

# SENATE BILL REPORT

## SHB 1658

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As Reported By Senate Committee On:  
Ecology & Parks, March 28, 1995

**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:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton).

**Brief History:**

**Committee Activity:** Ecology & Parks: 3/23/95, 3/28/95 [DPA].

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass as amended.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

**Staff:** David Danner (786-7784)

**Background:** The Department of Fish and Wildlife issues hydraulic project application (HPA) permits for work that may affect bodies of fresh or salt water, including wetlands. The purpose of the permitting process is to ensure that hydraulic projects do not adversely affect fish life.

Following the eruption of Mt. St. Helens in 1980, the Legislature sought to help flood control and sediment retention efforts by enacting emergency measures expediting the processing of HPA requests in specific areas affected by the eruption. Those measures expire on June 30, 1995.

**Summary of Amended Bill:** The Department of Fish and Wildlife cannot require mitigation for adverse impacts on fish life or habitat that occurred at a time a wetland was filled, if the wetland is legally filled under the emergency provisions established in response to the Mount St. Helens eruption.

**Amended Bill Compared to Substitute Bill:** It is clarified that the bill does not prevent the Department of Fish and Wildlife from requiring mitigation for adverse impacts caused by subsequent development of filled wetlands.

**Appropriation:** None.

**Fiscal Note:** Available on original bill; requested for substitute on March 22, 1995.

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

**Testimony For:** This bill allows expedited development of an area near Kalama that was hit hard by the 1980 eruption. The area currently contains large ash piles which are visual eyesores. Development will not adversely affect the environment but will lead to almost 400 jobs in the community.

**Testimony Against:** The bill should be amended to ensure that the Department of Fish and Wildlife can require mitigation for subsequent development on affected lands.

**Testified:** Representative Pennington, original prime sponsor; Eric Johnson, Washington Public Ports Association (pro); Cyreis Schmitt, Department of Fish and Wildlife (pro).