

# WESTERN WASHINGTON AG REPORT

JANUARY/FEBRUARY 2022



## RIPARIAN BUFFER BILLS DERAILED

*In a united effort, agriculture successfully stopped HB 1838 and its companions from moving forward this legislative session.*

In collaboration with our farm organization peers, WWAA successfully helped block some very dangerous buffer bills from moving forward in the Washington State Legislature's 2022 session. House Bill 1838 and 5727/5665 in the Senate would have required no touch buffers equal to a "site potential tree height", on each side of a fish-bearing waterway (streams, rivers, lakes, ponds, wetlands.) No exceptions were made for levees, dikes, irrigation or drainage ditches. Tribal lands, however, were exempt as are roads and CREP buffered land. The bills, known as the Lorraine Loomis Act, would have removed thousands of acres from farm production throughout the state, and could have affected an estimated 20% of Western Washington agricultural lands. Some of our members reported 20%-50% potential loss of their lands. Sadly, neither the Washington Department of Agriculture nor Washington

Association of Conservation districts publicly opposed the bills.

The bills were sponsored by Rep. Debra Lekanoff and Sen. Liz Lovelett of the 40th District (Skagit County). The governor's Office of Indian Affairs would have convened a state/tribal riparian management oversight committee that would review and support implementation if these bills became law.

The bills would have also created new fines of up to \$10,000 per day per violation. This legislation would have undermined the Voluntary Stewardship Program (VSP) and set up a hostile regulatory standoff. Alternatively, Reps. Chambers, Springer, and Sullivan have sponsored HB 1856 to allow more counties to sign up for VSP. Ideally, the legislature would increase funding for conservation districts, taking advantage of federal programs that require the state to contribute toward habitat-

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enhancing projects.

WWAA will continue to defend agriculture against dangerous legislation, and partner with statewide and local organizations to increase our voice in a united effort. WWAA works with the Washington Farm Bureau, Washington Dairy Federation, Washington Potato Commission, and other groups to offer support and subject matter expertise on behalf of Western Washington farmers and ranchers.

WWAA has been fighting against huge buffers for decades. Years ago, it was determined that the solution

## WWAA MISSION

To represent agriculture by providing services to the entire agricultural community

## WWAA COMMITMENTS

Engage in internal and external (economic, environmental, regulatory) pressures on agriculture

Interact with county, state, and federal legislators and regulators

Pest and nutrient management control

Network with and support of the agricultural research community

Seek out and develop opportunities and technologies for agriculture

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to salmon recovery is salmon habitat restoration integrated with successful farming. Mandated tree height buffers on private lands is not the solution. Changing the use of these riparian lands from farming to fish protection raises state and federal constitutional issues. Whether bills would take private lands for public purposes without just compensation would become a subject of litigation.

For the last 25 years, at the request of state, federal, and tribal fisheries managers, accompanied by other public and private organizations, Washington's agricultural industry has participated in numerous local, state and regional programs and processes to restore Puget Sound salmon populations and habitat, with the premise and mutual commitment that laws and regulations would protect agricultural lands and maintain the viability of farmers. The greater farm community agreed to participate in programmatic salmon recovery and protection processes, balancing the viability of Washington's fisheries, forestry, and farming. The Shared Strategy-Puget Sound Recovery Plan (2005) and Puget Sound Action Agenda (2008) articulate the need to maintain this balance. These overarching and strategic recovery plans, created and adopted under leadership of state, federal, and tribal fisheries managers, included participation and commitment from agricultural leaders and stakeholders. The Ruckleshouse Process, concluded 10 years ago and found benchmarks for protection of salmon and their habitat on natural resource lands of long-term commercial significance and ultimately led to the implementation of a successful Voluntary Stewardship Program. This balanced use of "Best Available Science" meets the needs of anadromous fish and their critical habitat, respects the property rights of the affected landowners, and supports farming in the Skagit Valley.

According to the governor's office and area tribes, voluntary conservation

## BUFFER BILL EXEMPTIONS

The following list of exemptions in SB 5665 doesn't make sense for true salmon recovery. If the sponsors of the bill believed in true recovery and the importance of 200 year tree height buffers, why are these elements and sectors exempt?

[Sec. 204] Land adjacent to waters is exempt from requirements under this chapter if it is:

(1) Enrolled in the federal conservation reserve enhancement program that establishes a riparian management zone;

(2) Legally permitted and used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented structures as provided in the shoreline master program pursuant to chapter 90.58 RCW;

(3) Covered by a road, trail, building, or other structure that exists at the time of the effective date of this section;

(4) Regulated by a national pollutant discharge elimination system permit and requires a riparian management zone;

(5) Regulated by the forest practices act pursuant to chapter 576.09 RCW; or

(6) A small parcel in which the riparian management zone would cover more than 50 percent of the parcel. Any reduction in the size of the riparian management zone must maximize riparian functions to the greatest extent practicable and take into consideration opportunities for cost share. Reductions may not be granted for parcels determined to be small as a result of subdivision after the effective date of this section.



measures haven't reached the salmon recovery required to avoid Chinook extinction. "A shift in the trajectory of salmon recovery requires aggressive, different action and attitudes, for everyone is suffering from the degradation of our environment," said J.T. Austin, senior policy advisor to Gov. Inslee. If farmers are forced out of Western Washington, a by-product of the farmland converted to buffers, the lands which currently hold an abundance of wildlife species and protect adjacent salmon habitat will become developed. A crop field such as potatoes that uses best management practices, is free of noxious weeds, urban runoff, and road pollution, protects salmon better than any other use on that land. Extreme buffers will lead to a sell off of agricultural land in our region. Those sales will lead to urbanization, not wildlife refuge.

