

SENATE BILL REPORT

SSB 5684

As Amended by House, April 9, 2009

Title: An act relating to environmental mitigation in highway construction.

Brief Description: Addressing environmental mitigation in highway construction.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline).

Brief History:

Committee Activity: Transportation: 2/16/09, 2/26/09 [DPS].

Passed Senate: 3/11/09, 49-0.

Passed House: 4/09/09, 97-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jacobsen, Jarrett, Kastama, Kilmer, King, Ranker and Sheldon.

Staff: Amanda Cecil (786-7429)

Background: Under the State and Federal Environmental Policy Acts, the Washington State Department of Transportation (WSDOT) is required to review unavoidable environmental impacts of transportation construction projects and identify possible mitigation measures. Mitigation may include enhancing existing environments, such as wetlands, or creating new habitats, such as new wetlands.

Under the State Growth Management Act certain counties and cities are required to designate agricultural lands that are of long-term commercial significance and develop conservation strategies applicable to those lands.

Summary of Substitute Bill: In the process of reviewing potential sites to be used for mitigation of a highway construction project, if WSDOT considers using agricultural lands of long-term significance, they must, to the greatest extent possible, consider using public land

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

first. Additionally, WSDOT must make every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: CON: Washington State has lost 80 percent of its wetlands. There is no regulation in the destruction of wetlands. The word "any" in this bill is too specific and restrictive. The language needs to be tempered to allow more flexibility. There needs to be a balance between the mitigation of agricultural land with long-term commercial significance and the mitigation of wetlands.

OTHER: The bill requires a significant change in the current process used by WSDOT. It is suggested that the language be adjusted to focus on projects that have the potential to use agricultural lands.

Persons Testifying: CON: James Hodges, Clear Valley Environmental Farm.

OTHER: Megan White, WSDOT.

House Amendment(s): Establishes that WSDOT's existing authority to meet environmental mitigation requirements through a certified wetland mitigation bank is not restricted by the requirement to consider using public lands before using agricultural lands of long-term commercial significance for environmental mitigation purposes.