
SENATE BILL 5915

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson and Regala

Read first time 02/07/2001. Referred to Committee on Environment,
Energy & Water.

1 AN ACT Relating to wetlands mitigation projects; amending RCW
2 90.82.070; adding a new section to chapter 90.74 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that recent studies
6 indicate that the major reason for the failure of wetlands mitigation
7 projects is due to a design that is inappropriate to the hydrology of
8 the site selected.

9 The legislature intends that this act improve the scientific basis
10 for making decisions in site selection for wetlands mitigation
11 projects.

12 **Sec. 2.** RCW 90.82.070 and 1998 c 247 s 3 are each amended to read
13 as follows:

14 Watershed planning under this chapter shall address water quantity
15 in the management area by undertaking an assessment of water supply and
16 use in the management area and developing strategies for future use.

17 (1) The assessment shall include:

1 (a) An estimate of the surface and ground water present in the
2 management area;

3 (b) An estimate of the surface and ground water available in the
4 management area, taking into account seasonal and other variations;

5 (c) An estimate of the water in the management area represented by
6 claims in the water rights claims registry, water use permits,
7 certificated rights, existing minimum instream flow rules, federally
8 reserved rights, and any other rights to water;

9 (d) An estimate of the surface and ground water actually being used
10 in the management area;

11 (e) An estimate of the water needed in the future for use in the
12 management area;

13 (f) An identification of the location of areas where aquifers are
14 known to recharge surface bodies of water and areas known to provide
15 for the recharge of aquifers from the surface; and

16 (g) An estimate of the surface and ground water available for
17 further appropriation, taking into account the minimum instream flows
18 adopted by rule or to be adopted by rule under this chapter for streams
19 in the management area including the data necessary to evaluate
20 necessary flows for fish.

21 (2) Strategies for increasing water supplies in the management
22 area, which may include, but are not limited to, increasing water
23 supplies through water conservation, water reuse, the use of reclaimed
24 water, voluntary water transfers, aquifer recharge and recovery,
25 additional water allocations, or additional water storage and water
26 storage enhancements. The objective of these strategies is to supply
27 water in sufficient quantities to satisfy the minimum instream flows
28 for fish and to provide water for future out-of-stream uses for water
29 identified in subsection (1)(e) and (g) of this section and to ensure
30 that adequate water supplies are available for agriculture, energy
31 production, and population and economic growth under the requirements
32 of the state's growth management act, chapter 36.70A RCW. These
33 strategies, in and of themselves, shall not be construed to confer new
34 water rights. The watershed plan must address the strategies required
35 under this subsection.

36 (3) The assessment may include an identification of the location of
37 areas where wetlands exist, areas that provide the potential for
38 wetlands restoration, and areas with potential for use in wetlands
39 mitigation projects.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.74 RCW
2 to read as follows:

3 (1) Regulatory agencies with jurisdiction over wetlands
4 compensatory mitigation projects must evaluate the adequacy of
5 hydrological information presented by a project proponent to determine
6 the likelihood of success of the project.

7 (2) The agency may require a hydrological assessment of the site.

8 (3) The hydrological assessment must be sufficiently detailed to
9 demonstrate that the mitigation site will attain a hydrologic regime to
10 meet the goals presented in the proponent's compensatory mitigation
11 project.

12 (4) If a proposed wetlands compensation project targets specific
13 functions, the hydrological assessment must demonstrate that the site
14 will achieve a hydrologic regime needed to develop and support these
15 functions.

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