
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3049

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Linville, Chandler, Fisher, Mastin, Murray, Romero, Gardner, Robertson, Regala, K. Schmidt, Mitchell, Huff, Cooper, Scott, Tokuda, Mason, Ogden, Kenney and Morris)

Read first time 02/07/98. Referred to Committee on .

1 AN ACT Relating to watershed planning and alternative project
2 mitigation strategies; adding new sections to chapter 90.82 RCW; and
3 creating new sections.

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

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

15 (2) The legislature finds that the departments of ecology, fish and
16 wildlife, and transportation have taken lead roles in integrating
17 watershed planning with mitigation activities. Alternative mitigation
18 pilot projects and technical committees have been formed in accordance

1 with legislation, budget provisos, and the funding of decision
2 packages.

3 (3) The legislature finds that in order to advance mitigation as a
4 tool for effective watershed management, state agencies should develop
5 a common framework for evaluating mitigation alternatives within and
6 between watershed resources. Critical resources to be considered in
7 identifying project and activity priorities include wetlands,
8 threatened and endangered species and their habitats, fish passage,
9 storm water, flooding, water quality, water quantity, and any other
10 resources identified by a watershed group. This effort should
11 initially focus on projects with low environmental risk and a higher
12 net environmental benefit than status quo mitigation options. This
13 effort should support watershed planning and complement the work
14 initiated by the departments of ecology and transportation. An
15 evaluation of data requirements, decision-making framework, permitting
16 concerns, and appropriate watershed scale can be made and
17 recommendations provided to watershed planning groups.

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

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

30 NEW SECTION. **Sec. 2.** WATERSHED MITIGATION COORDINATION WORK
31 GROUP. (1) The department of transportation, the department of fish
32 and wildlife, and the department of ecology shall cochair a work group
33 responsible for providing guidance to watershed groups in evaluating
34 how mitigation efforts can be used to support watershed protection,
35 restoration, and enhancement activities. The work group shall develop
36 a framework for evaluating alternative mitigation options that meets
37 the intent of state and federal resource protection laws but reconciles
38 these laws with watershed-based priorities and local resource

1 protection ordinances adopted under such laws as the growth management
2 act and shoreline management act.

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

10 (3) The work group shall develop guidance for determining
11 alternative mitigation opportunities. Such guidance shall include
12 criteria and procedures for identifying and evaluating mitigation
13 opportunities within a watershed. Such guidance shall create
14 procedures that provide alternative mitigation which has a low risk to
15 the environment, yet has a high net environmental, social, and economic
16 benefit compared to status quo options.

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

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

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

22 (b) The relative value of the mitigation for the critical watershed
23 resources in terms of the quality and quantity of biological functions
24 and values provided;

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

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

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

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

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

37 (h) Social and economic impacts to communities within the
38 watershed;

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

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

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

8 NEW SECTION. **Sec. 3.** ALTERNATIVE MITIGATION STRATEGIES. (1) In
9 order to facilitate effectiveness of alternative mitigation strategies,
10 watershed plans should identify and prioritize creation, restoration,
11 enhancement, and preservation opportunities that local governments,
12 conservation districts, local and state public works agencies, and
13 private developers may use.

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

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

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

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

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

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

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