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HOUSE BILL 1658

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State of Washington                      54th Legislature                      1995 Regular Session  
By Representatives Pennington, Hatfield, Morris, Basich, Boldt,  
Chandler and Benton

Read first time 02/03/95. Referred to Committee on Agriculture & Ecology.

1            AN ACT Relating to the filling or altering of wetlands; and adding  
2 a new section to chapter 64.44 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 64.44 RCW  
5 to read as follows:

6            Any wetlands that are legally filled or legally altered, including  
7 wetlands that were filled or altered before laws existed restricting  
8 the filling or altering of wetlands, shall not be considered to be  
9 wetlands or treated as wetlands if, as a result of the filling or  
10 alteration, the lands lose their character as wetlands.

11           The state shall have the burden of proof by a preponderance of  
12 evidence that any wetlands that were filled or altered were not legally  
13 filled or altered. Unless the owner of wetlands agrees to an  
14 extension, a lawsuit by the state challenging the legality of filling  
15 or altering wetlands shall be dismissed if a final judgment is not  
16 reached within one hundred eighty days of the commencement of the  
17 lawsuit by the filing of the complaint. The owner of wetlands who

1 prevails in such a lawsuit shall be awarded costs, including reasonable  
2 attorney fees.

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