

2 SSB 5273 - S AMD - 066
3 By Senator Rasmussen

4 WITHDRAWN 3/6/97

5 On page 5, after line 28, insert the following:

6 "When a project or proposal requires the compensatory mitigation of
7 wetland or habitat impact and a certification by the department
8 provided under the authority of section 401 of the federal water
9 pollution control act amendments of 1972, 22 U.S.C. Sec. 1341, the
10 requirements of this paragraph shall apply. Such a certification
11 provided for the water quality impacts of the project and required
12 mitigation shall be revoked by the department in the event that the
13 licensing or permitting federal agency denies the license or permit.
14 Such revocation may be subject to reinstatement by the department in
15 the event that the license or permit is later issued by the federal
16 agency or the application proceedings are remanded to the federal
17 agency following appeal. However, if in the intervening period the
18 proposed activity has been modified or new water quality information
19 has been identified, the department shall not issue the certification
20 unless compliance with all applicable state water quality requirements
21 in light of the additional information or changes in the proposed
22 activity has been demonstrated.-

--- END ---

EFFECT OF AMENDMENT: State water quality certifications under the federal Clean Water Act that are required as part of regulatory approval under a habitat mitigation plan are revoked when the federal permit is denied, subject to reissuance if the federal permit is later issued.