

HOUSE BILL REPORT

HCR 4409

As Reported By House Committee On:

Government Reform & Land Use

Brief Description: Establishing a joint select subcommittee on wetlands.

Sponsors: Representatives Thompson, Reams, Bush, Mielke, Sherstad, Pennington, Sheldon, Grant, Kastama, McMorris and Mastin.

Brief History:

Committee Activity:

Government Reform & Land Use: 3/3/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 3 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; and Gardner.

Staff: Kimberly Klaiber (786-7156).

Background: Two categories of counties and cities are established under the Growth Management Act (GMA): those that are required to plan under all GMA requirements and all others. Each county and city, regardless of whether it plans under the GMA, must *designate* and adopt development regulations that *protect* designated critical areas. In designating critical areas, counties and cities must consider the minimum guidelines adopted by the Department of Community, Trade and Economic Development.

Under the GMA, the definition of critical areas includes wetlands. The GMA defines a wetland as an area saturated by surface or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and other similar areas.

Wetlands do not include artificial wetlands *intentionally* created from nonwetland sites, including irrigation ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands *may*, however, include artificial wetlands *intentionally* created from nonwetland areas to mitigate conversion of wetlands. The definition of wetlands does not include wetlands created after July 1, 1990, that were *unintentionally* created as a result of the construction of a road, street, or highway.

Summary of Substitute Bill: The Legislature recognizes the importance of protecting critical areas and wildlife diversity, but also wishes to ensure a balance between appropriate development and environmental protection.

The Legislature finds that the current definition of wetlands is broad and focuses on the physical conditions of a wetland and on temporary rather than long-term conditions. Landowners have little certainty as to whether a parcel of property will be deemed a wetland.

The Legislature requests the establishment of a joint select subcommittee on wetlands to review the statutory definition of wetlands and all related issues associated with the definition and regulation of wetlands. The subcommittee shall consist of 10 members, five members each selected by the President of the Senate and the Speaker of the House of Representatives. Six of the 10 members shall be drawn from the majority caucus, and four of the 10 shall be drawn from the minority caucus. The subcommittee shall report its findings and recommendations to the Legislature at the regular 1998 session.

Substitute Bill Compared to Original Bill: A provision is added that requires 10 rather than eight members on the select subcommittee. The members of the subcommittee are to be comprised of six majority caucus members and four minority caucus members. Language is added that broadens the scope of the topics that are to be considered by the subcommittee with respect to the definition and regulation of wetlands.

Appropriation: None.

Fiscal Note: Requested March 3, 1997.

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

Testimony For: The definition of wetlands is too broad with too little regard for wetland functions. This unfairly brings in private property that serves no wetland functions.

Testimony Against: None.

Testified: Representative Thompson, prime sponsor (pro).