Dear Senator Roach and Committee Members:

The American Planning Association – Washington Chapter (APA Washington) opposes Senate Bill 6168 removing drainage ditches from the definition of fish and wildlife habitat conservation areas in chapter 36.70A RCW. APA Washington counts more than 1,400 members: professional planners, planning commissioners, researchers, and others with a passion for “making great communities happen.” Our diverse membership works every day with communities around the state to help plan a prosperous, healthy, and sustainable future. We appreciate the opportunity to work with the Legislature to build the tools we need for a brighter tomorrow.

SB 6168 amends the Growth Management Act (GMA) definition of “critical areas” regarding “fish and wildlife habitat conservation areas,” with regard to drainage ditches as follows:

RCW 36.70A.030(5) "Critical areas" include the following areas and ecosystems: Wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches ((that lie within the boundaries of and are maintained by a port district or an irrigation district or company)). (Underline Added)

The existing GMA definition of “critical areas” exempts from the definition of habitat conservation areas those human-constructed drainage ditches or irrigation structures that are located within established port or irrigation districts. SB 6168 would broaden the exemption to include all human-constructed, artificially created facilities, whether inside or outside a port or an irrigation district.

APA Washington’s opposition to this legislation is based on the following. Whether an artificially created drainage facility morphs into a habitat for plants or animals should be analyzed on a case-by-case basis. Critical area regulations affecting wetlands do not exempt wetlands just because they resulted from uplands receiving drainage.
The relative importance of these wetlands is rated I to IV with appropriate mitigation to follow. Whatever the reason for port or irrigation districts having received a habitat conservation exemption, to broaden the exemption represents a potential scope creep that could be in conflict with locally adopted critical areas ordinances.

As we set forth in the APA Washington 2016 Legislative Agenda, we support incorporating the value of ecosystems in decision-making. We urge you to oppose SB 6168. Thank you for your consideration.

Sincerely,

Paula Reeves, AICP CTP
President
Washington Chapter of the American Planning Association