

List of topics from Agriculture for 2013 Rulemaking

Categorical Exemptions		
Exemptions Topic	Issue(s) to address	Rationale/Notes
Update Exceptions to Exemptions when a project is on or affects agricultural lands of long term commercial significance	Currently exempt projects undertaken wholly or in part on agricultural lands of long term significance as defined by RCW 36.70A should no longer be exempt from 43.21C.030(2)(c) (RCW)	Due to continuing losses of farmland throughout the state the legislature declared that it is now the policy of the state to identify and take into account the adverse effects of actions on the preservation and conservation of farmland (RCW 43.21C.011)
Consider exempting projects based on their level of impact to farmland instead of by a specific activity type.	Instead of exempting specific types of activities regardless of size and scope of activity, develop an approach that considers/determines the level of impact to farmland	Depending on project size / design / construction and/or maintenance practices employed, currently exempt projects have a potential to negatively impact drainage, access and farming practices of the subject property as well as adjacent properties. An approach to review and exempt levels of impact to agricultural resources will bring parity to the protection of both agricultural and environmental resources without arbitrarily exempting specific types of projects.

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SEPA / GMA Integration		
Topic	Issue(s) to address	Rational/Notes
<p>SEPA alignment with the GMA requirement to identify and protect agricultural lands of long term commercial significance RCW 36.70A.</p>	<p>SEPA needs to be updated in order to align with GMA’s mandate/requirement to designate and protect the State’s agricultural resources</p> <p>RCW 360.70.060(1)(a) requires the development of regulations to assure the conservation of agricultural lands . . . and assure the use of lands adjacent to agricultural lands . . . shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these lands for the protection of food and agricultural products</p> <p>RCW 36.70A.070(5)(c)(v) protecting against conflicts with the use of agricultural . . . lands designated agricultural lands of long term commercial significance.</p> <p>RCW 73.21C.011 – Legislature declares that it is now the policy of the state to identify and take into account the adverse effects of actions on the preservation and conservation of agricultural lands; to consider alternative actions, as appropriate, that could lessen such adverse effects; and to assure that such actions appropriately mitigate for unavoidable impacts to agricultural resources.</p>	<p>SEPA has not been updated since the passage of the Growth Management Act to address the GMA requirement to identify and protect agricultural lands of long term significance. Bringing SEPA into alignment with the mandates of the GMA will help bring parity between the protection of our critical areas and our working lands and help meet the legislative directive to identify and take into consideration impacts to agricultural resources.</p>

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SEPA / Checklist		
Topic	Issue(s) to address	Rational/Notes
<p>Integrate all or a portion of the enhanced questions from DOE's <i>Guidance for Impacts to Agricultural Lands</i> into the SEPA Checklist</p>	<p>The current questions on the SEPA checklist fail to take into account and consider impacts to agricultural lands of long term commercial significance and despite GMA and other legislative mandates to identify, designate and protect agricultural lands of long term commercial significance, the state is still losing farmland annually. Between 2002-2007 we lost over 4,000 farms in Washington totaling more than 460,000 acres.</p>	<p>In response to a bill introduced in 2010 (SB 6210) related to the preservation and conservation of agricultural resource lands DOE prepared a guidance checklist in order to try and better consider and evaluate impacts to agricultural lands.</p> <p>Since the adoption of the additional guidance, no significant improvements have been made by project proponents to better consider and evaluate impacts to agricultural lands and farmland continues to be impacted and converted annually.</p> <p>Due to continued impacts and loss of farmland the legislature has now declared it is the policy of the state to identify and take into account the adverse effects of actions on the preservation and conservation of agricultural lands; to consider alternative actions, as appropriate, that could lessen such adverse effects; and to assure that such actions appropriately mitigate for unavoidable impacts to agricultural resources.</p> <p>Moving all or part of the additional guidance questions to the environmental checklist will meet the new legislative mandate and help bring parity to the protection of our agricultural resources and other critical areas.</p>