
HOUSE BILL 3110

State of Washington

55th Legislature

1998 Regular Session

By Representatives Mastin, Buck and K. Schmidt

Read first time 02/04/98. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to environmental mitigation of transportation
2 projects; amending RCW 47.12.330; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that fish passage,
5 fish habitat, wetlands, and flood management are critical issues in the
6 effective management of watersheds in Washington. The legislature also
7 finds that the state of Washington invests a considerable amount of
8 resources on environmental mitigation activities related to fish
9 passage, fish habitat, wetlands, and flood management. The department
10 of transportation's advanced environmental mitigation revolving account
11 established under RCW 47.12.340, is a key funding component in bringing
12 environmental mitigation together with comprehensive watershed
13 management.

14 **Sec. 2.** RCW 47.12.330 and 1997 c 140 s 2 are each amended to read
15 as follows:

16 For the purpose of environmental mitigation of transportation
17 projects, the department may acquire or develop, or both acquire and
18 develop, environmental mitigation sites in advance of the construction

1 of programmed projects. The term "advanced environmental mitigation"
2 means mitigation of adverse impacts upon the environment from
3 transportation projects before their design and construction. Advanced
4 environmental mitigation consists of the acquisition of property; the
5 acquisition of property, water, or air rights; the development of
6 property for the purposes of improved environmental management;
7 engineering costs necessary for such purchase and development; and the
8 use of advanced environmental mitigation sites to fulfill project
9 environmental permit requirements. Advanced environmental mitigation
10 must be conducted in a manner that is consistent with the definition of
11 mitigation found in the council of environmental quality regulations
12 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
13 (EO 90-04). Advanced environmental mitigation is for projects approved
14 by the transportation commission as part of the state's six-year plan
15 or included in the state highway system plan. Advanced environmental
16 mitigation must give consideration to activities related to fish
17 passage, fish habitat, wetlands, and flood management. Advanced
18 environmental mitigation may also be conducted in partnership with
19 federal, state, or local government agencies, tribal governments,
20 interest groups, or private parties. Partnership arrangements may
21 include joint acquisition and development of mitigation sites,
22 purchasing and selling mitigation bank credits among participants, and
23 transfer of mitigation site title from one party to another. Specific
24 conditions of partnership arrangements will be developed in written
25 agreements for each applicable environmental mitigation site.

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