
HOUSE BILL 3024

State of Washington

56th Legislature

2000 Regular Session

By Representatives Mitchell, Fisher, Buck, Haigh, G. Chandler, Hurst, Radcliff, Ogden, Fortunato and Wood

Read first time 01/26/2000. Referred to Committee on Transportation.

1 AN ACT Relating to wetland preservation; and adding a new chapter
2 to Title 43 RCW.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 promote the use of wetland preservation as a compensatory mitigation
6 option under appropriate circumstances, and to develop a state policy
7 regarding the preservation of existing wetlands for compensatory
8 mitigation credit. Preservation of existing high-quality wetlands can
9 realize considerable mitigation cost savings by reducing or eliminating
10 the need for site design work, site construction, plant materials and
11 installation, and intensive postconstruction monitoring. Often, more
12 acres of existing, high-quality natural wetlands can be purchased for
13 preservation than could be created for the same amount of money.

14 Preserving existing wetlands also eliminates the uncertainty of
15 success that accompanies created wetlands. Mature, functioning
16 wetlands develop over long periods of time, achieving a level of
17 quality that may be only attained by successful created wetlands after
18 a period of decades. The temporal loss of habitat while a created
19 wetland matures is completely avoided with wetland preservation.

1 The legislature acknowledges that exclusive or excessive use of
2 wetland preservation as mitigation might lead to an overall net loss of
3 wetlands in Washington state. Therefore, it is also the intent of the
4 legislature to promote preservation as but one mitigation option of
5 many, to be evaluated on a case-by-case basis, and used only to
6 preserve those wetlands of the highest quality which may be threatened
7 with degradation or destruction.

8 NEW SECTION. **Sec. 2.** For the purposes of this chapter:

9 (1) "Compensatory mitigation" means the act of replacing an
10 impacted or destroyed wetland with a wetland of equal or greater
11 function and/or acreage, as required by state and federal regulations
12 and guidelines; and

13 (2) "No net loss" means the balance achieved when wetland function
14 and acreage lost due to development is replaced by a wetland amount
15 equal to that lost, a one-to-one replacement ratio.

16 NEW SECTION. **Sec. 3.** (1) The department of transportation shall
17 colead the coordination of an interagency committee to develop a state
18 policy for wetland preservation as compensatory mitigation and a
19 memorandum of understanding to be signed by participating agencies.

20 (2) The department of transportation shall establish and cochair a
21 committee of agencies involved in wetland protection, regulation, and
22 mitigation.

23 (3) The committee shall include, but is not limited to, the state
24 department of transportation, department of ecology, department of
25 natural resources, department of fish and wildlife, parks and
26 recreation commission, local agencies, and tribes, and the federal
27 environmental protection agency, corps of engineers, fish and wildlife
28 service, highway administration, and forest service.

29 (4) The committee shall report to the legislature on an annual
30 basis as to the development of the state preservation policy and the
31 status of the memorandum of understanding.

32 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
33 a new chapter in Title 43 RCW.

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