

SENATE BILL REPORT

SB 5915

As Reported By Senate Committee On:
Environment, Energy & Water, February 27, 2001

Title: An act relating to wetlands mitigation projects.

Brief Description: Selecting wetlands mitigation projects.

Sponsors: Senators Patterson and Regala.

Brief History:

Committee Activity: Environment, Energy & Water: 2/16/01, 2/27/01 [DPS, DNPS].

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 5915 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

Minority Report: Do not pass.

Signed by Senators Hale, Honeyford, McDonald and Morton.

Staff: Jim Metropulos (786-7784)

Background: Recent studies indicate that the major reason for the failure of wetlands mitigation projects is due to design flaws based on inadequate hydrological information about the site selected.

Summary of Substitute Bill: When a water resource inventory area ("WRIA") group assesses the water supply in a management area, as required during watershed planning, it should also identify wetlands, potential wetlands restoration sites, and areas for possible wetlands mitigation projects.

Under watershed planning, a WRIA should identify the relationship between aquifers and nearby surface and ground water.

The Department of Ecology must evaluate a proposed wetlands mitigation project to determine the likelihood of success. After this evaluation, the agency may require a hydrological assessment.

If the department requires a hydrological assessment, it must demonstrate that the mitigation site will achieve a water regime that meets the goals of the proposed project. The hydrological assessment should identify a proponent's compensatory wetlands mitigation project's relationship to the site's existing ground and surface water. If the project targets specific functions, the hydrological assessment must show that the site will support these functions.

Substitute Bill Compared to Original Bill: In the substitute bill, the intent and findings sections are expanded. The Legislature intends this bill to maximize the cost effectiveness of public and private investment in compensatory wetland mitigation projects. Under watershed planning, a WRIA should identify the relationship between aquifers and nearby surface and ground water. The hydrological assessment should identify a proponent's compensatory wetlands mitigation project's relationship to the site's existing ground and surface water. The Department of Ecology, rather than all regulatory agencies with jurisdiction over wetlands compensatory mitigation projects, should evaluate the adequacy of hydrological information presented by a project proponent.

Appropriation: None.

Fiscal Note: Requested on February 7, 2001.

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

Testimony For: None.

Testimony Against: The bill should not be passed since the Department of Ecology is currently developing rules for wetlands mitigation banking.

Testified: Willy O'Neil, Associated General Contractors (con).