

HOUSE BILL REPORT

HB 1658

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to the filling or altering of wetlands.

Brief Description: Providing that filled or altered wetlands shall not be considered or treated as wetlands.

Sponsors: Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/27/95, 3/1/95 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Staff: Rick Anderson (786-7114).

Background: Wetlands can be regulated by federal, state, or local entities.

The Department of Fish and Wildlife issues hydraulic project application (HPA) permits for work that affects waterbodies, including wetlands. The purpose of the permit is ensure that the project does not adversely affect fish life.

State law directs the department to expedite the processing of HPA permits in certain specified areas affected by the Mt. St. Helens eruption.

Summary of Substitute Bill: The Department of Fish and Wildlife cannot require mitigation for fish life or habitat on land that was once wetland, if the wetland was legally filled under the emergency provisions established in response to the Mt. St. Helens eruption.

Substitute Bill Compared to Original Bill: The original bill established burden of proof and dismissal provisions for lawsuits relating to all legally filled wetlands. The substitute bill addresses only wetlands legally filled in accordance with emergency provisions relating to the Mt. St. Helens eruption.

Appropriation: None.

Fiscal Note: Requested February 24, 1995.

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

Testimony For: The Department of Fisheries is requiring mitigation on a site that was once wetland. The area was legally filled with dredge spoils from the Mt. St. Helens eruption. The proposed mitigation will adversely affect the development proposal.

Testimony Against: The burden of proof should not be changed. It would be difficult and expensive for the state to prove a negative.

Testified: Representative Pennington (prime sponsor); Jeff Rasmussen (pro); Larry Frazier, Cowlitz County (pro); John Fratt, Port of Kaluma (pro); and Mike Leigh (con).