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Jon Glover, Acting Director
Easements Programs Division
Department of Agriculture, Natural Resources Conservation Service
PO Box 2890
Washington, D.C. 20013

Re: Farm and Ranch Lands Protection Program, Interim Final Rule Comments
(Docket Number NRCS-IFR - 08013)

Dear Mr. Glover:

I am respectfully submitting comments on the Interim final rules for the Farm and Ranch Lands Protection Program, and comments specific to how the ranking process was used to review applications from Whatcom County Washington in the spring 2009 evaluation round.

Whatcom County lies in the northwest corner of Washington State. We have a strong agricultural economy here; indeed of the seventeen counties in WA lying west of the Cascade mountain range our market value of production is the highest at \$326,450,000.

We also experience strong growth and development here. In an effort to protect our agricultural land from conversion to other uses, we established a Purchase of Development Rights program, and made our first easement purchase in 2004. The first five years of the program have resulted in easements on eleven farms, protecting about 640 acres and retiring about 84 potential development rights. We have done this with strong and consistent support from the Natural Resources Conservation Service, Farm and Ranch Lands Protection Program.

As you can imagine, we were quite disappointed to find out recently that none of the five farms submitted for funding support to the FRPP in 2009 were accepted.

Our primary request is this: we would suggest that NRCS provide the funding used to purchase conservation easements as block grants to the states that have programs. Certified state programs could then provide the funding as appropriate to local farmland preservation entities based on criteria that make sense locally.

In general, we support the new rules, and specifically the policies detailed on impervious surfaces and waivers. But the new rules and their implementation are problematic to us for a few reasons.

1. National Data Dependence

NASS provides data that includes "land in farms" information. In development of the national ranking criteria, this data is relied upon for assessing the change in farmland over time. The original NASS data released in 2008 showed Whatcom County lost an average of 9,100 acres per year from "land in farms" between 2002 and 2007 (or 31%). After a brief review of the data by the new NASS director for Washington a correction was made. The data now show a loss of 4,700 acres per year, or a 19% loss over the five years. No-one familiar with agriculture in Whatcom County believes that we lost that much land from farming.

Staff from local agricultural agencies met with Washington State's NASS director in July - he came up to visit partly based on the questions we had about the data. He indicated that, while he has a high level of confidence in the "land in farms" data statewide, these data have limitations on a county basis due to some of the assumptions and adjustments that are made; and perhaps it should not be used for that purpose. We will be working with NASS staff and people in the county to help NASS develop better data for Whatcom County for their next survey. This new survey data won't be available for almost five years, however. As a result of showing a loss of over 15% in "land in farms" between the 2002 and 2007 NASS data, Whatcom County received zero points for that criterion when evaluated for funding.

2. Broad Implementation

Whatcom County agriculture does not necessarily reflect a typical agricultural county from a national perspective. We have small farms, dairies, high value specialty crops, small farm livestock operations, and very few larger farms. At \$326 million for agricultural products in 2007 we are, however, in the top 5 percent for agricultural counties in the U.S.¹ and the highest county in Washington west of the Cascades (of the 17 western counties). Food processing gross sales were \$587 million last year (sixth of 39 Washington Counties) with 1,600 full time employees.² The most recent National Agricultural Statistical Service (NASS) data show that we have 103,000 acres of land in farms. The county council recently re-affirmed its goal of maintaining at least 100,000 acres of land in agriculture to support a viable agricultural industry and infrastructure in Whatcom County (Whatcom County Resolution 2009-40).

In development of the national ranking criteria, points were given to proposals having at least 250 acres of already protected land within one mile of the applicant's land. Since Whatcom County is fairly new at this (PDR) compared with many other areas, and since our farm sizes are smaller, this ranking criterion does not fit well with the reality of farming in Whatcom

¹ 2007 Census of Agriculture, USDA (137th of 3,076 counties)

² Washington State Department of Agriculture; Publication 120-127; April 2009.

County, and as occurred this year, results in a zero point score for our proposed properties.

3. Cooperating Entity Eligibility

While we were not privy to the specifics of how and whether to certify cooperating entities, the result is that our county program is ineligible. Having worked successfully and in a cooperative manner countywide on a Purchase of Development Rights Program that has delivered results in the way of perpetual farmland preservation, we feel programs such as ours should be considered for Cooperating Entity status.

4. Terminology Confusion

There are places in the criteria that refer to 'parcel' and other places that refer to 'farm'. The reality of historical land use in our area, is that many farms are made up of a number of parcels; so parcel and farm are certainly not synonymous. We do not believe this should penalize a farm from being protected through the FRPP program; the point of which is to retire development rights and in effect render any parcelization unable to be actualized. Referring consistently to 'farm' rather than 'parcel' would be much clearer and more consistent with the intent of the program, as we understand it to be.

In addition to the specific comments mentioned, we encourage full funding for the FRPP program that reaches at least what was authorized in 2007. While we acknowledge that a Purchase of Development Rights program is not the only ingredient for successful agriculture policy in a county such as ours, it is certainly one of the key ingredients; and FRPP funding is a crucial piece to PDR program success.

Sincerely,



David Stalheim
Director

cc: Jeff Harlow, West Area Program Liaison, USDA-NRCS
David, Knopf, Director, Washington State NASS Office, USDA
Pete Kremen, County Executive
County Council Members