
SENATE BILL 6394

State of Washington 56th Legislature 2000 Regular Session

By Senators Hargrove, Patterson, Swecker, Morton, Snyder and Spanel

Read first time . Referred to Committee on .

1 AN ACT Relating to locating off-site mitigation of wetlands
2 impacts; adding new sections to chapter 90.74 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.74 RCW
6 to read as follows:

7 (1) The standards of this section apply to any state agency
8 approval of a project that impacts wetlands. Nothing in this section
9 creates any new authority for regulating wetlands beyond what is
10 specifically provided for in this section. Nothing in this section
11 creates any requirements for local government regulation of projects
12 that impact wetlands.

13 (2) A state agency shall not approve off-site compensatory
14 mitigation unless it is to be conducted in the same watershed as the
15 project causing wetland impacts.

16 (3) In addition to the limitation of subsection (2) of this
17 section, a state agency shall not approve off-site compensatory
18 mitigation of the wetland impacts of a project located within an

1 incorporated area or within a designated urban growth area, unless the
2 mitigation is to be conducted within five miles of the project site.

3 (4) For purposes of this section:

4 (a) "Approval" of a project that impacts wetlands includes the
5 issuance by any state agency of any regulatory permit, water quality
6 certification, or other regulatory action approving or conditioning the
7 project.

8 (b) "Compensatory mitigation" means the restoration, creation, or
9 enhancement of wetlands for the purpose of compensating for unavoidable
10 adverse impacts that remain after all appropriate and practicable
11 avoidance and minimization has been achieved.

12 (c) "Off-site compensatory mitigation" and "off-site mitigation"
13 means compensatory mitigation undertaken at a location other than the
14 project site.

15 (d) "Project site" means all contiguous real property used or
16 proposed to be used for the project and compensatory mitigation of
17 wetland or other impacts.

18 (e) "Watershed" means an area identified as a water resource
19 inventory area under WAC 173-500-040 as it exists on the effective date
20 of this section. This subsection (3) applies only within counties
21 having a population of greater than five hundred thousand on the
22 effective date of this section.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.74 RCW
24 to read as follows:

25 The departments of ecology and fish and wildlife shall implement
26 this chapter consistent with section 1 of this act.

27 NEW SECTION. **Sec. 3.** Section 1 of this act applies to any state
28 agency approval of a project that impacts wetlands where the approval
29 is made on or after January 1, 2000.

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