

# HOUSE BILL REPORT

## HB 3110

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**As Reported By House Committee On:**  
Transportation Policy & Budget

**Title:** An act relating to environmental mitigation of transportation projects.

**Brief Description:** Considering fish in advanced environmental mitigation.

**Sponsors:** Representatives Mastin, Buck and K. Schmidt.

**Brief History:**

**Committee Activity:**

Transportation Policy & Budget: 2/9/98 [DPS].

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### HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Constantine; DeBolt; Gardner; Hatfield; Johnson; McCune; Murray; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk; Wood and Zellinsky.

**Staff:** Ashley Probart (786-7319).

**Background:** During the design and construction of Washington State Department of Transportation (WSDOT) projects, efforts are made to avoid and/or minimize impacts on the environment. When adverse impacts cannot be avoided, they have been traditionally mitigated as part of the subject transportation project (i.e., wetlands filled by the transportation project are mitigated by constructing new wetlands within the transportation project bounds). Many times, on-site conditions are not favorable for effective mitigation. Transportation project development time lines do not allow for an adequate mitigation site selection/development process; and cost-effective opportunities for partnering on mitigation sites with other jurisdictions are lost because mitigation is directly tied to project funds. There have been many instances in the past where local governments or other organizations have asked WSDOT to participate in the development of cost-effective, multi-party environmental facilities; but WSDOT could not participate due to lack of available funding.

These issues led to the creation of an advanced environmental mitigation revolving account in 1997. This account is structured to purchase and develop environmental mitigation sites that will be needed in the foreseeable future. WSDOT projects would then replenish the account by using project dollars to purchase "credit" from the advance mitigation site to mitigate adverse impacts caused by the subject project. Advanced environmental mitigation must be consistent with the Council of Environmental Quality regulations, the Governor's executive order on wetlands, and for projects approved by the Transportation Commission. However, priorities within the advanced environmental mitigation account are not clarified.

**Summary of Substitute Bill:** Prioritization within the advanced environmental mitigation account is clarified. A new section is added that finds fish passage, fish habitat, wetlands and flood management to be critical issues in the effective management of watersheds in Washington.

The bill also requires advanced environmental mitigation to give consideration to activities related to fish passage, fish habitat, wetlands and flood management. This provides direction to the WSDOT when using advanced environmental mitigation.

Flood management and flood hazard reduction pilot projects are established. The departments of Transportation and Ecology are required to convene a technical committee of state agencies and local and tribal governments that will provide guidance for expenditures related to flood management and flood hazard reduction projects receiving advance mitigation funding. The technical committee is required to identify opportunities for coordination on flood-related issues and report to the appropriate legislative committees by December 1, 1998.

**Substitute Bill Compared to Original Bill:** The substitute bill establishes a pilot project for flood management and flood hazard reduction.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill clarifies intent on the integration of fish passage, flood management, and wetland strategic management within the advanced environmental mitigation account. The bill also provides direction on investing in areas that are conducive to advance environmental mitigation while reducing the need to mitigate in the time frame allotted for construction. It also recognizes flood management as a key component to addressing advance environmental mitigation. The pilot project is an

opportunity to put flood management and flood hazard reduction projects into effect under this account.

**Testimony Against:** None.

**Testified:** Representative Jim Buck; and Jerry Alb, Department of Transportation.