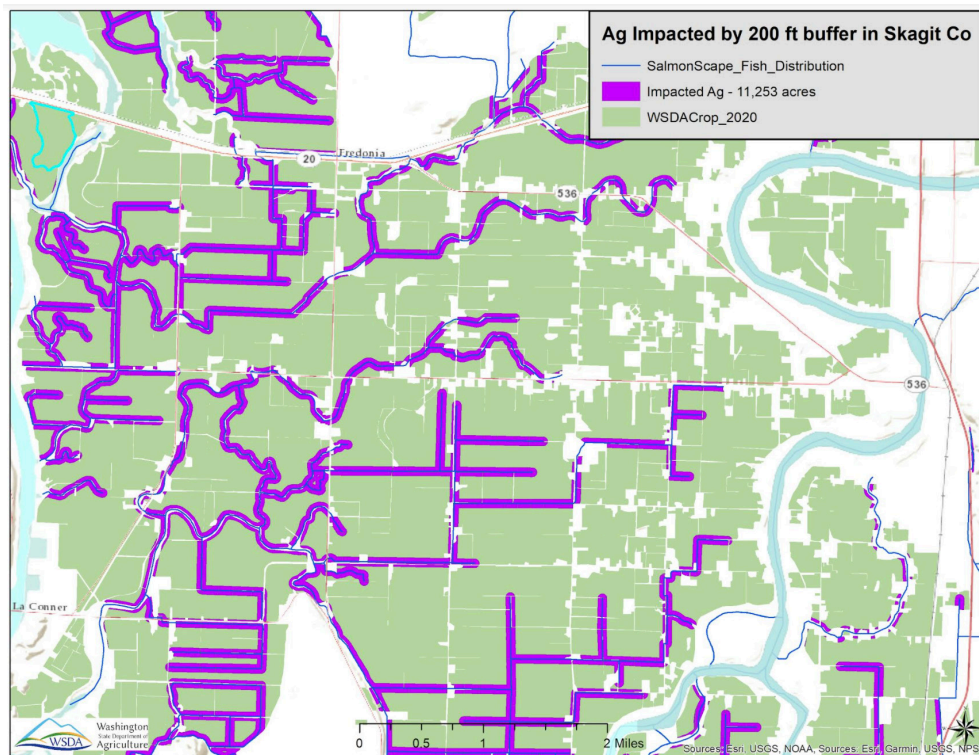
While this legislative session is a "short one" (60 days), it is clear that the governor's office has set the stage for an aggressive riparian buffer agenda in years to come. We will keep a diligent eye on this session's budget and hope to ensure that the governor's office and agencies work with agriculture on a better solution for farms and salmon.

To download communications tools and learn more about policy affecting agriculture and small businesses in Western Washington, visit WWAA's policy webpage at <https://www.westag.org/issues>.

## NARF APPROVES 2022 RESEARCH PROJECTS

The Northwest Agricultural Research Foundation recently approved multiple project priorities for the benefit of regional farmers. Projects focused on fruit, vegetables, bulbs, and vegetable seed were considered.

For more than 70 years, NARF has been a partner of WSU Mount Vernon. NARF helped establish the Research Center in Northwest Washington, before Washington State University entered the region. In addition to providing grass-root funding to researchers, NARF often advocates on behalf of the Center. NARF serves as the farm-based voice for prioritizing regional



*The WSDA created this map of the proposed buffers in lower Skagit farm country. It is believed that more than 11,000 acres would be impacted in this region alone.*



*We looked up the Schuh Farm address to see what length of buffer they would be under if the waterway nearby was classified as "salmon bearing". The Douglas Fir 200 year tree height WDFW uses is 215 ft in this location. The photo above shows what a 215 buffer would roughly look like according to their ruler.*







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research needs and puts farmer dollars directly in the hands of researchers.

## A BIT OF NW WASHINGTON AG HISTORY

*In partnership with Historylink.org, here is an excerpt from an essay written by Janet Oakley about the history of agriculture in northwest Washington.*

Fish canneries opened in Anacortes in the late 1890s amid a national Depression. The industry would be an economic mainstay up to the latter half of twentieth century.

But agriculture continued to be the main industry. For a long time, oats and eventually peas were the mainstay, but new crops took on prominence just after World War I. One of these crops was the growing of seeds. A decade before forming the Puget Sound Seed Garden in 1883, A. G. Tillinghast had grown cabbage seed.

Beets, flax, spinach, mustard, and cabbage were all attempted. Several other farmers joined him in the 1920s. At first the crops were harvested by hand, but eventually various combine

machines were invented to help with the harvest. At one point Skagit County grew 95 percent of the cabbage seed produced in the United States.

Tulip bulb production is an extension of the seed production industry. Mary Brown Stewart started growing tulips in 1906 with bulbs from Holland, but tulips were “only a small part of the crop and the whole operation was of modest size.” In 1926, her son Sam Stewart started the Tulip Grange Bulb Farm near LaConner.

In the late 1920s, farmers began

growing vegetables commercially for large packing outfits. They mainly packed peas, but also packed green beans, spinach, and several kinds of vegetables and fruits. S. A. Moffet, the second company in the nation to get into freezing vegetables, built a freezing plant in Mount Vernon in 1940 after successfully starting the precooling process of 50 tons of peas in a LaConner farmer’s barn in 1936.

For more on the history of agriculture in NW Washington, visit <https://www.westag.org/our-history>.



*Images include this potato patch in Burlington. Photo courtesy of the Collection of the Skagit County Historical Museum.*