter for discussion and the purpose of discussing it, and be accompanied by information necessary to support informed discussion.
  
22. If Committee members have or come across information that they believe would be valuable to share, they will normally bring this to the attention of the facilitator and Ruckelshaus Center to identify the most appropriate context, timing and method of distribution to the Committee. In suggesting or providing such information, Committee members should be aware of any timing issues so that there is sufficient opportunity to consider the appropriate use of the information. Nothing in this provision seeks to inhibit communication and information sharing among committee members.
  
23. Within 5 days of a meeting's adjournment, a summary of the meeting's key decisions, decisions and agreements will be developed by the facilitator and distributed to each member.

24. Committee members are obligated to review the summaries within 3 working days for accuracy and to alert the facilitator if they find errors or unclear statements, or have questions.
25. If the agenda or facilitation techniques are not working, Committee members agree to inform the facilitator as soon as possible so that changes can be made and the group can proceed.

#### **PUBLIC COMMUNICATIONS:**

26. The Committee intends for this process to be as transparent as possible in order to gain needed input and to lay the foundation for a broad coalition of support for its findings and recommendations. To achieve this interest, the Committee, with the assistance of the Center, intends to communicate to interested and affected parties by a variety of methods, such as sending to them meeting agendas and summaries, posting those items and other relevant materials on a website, hosting public forums, providing briefings, appearing at association meetings, or soliciting input and feedback during or between meetings, including in field trips.
27. The Committee also intends to provide interested and affected parties, including the public-at-large, with opportunities to initiate communications with the Committee. To achieve this interest, the Committee intends to rely upon techniques such as accepting written materials and comments, including postings on the Committee website, and being accessible to hear the concerns, interests and needs of groups and individuals.
28. The Center will take responsibility for coordinating and gaining appropriate consistency in outreach activities.

#### **DEALING WITH THE MEDIA AND OTHER INTERESTED PARTIES:**

29. In order to keep the focus on the established process and avoid misunderstanding and misinterpretation, Committee members agree not to negotiate through the media or in public settings. Normally, and where feasible, the Center or the facilitator will be the designated contact for media comment about the process and its progress.
30. Recognizing that they will be contacted, Committee members agree that in speaking to representatives of the media or to the members of other organizations, they will be mindful and considerate of their responsibilities to maintaining trust and progress in the 5248 process, as well as their obligations to respond on behalf of their organization and otherwise responsive to a free press. Committee members, accordingly, will avoid characterizing the Committee's or other members' positions, other than as adopted by the committee. They may provide their own position or opinion, provided it has been previously communicated to the Committee, and is clearly identified as their own

position. After, and if possible, before, speaking with representatives of the media or to other organizations or groups, members should inform the facilitator or Center in order to minimize the possibility that their appearance or comments will not be misinterpreted by other parties in the 5248 process.

31. When appropriate, a joint statement suitable for discussion with the media or with other organizations will be developed by the Committee. At that time the Committee members will agree on who shall present it on behalf of all Committee members, and how it will be communicated.

#### **INTERIM AND FINAL REPORTS:**

32. Drafts of the two interim reports and of the final report summarizing the Committee's findings and recommendations will be prepared by the Ruckelshaus Center and facilitator and distributed to all members for their review and comment. After review, discussion and Committee approval, the Center will submit the interim or final report to the Governor's Office and legislature in accordance with the requirements of SSB 5248, and will provide it to whomever else the Committee agrees should receive it directly. The report will be publicly available.
33. In addition to seeking agreement and approval of the final report, the Committee members intend to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session. Steps taken early in the process as well as later to seek input and keep interested parties informed will contribute to this possibility.

#### **AMENDING THE GROUND RULES**

34. These ground rules can be amended by agreement of the SSB 5248 Committee participants.

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

## Mission

The mission of the William D. Ruckelshaus Center is to act as a neutral resource for collaborative problem solving in the region. Its aim is to provide expertise that improves the availability and quality of voluntary collaborative approaches to policy development and multi-party dispute resolution. The Center is a joint effort of Washington State University (WSU) and the University of Washington (UW) 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, tribal, business, agribusiness, environmental, and other community leaders in their efforts to work together to build consensus and resolve conflicts around difficult public policy issues. In addition, the Center helps advance the teaching, curriculum, and research missions of the two universities by bringing real-world policy issues to the campuses.

*“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

*“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

## Activities

The Center will not duplicate or compete with existing services. When it is invited to assist with a dispute or an emerging issue, it can:

- Provide a neutral and safe forum for parties to define and resolve issues
- Conduct a conflict assessment to determine the most productive means of addressing the issues
- Marshal resources for collaborative problem solving
- Serve as a clearinghouse for resources and research to be used at the option of the parties
- Perform applied research
- Provide knowledge, training, and infrastructure development to improve the collaborative problem-solving capacity of the parties and institutions
- Host policy discussions

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

## Governance and Funding

The Center has offices at WSU and UW. 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.

## The William D. Ruckelshaus Center Advisory Board

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**Bill Ruckelshaus**, Board Chair - Madrona Venture Group  
**V. Lane Rawlins**, Interim Director - Washington State University

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

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**Phyllis Campbell** - The Seattle Foundation

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**Greg Devereux** - Washington Federation of State Employees

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**Linda Kirk Fox** - Washington State University Extension

**Billy Frank, Jr.** - Northwest Indian Fisheries Commission

**William Gates** - Bill and Melinda Gates Foundation

**Peter Goldmark** - Double J. Ranch, Inc

**Jay Gordon** - Washington State Dairy Federation

**Hon. Slade Gorton** - Preston, Gates, Ellis LLP

**Gerald Grinstein** - Madrona Venture Group

**Heather Hansen** - Washington Friends of Farms and Forests

**Denis Hayes** - Bullitt Foundation

**Joe King** - King Crowley and Company

**Bill Lampson** - Lampson International

**Jay Manning** - Washington State Department of Ecology

**Bill Marler** - Marler Clark

**Jerry Meninick** - Heritage University

**Deborah Moore** - Ag Forest

**Ralph Munro** - Shared Strategy for Puget Sound

**Bill Neukom** - Preston, Gates, Ellis LLP

**Daniel Newhouse** - Washington State House of Representatives

**Jesse Palacios** - Yakima County

**Linda Evans Parlette** - Washington State Senate

**Craig Pridemore** - Washington State Senate

**Read Smith** - Smith Family Farms

**Helen Sommers** - Washington State House of Representatives

**Michael J. Tate** - Washington State University

**Jim Waldo** - Gordon, Thomas, Honeywell, Malanca & Peterson

**Bob Watt** - The Boeing Company

**Cindy Zehnder** - Office of the Governor



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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*  
Christine O. Gregoire  
Governor

*Frank Chopp*  
Frank Chopp  
Speaker of the House

*Lisa Brown*  
Lisa Brown  
Senate Majority Leader

*Richard DeBolt*  
Richard DeBolt  
House Minority Leader

*Mike Hewitt*  
Mike Hewitt  
Senate Republican Leader

