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## Government Reform and Land Use Committee

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### BILL ANALYSIS HB 2340

**Title of the Bill:** Wetlands technical assistance.

**What this Bill Does:** Provides for the permit assistance center within the Department of Ecology to provide technical assistance on wetland issues by assisting property owners in identifying whether wetlands are present, facilitating the resolution of wetland disputes, by providing other assistance.

**Sponsors:** Representative Thompson and Representative Mulliken

**Hearing Date:** 1/14/98

**Fiscal Note:** Requested 1/7/98

**Analysis Prepared By:** Joan Elgee, 786-7135

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#### BACKGROUND:

Property owners proposing activities in 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, property owners 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 proposals is needed. In some cases, impacts are allowed but mitigation is required.

As part of regulatory reform, the 1995 Legislature adopted legislation creating a permit assistance center within the Department of Ecology (DOE). The permit assistance center publishes an environmental permits and requirements handbook, provides basic information to the public on environmental permits and approvals, and facilitates the permit process. The permit assistance center also provides a coordinated permit process for larger projects.

## **SUMMARY:**

The permit assistance center within DOE is directed to provide technical assistance on wetlands issues. At the request of a property owner or a person who has signed a purchase and sale agreement for a piece of property, the center 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.

A review of wetland determinations and delineations must be completed within 30 days of a written request. DOE must conclude any dispute resolution facilitation within 30 days of a written request. These time periods may be extended if the parties agree, additional information is needed, or a site visit is necessary and environmental conditions necessitate additional time.

DOE staff providing the assistance are to be located in DOE's regional offices and 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 soils scientist if it determines the expertise of a soils scientist is desirable.

By December 1, 2000, the permit assistance center 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, an evaluation of the value of the service, and recommendations for any changes.