

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

## Preserving Agricultural Viability and Protecting Critical Areas

*Summary of the  
SSB 5248 Process  
October 1, 2009*

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

*~Substitute Senate Bill 5248, 2007 Legislature*

*"The [William D. Ruckelshaus] Center must conduct fact-finding and discussions with stakeholders including, but not limited to, agricultural, environmental, tribal, and local government interests.... These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas."*

*~Substitute Senate Bill 5248,  
2007 Legislature*

**Substitute Senate Bill 5248** was enacted in May 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 tribal and county governments, and agricultural and environmental interests, 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.

### General timeline of discussions:

2007	2008	2009
<ul style="list-style-type: none"><li>• Formation of a broadly representative and constructive stakeholder group.</li><li>• Preparation of operating principles and groundrules to foster building relationships within and across caucuses.</li><li>• Initial outreach by caucus representatives to constituents.</li></ul>	<ul style="list-style-type: none"><li>• Caucus presentations of issues, desired outcomes, opportunities, concerns, and barriers.</li><li>• Fact-finding of regulatory, management and scientific information.</li><li>• Begin development of framework for potential agreement.</li><li>• Continued outreach.</li></ul>	<ul style="list-style-type: none"><li>• Exploration of elements for potential agreement for preserving agricultural viability and protecting critical areas.</li><li>• Development of "strawdog" set of findings and recommendations.</li><li>• Continued outreach.</li></ul>

**The 5248 Committee** was organized in the summer of 2007 with representatives from tribes, counties, agricultural organizations, and environmental groups. The committee has met consistently throughout the past two years, holding a total of 17 full committee meetings including three retreats for in-depth

discussion. Additionally, there were 15 meetings of a subcommittee that was given the task of crafting “straw-dog” recommendations, and many other meetings with individual caucuses and caucus coordinators. Interaction between the 5248 project and state agencies was coordinated through the Governor’s Office.

**Fact-Finding** was required by the Legislature on seven subjects to assist the committee’s discussions: 1) requirements of county critical areas ordinances; 2) the Conservation Reserve Enhancement Program; 3) conservation easements; 4) buffer widths; 5) requirements of federally-approved salmon recovery plans; 5) relationship between agriculture and Puget Sound recovery efforts; and 7) requirements of water quality regulations. For these issues, and additional requests for information, the William D. Ruckelshaus Center provided the committee with papers, presentations, guest speakers and field trips. The purpose of fact-finding for SSB 5248 has been to develop a deeper level of understanding among caucus representatives on regulations, programs and issues affecting agriculture and critical areas. Summaries of the discussion papers will be posted on the William D. Ruckelshaus Center website at the conclusion of the 5248 Committee discussions.

**Bridging the gap:** Substitute Senate Bill 5248 was established to attempt to bridge the gap between agricultural interests, environmental organizations and tribal governments, as well as to respond to the concerns of the counties related to adopting and defending critical areas ordinances. Over the course of the discussions, the caucuses have acknowledged that it may not be necessary to agree on the nature and extent of the problems related to agriculture and critical areas, but that it may nonetheless be possible to come to agreement on key elements of a solution. Meetings in 2009 have been devoted to the development of a set of recommendations



*Members of the 5248 committee meet with landowner during a field trip in June 2009.*

**More information on the findings and recommendations of the 5248 Committee will be posted on the website of The William D. Ruckelshaus Center at:**

**<http://ruckelshauscenter.wsu.edu/>**

## Acknowledgements

The William D. Ruckelshaus Center would like to thank the members and alternates of the SSB 5248 Committee, past and present, for their generous contribution of time and effort to this project:

### Agriculture Caucus:

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

### Local Government Caucus:

Eric Johnson, WA State Association of Counties\*  
Rick Miller, Franklin County Commissioner\*  
Betty Sue Morris, Clark County Commissioner\*  
Don Munks, Skagit County Commissioner  
Harry Reinert, King County\*  
Ron Walter, Chelan County Commissioner\*

### Environmental Caucus:

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

### Tribal Caucus:

Bob Kelly, Nooksack Tribe  
Marty Loesch, Swinomish Tribe  
David Troutt, Nisqually Indian Tribe\*  
Larry Wasserman, Swinomish Tribe\*  
James Weber, Northwest Indian Fisheries Comm.\*

\* Participating in 2009

that can achieve broad support. The Committee has put considerable effort toward the development of a balance between stewardship incentives and sufficient regulatory constraints to achieve environmental health in areas essential for fish and wildlife habitat. This approach corresponds to the Legislature's direction that:

*"... stakeholders must examine ways to modify 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."*

*~Substitute Senate Bill 5248, 2007 Legislature*

## Looking for "Common Ground"

The 5248 Committee remains at the table, working to complete the Legislature's direction to look for "common ground." Although discussions are continuing, the four caucuses have established the following goals for an agricultural and critical areas stewardship program:

- Focus and maximize voluntary incentive programs for good riparian and ecosystem stewardship on agricultural lands.
- Promote plans to improve water quality, and sustain and recover salmon and other fish and wildlife species, while protecting and enhancing opportunities for agricultural producers and reducing the growing trend of converting farmland to other uses.