

**SENATE BILL REPORT**

**SB 6254**

**AS PASSED SENATE, FEBRUARY 17, 1992**

**Brief Description:** Requiring local jurisdictions to delineate wetlands consistent with the federal wetlands regulatory program.

**SPONSORS:** Senators Snyder, Matson, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Bailey, Bauer, Newhouse, Rasmussen, Sellar, McCaslin, West, Jesernig and Erwin

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Majority Report:** Do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** January 17, 1992; February 6, 1992

**BACKGROUND:**

The Growth Management Act contains the federal Clean Water Act definition for wetlands. Under that definition, for an area to be considered as a wetland these parameters must exist: hydric soil; hydrology; and wetland vegetation.

At the federal level, there have been different manuals developed for use in the field to interpret whether land is considered as a wetland. There exists a 1987 manual, a 1989 manual and a proposed 1991 manual. The 1989 manual includes the most land area and the 1991 proposed manual the least. The 1991 manual is proceeding through the public comment and hearing process of the federal administrative procedures act.

Congress enacted a budget proviso that requires the Corps of Engineers to utilize the 1987 manual until a new manual is adopted pursuant to the federal administrative procedures act.

Under the Growth Management Act, local governments are not provided guidance as to whether their wetland determinations should be consistent with any of the federal manuals.

**SUMMARY:**

Local governments are required to delineate, designate and regulate wetlands using the criteria contained in the federal manual used by the U.S. Army Corps of Engineers on the effective date of this act.

If a subsequent version of the federal delineation manual is adopted by the U.S. Corps of Engineers, the Department of

Community Development shall notify the Legislature prior to the next regular legislative session.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR:**

The 1989 manual includes too much land that should not be considered as a wetland. Congress has required the Corps of Engineers to not use the 1989 manual and instead to use the 1987 manual for delineating the edge of a wetland. The 1989 manual includes a significant amount of land that has been under cultivation for many years but that should not be included as a wetland.

**TESTIMONY AGAINST:**

The 1989 manual is superior to the 1987 manual because it is based on better science. Some jurisdictions have adopted the 1989 manual in their local wetland ordinances and do not want to have to change them.

**TESTIFIED:** Darrell Turner, Washington State Farm Bureau; Donald Marcy, National Association of Industrial and Office Parks; Ted Cowan, Property Rights Alliance (pro); David Grant, BIAW; Bob Hitt, Washington Cranberry Alliance (pro); Ray Shindler, Washington Cranberry Alliance (pro); Darlene Madenwald, Washington Environmental Council (con); Karen Lane, Glacker Park Co., Ingrid J. Wachtler, self (pro); Naki Stevens, People for Puget Sound; Vic Rhuoroff, farmer and rancher; Ginny Broadhurst, Puget Sound Water Quality Authority (con); Terry Husseman, Department of Ecology; Dee Arntz, Washington Wetlands Network (con); Barbara Douma, Seattle Audubon Society (con); Jeff Parsons, National Audubon Society (con); Bruce Wishart, Sierra Club (con); Donna Gerasimczyk, Snag Island/Lake Tapps citizens