
HOUSE BILL 2340

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1998 Regular Session

By Representatives Thompson, Mulliken, Pennington, Gardner, Romero, Backlund, Anderson, Lambert, Boldt and Lantz

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1 AN ACT Relating to wetlands technical assistance; amending RCW
2 90.60.020; and adding new sections to chapter 90.60 RCW.

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

4 **Sec. 1.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Center" means the permit assistance center established in the
9 (~~commission~~[department]) department by RCW 90.60.030.

10 (2) "Coordinating permit agency" means the permit agency that has
11 the greatest overall jurisdiction over a project.

12 (3) "Department" means the department of ecology.

13 (4) "Governmental agency" means the department of ecology, the
14 department of fish and wildlife, counties, cities, and towns; and any
15 federal agency upon the agreement of the agency to be subject to this
16 chapter.

17 (5) "Participating permit agency" means a permit agency, other than
18 the coordinating permit agency, that is responsible for the issuance of
19 a permit for a project.

1 (~~(5)~~) (6) "Permit" means any license, certificate, registration,
2 permit, or other form of authorization required by a permit agency to
3 engage in a particular activity.

4 (~~(6)~~) (7) "Permit agency" means:

5 (a) The department of ecology, an air pollution control authority,
6 the department of natural resources, the department of fish and
7 wildlife, and the department of health; and

8 (b) Any other state or federal agency or county, city, or town that
9 participates at the request of the permit applicant and upon the
10 agency's agreement to be subject to this chapter.

11 (~~(7)~~) (8) "Project" means an activity, the conduct of which
12 requires permits from one or more permit agencies.

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

16 NEW SECTION. Sec. 2. A new section is added to chapter 90.60 RCW
17 to read as follows:

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

20 (a) Assisting property owners in identifying whether wetlands are
21 present and the general location and extent of wetlands on the property
22 in question;

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

25 (c) Reviewing wetland determinations and delineations and providing
26 a nonbinding evaluation of whether the decisions are technically
27 correct; and

28 (d) Facilitating the resolution of disputes between the property
29 owner and governmental agencies on wetlands issues.

30 (2) The department shall complete the evaluation authorized by
31 subsection (1)(c) of this section within thirty days of a written
32 request and shall conclude any dispute resolution facilitation under
33 subsection (1)(d) of this section within thirty days of a written
34 request. The time periods in this subsection may be extended if the
35 parties agree, additional information is needed, or a site visit is
36 necessary and environmental conditions necessitate additional time.

37 (3) The staff assigned to provide technical assistance on wetlands
38 issues shall:

- 1 (a) Be located in the regional offices of the department;
- 2 (b) Have as their sole function the provision of assistance
3 authorized by this section and no regulatory function;
- 4 (c) Have the necessary expertise to advise property owners and
5 governmental agencies on wetlands technical issues. When the
6 department determines that the expertise of a soils scientist would be
7 desirable, the department may contract with a soils scientist certified
8 or registered by a professional body determined by the department to
9 have the capability to assess expertise in soils and related matters.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.60 RCW
11 to read as follows:

12 By December 1, 2000, the center shall submit a report to the
13 appropriate committees of both houses of the legislature detailing the
14 following information regarding the provision of technical assistance
15 on wetlands issues:

16 (1) The number of instances in which the assistance of the center
17 has been requested and the type of assistance requested;

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

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

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