
SECOND SUBSTITUTE HOUSE BILL 2340

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Thompson, Mulliken, Pennington, Gardner, Romero, Backlund, Anderson, Lambert, Boldt and Lantz)

Read first time 02/07/98. Referred to Committee on .

1 AN ACT Relating to wetlands technical assistance; adding a new
2 chapter to Title 90 RCW; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise:

7 (1) "Department" means the department of ecology.

8 (2) "Governmental agency" means the department of ecology, the
9 department of fish and wildlife, counties, cities, and towns; and any
10 federal agency upon the agreement of the agency to be subject to this
11 chapter.

12 (3) "Property owner" means a person who has a legal interest in a
13 parcel of property or has entered a purchase and sale agreement for a
14 parcel of property.

15 NEW SECTION. **Sec. 2.** (1) The department shall create a pilot
16 project to provide wetlands technical assistance as provided in this
17 section in two of its regional offices.

1 (2) At the request of a property owner, the department shall
2 provide technical assistance on wetlands issues by:

3 (a) Assisting property owners in identifying whether wetlands are
4 present and the general location and extent of wetlands on the property
5 in question;

6 (b) Assisting property owners in identifying the federal, state,
7 and local permits and regulations that may apply to the property;

8 (c) Reviewing wetland determinations and delineations and providing
9 a nonbinding evaluation of whether the decisions are technically
10 correct; and

11 (d) Facilitating the resolution of disputes between property owners
12 and governmental agencies on wetlands issues.

13 (3) The legislature intends that the department respond to requests
14 in a timely manner and use its best efforts to complete an evaluation
15 and conclude dispute resolution facilitation within thirty days of a
16 written request, unless the parties agree to a longer time, additional
17 information is needed, or a site visit is necessary and environmental
18 conditions necessitate additional time.

19 (4) The staff assigned to provide technical assistance on wetlands
20 issues shall:

21 (a) Be located in two of the regional offices of the department;

22 (b) Have as their sole function the provision of assistance
23 authorized by this section and no regulatory function;

24 (c) Have the necessary expertise to advise property owners and
25 governmental agencies on wetlands technical issues. When the
26 department determines that the expertise of a soils scientist would be
27 desirable, the department may contract with a soils scientist certified
28 or registered by a professional body determined by the department to
29 have the capability to assess expertise in soils and related matters.

30 NEW SECTION. **Sec. 3.** By December 1, 1999, the department shall
31 submit a report to the appropriate committees of both houses of the
32 legislature detailing the following information regarding the provision
33 of technical assistance on wetlands issues:

34 (1) The number of instances in which the assistance of the
35 department has been requested, the type of assistance requested, the
36 timeliness in which the department responded to requests, and the staff
37 time needed to provide the assistance;

1 (2) An evaluation of the value of the service to property owners
2 and governmental agencies; and

3 (3) Recommendations for any changes needed to make the assistance
4 more effective.

5 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act expire July
6 1, 2000.

7 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
8 a new chapter to Title 90 RCW.

9 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
10 act, referencing this act by bill or chapter number, is not provided by
11 June 30, 1998, in the omnibus appropriations act, this act is null and
12 void.

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