

HOUSE BILL REPORT

HB 2340

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to wetlands technical assistance.

Brief Description: Providing wetlands technical assistance to owners of wetlands.

Sponsors: Representatives Thompson, Mulliken, Pennington, Gardner, Romero, Backlund, Anderson, Lambert, Boldt and Lantz.

Brief History:

Committee Activity:

Government Reform & Land Use: 1/14/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Reams, Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Gardner; Mielke and Thompson.

Minority Report: Do not pass. Signed by 3 members: Representatives Cairnes, Vice Chairman; Fisher and Mulliken.

Staff: Joan Elgee (786-7135).

Background: Property owners proposing activities on or near wetlands generally must obtain permits. Depending on the type of project and the type and extent of wetlands, permits must be obtained from federal, state, and local agencies. (Some limited wetlands activity does not require permits.)

Typically, a property owner must determine whether or not a wetland is present and obtain a delineation, or a marking of the boundary, of the wetlands. Determinations are then made as to whether the wetlands can be avoided or the impacts minimized, and whether modification to the proposal is needed. In some cases, impacts are allowed but mitigation is required.

The Legislature has directed the state, and counties and cities to provide some general assistance to persons dealing with land use issues. The permit assistance center in the

Department of Ecology publishes an environmental permits and requirements handbook, provides basic information to the public on environmental permits and approvals, and facilitates the permit process. Counties and cities with a population of 10,000 or more must designate staff to assist permit applicants.

Summary of Substitute Bill: A pilot project is established within the Department of Ecology (DOE) for technical assistance on wetlands issues. The project is in two of DOE's regional offices. At the request of a property owner or a person who has signed a purchase and sale agreement for a piece of property, DOE must:

- Assist in identifying whether wetlands are present and the general location and extent of any wetlands;
- Assist in identifying applicable permits and regulations;
- Review wetland determinations and delineations and provide a non-binding evaluation of whether the decisions are technically correct; and
- Facilitate the resolution of wetlands disputes.

The Legislature intends that DOE use its best efforts to complete an evaluation and conclude dispute resolution facilitation within 30 days of a request, unless the parties agree to a longer time, additional information is needed, or a site visit is necessary and environmental conditions necessitate additional time.

DOE staff providing the assistance must not have regulatory functions. The staff must also have the necessary expertise to advise property owners and agencies on wetlands technical issues. DOE may contract with a certified or registered soils scientist if it determines the expertise of a soils scientist is desirable.

By December 1, 1999, DOE must submit a report to the Legislature detailing the number of instances in which the assistance of the center has been requested on wetlands issues, the type of assistance requested, the timeliness in which the department responded to requests, staff time needed to provide the assistance, an evaluation of the value of the service, and recommendations for any changes.

The provisions expire July 1, 2000.

Substitute Bill Compared to Original Bill: Wetlands technical assistance is limited to a pilot project in two of DOE's regional offices. The technical assistance program is no longer statutorily placed within DOE's permit assistance center. The provision requiring DOE to generally complete the assistance within 30 days is modified to legislative intent that DOE use best efforts to complete the assistance within 30 days. DOE must submit its report by December 1, 1999, rather than December 1, 2000. Matters the report must address are expanded to include the timeliness in which DOE responded to requests and the staff time needed to provide the assistance. The expiration of the provisions on July 1, 2000, is added.

Appropriation: None.

Fiscal Note: Received, February 5, 1998.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Landowners need a place where they can get a second opinion on wetlands issues at no cost. Many wetland "problems" are caused by poor communication and a lack of understanding. A landowner can get an early indication of wetland issues without having to hire a consultant and can get feedback on the accuracy of a delineation before making site-specific plans.

Testimony Against: (Concerns only) Concern was expressed that the assistance may be duplicative of what local governments already do. DOE may get caught in the middle. How much will it cost?

Testified: Representative Bill Thompson, prime sponsor, (pro); Doug Levy, City of Everett (neutral, with concerns); Dave Williams, Association of Washington Cities (pro); Jodi Walker, Building Industry Association of Washington (neutral); John Woodring, Washington Association of Realtors (pro); Gordon White, Department of Ecology (pro); Ron Schultz, National Audubon Society (pro); Charles Newling, Wetlands Science Applications, Inc. (pro); Jean Gruber (pro); Eric Johnson, Washington Public Ports Association (pro); Bruce Wishart, People for Puget Sound (pro); and Bill Garvin, Washington Farm Bureau (pro).