

2 E2SHB 3049 - S COMM AMD

3 By Committee on Agriculture & Environment

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** FINDINGS--PURPOSE. (1) The legislature
8 finds that mitigation dollars invested in a watershed can be
9 substantial. Many state agencies and programs have responsibilities
10 that affect these investments. State effort to evaluate how to
11 optimize the planning, permitting, construction, and monitoring of
12 mitigation actions in the context of watershed management needs to be
13 coordinated. Project mitigation for unavoidable impacts usually
14 focuses on on-site, in-kind mitigation activities that can lead to
15 costly projects that may not provide maximum environmental and fiscal
16 benefits.

17 (2) The legislature finds that the departments of ecology, fish and
18 wildlife, and transportation have taken lead roles in integrating
19 watershed planning with mitigation activities. Alternative mitigation
20 pilot projects and technical committees have been formed in accordance
21 with legislation, budget provisos, and the funding of decision
22 packages.

23 (3) The legislature finds that in order to advance mitigation as a
24 tool for effective watershed management, state agencies should develop
25 a common framework for evaluating mitigation alternatives within and
26 between watershed resources. Critical resources to be considered in
27 identifying project and activity priorities include wetlands,
28 threatened and endangered species and their habitats, fish passage,
29 storm water, flooding, water quality, water quantity, and any other
30 resources identified by a watershed group. This effort should
31 initially focus on projects with low environmental risk and a higher
32 net environmental benefit than status quo mitigation options. This
33 effort should support watershed planning and complement the work
34 initiated by the departments of ecology and transportation. An
35 evaluation of data requirements, decision-making framework, permitting

1 concerns, and appropriate watershed scale can be made and
2 recommendations provided to watershed planning groups.

3 (4) The purpose of this act is to establish a multiagency work
4 group to develop guidance to be used for evaluating mitigation
5 alternatives that will enable local watershed planning groups to
6 develop and implement watershed plans that maximize environmental
7 benefits from project mitigation while reducing project design and
8 permitting costs. The purpose of this act is not to increase
9 regulatory requirements or expand departmental authority.

10 (5) The intent of this act is to enable the optimized expenditure
11 of project mitigation dollars on prioritized protection, restoration,
12 and enhancement activities within a watershed. Watershed plans should
13 follow guidance created by the work group to ensure that such
14 priorities can be met while meeting all local, state, and federal laws.

15 NEW SECTION. **Sec. 2.** WATERSHED MITIGATION COORDINATION WORK
16 GROUP. (1) The department of transportation, the department of fish
17 and wildlife, and the department of ecology shall cochair a work group
18 responsible for providing guidance to watershed groups in evaluating
19 how mitigation efforts can be used to support watershed protection,
20 restoration, and enhancement activities. The work group shall develop
21 a framework for evaluating alternative mitigation options that meets
22 the intent of state and federal resource protection laws but reconciles
23 these laws with watershed-based priorities and local resource
24 protection ordinances adopted under such laws as the growth management
25 act and shoreline management act.

26 (2) In order to maximize effectiveness, the work group shall seek
27 technical assistance from stakeholders, existing work groups,
28 committees, and advisory panels including but not limited to: The
29 wetland strategic plan implementation committee; the storm water
30 technical work group; the fish passage barrier removal task force
31 created in RCW 75.50.160; the flood emergency permit streamlining work
32 group; and the water-endangered species act work group.

33 (3) The work group shall develop guidance for determining
34 alternative mitigation opportunities. Such guidance shall include
35 criteria and procedures for identifying and evaluating mitigation
36 opportunities within a watershed. Such guidance shall create
37 procedures that provide alternative mitigation which has a low risk to
38 the environment, yet has a high net environmental, social, and economic

1 benefit compared to status quo options. Such guidance is intended to
2 be used voluntarily by the proponents of a project mitigation proposal,
3 and is to be applied at the discretion of the project or mitigation
4 proponent.

5 (4) The work group shall evaluate the following elements of
6 mitigation: Data requirements, decision-making framework, state agency
7 coordination, permitting, and appropriate watershed scale.

8 (5) Alternative mitigation analysis should consider the following:

9 (a) The abundance and quality of the impacted resource;

10 (b) The relative value of the mitigation for the critical watershed
11 resources in terms of the quality and quantity of biological functions
12 and values provided;

13 (c) The compatibility of the proposal with the intent of broader
14 watershed management objectives and plans;

15 (d) The ability of the mitigation to address scarce functions or
16 values within a watershed;

17 (e) The benefits of the proposal to broader watershed goals,
18 including the benefits of connecting various habitat units or providing
19 functions for target species;

20 (f) The benefits of early implementation of habitat mitigation for
21 projects that provide compensatory mitigation in advance of the
22 project's planned impacts;

23 (g) The significance of any negative impacts to nontarget species
24 or resources due to the proposed alternative mitigation;

25 (h) Social and economic impacts to communities within the
26 watershed;

27 (i) Expected future development and infrastructure changes; and

28 (j) Systems to track and prioritize deferred resource impacts for
29 potential future mitigation.

30 (6) The work group shall seek opportunities to implement the
31 guidance and showcase the best examples of maximized environmental
32 benefits with reduced project design and permitting costs. The
33 departments of ecology, fish and wildlife, and transportation shall
34 report to the legislature each year on the progress.

35 NEW SECTION. **Sec. 3.** ALTERNATIVE MITIGATION STRATEGIES. (1) In
36 order to facilitate effectiveness of alternative mitigation strategies,
37 watershed plans should identify and prioritize creation, restoration,
38 enhancement, and preservation opportunities that local governments,

1 conservation districts, local and state public works agencies, and
2 private developers may use.

3 (2) Priority goals identified in a watershed plan should be used to
4 guide alternative mitigation strategies. Such analysis should use best
5 available scientific methods for assessing and prioritizing watershed
6 values and functions.

7 (3) The watershed planning group should maintain a data base of
8 impacts, mitigation, preservation, and restoration gains to track
9 resource gains and losses under the watershed plan.

10 (4) To support alternative mitigation strategies, watershed plans
11 should include a geographic-information-systems compatible data base of
12 prioritized restoration and enhancement projects and activities.

13 NEW SECTION. **Sec. 4.** CAPTIONS NOT LAW. Section captions used in
14 this act are not any part of the law.

15 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each added
16 to chapter 90.82 RCW.

17 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
18 act, referencing this act by bill or chapter number, is not provided by
19 June 30, 1998, in the omnibus appropriations act, this act is null and
20 void."

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24 On page 1, line 2 of the title, after "strategies;" strike the
25 remainder of the title and insert "adding new sections to chapter 90.82
26 RCW; and creating new sections."

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