

SSB 6761 - H COMM AMD

By Committee on Ecology & Parks

ADOPTED AS AMENDED 03/06/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 90.84.030 and 1998 c 248 s 4 are each amended to read  
4 as follows:

5 (1) Subject to the requirements of this chapter, the department,  
6 through a collaborative process, shall adopt rules for:

7 ~~((1))~~ (a) Certification, operation, and monitoring of wetlands  
8 mitigation banks. The rules shall include procedures to assure that:

9 ~~((a))~~ (i) Priority is given to banks providing for the  
10 restoration of degraded or former wetlands;

11 ~~((b))~~ (ii) Banks involving the creation and enhancement of  
12 wetlands are certified only where there are adequate assurances of  
13 success and that the bank will result in an overall environmental  
14 benefit; and

15 ~~((c))~~ (iii) Banks involving the preservation of wetlands or  
16 associated uplands are certified only when the preservation is in  
17 conjunction with the restoration, enhancement, or creation of a  
18 wetland, or in other exceptional circumstances as determined by the  
19 department consistent with this chapter;

20 ~~((2))~~ (b) Determination and release of credits from banks.  
21 Procedures regarding credits shall authorize the use and sale of  
22 credits to offset adverse impacts and the phased release of credits as  
23 different levels of the performance standards are met;

24 ~~((3))~~ (c) Public involvement in the certification of banks, using  
25 existing statutory authority;

26 ~~((4))~~ (d) Coordination of governmental agencies, including early  
27 notification of the local government where the bank is located;

28 ~~((5))~~ (e) Establishment of criteria for determining service areas  
29 for each bank in accordance with subsection (2) of this section;

30 ~~((6))~~ (f) Performance standards; and

1        ~~((7))~~ (g) Long-term management, financial assurances, and  
2 remediation for certified banks.

3        (2) The criteria for determining service areas under subsection  
4 (1)(e) of this section shall include a requirement that restricts the  
5 maximum extent of the service area of a wetlands mitigation bank to the  
6 water resource inventory area (WRIA) as established under chapter  
7 173-500 WAC in which the bank is located except where a service area  
8 may include parts of other WRIAs if it is ecologically defensible and  
9 appropriate.

10        (3) Before adopting rules under this chapter, the department shall  
11 submit the proposed rules to the appropriate standing committees of the  
12 legislature. By January 30, 1999, the department shall submit a report  
13 to the appropriate standing committees of the legislature on its  
14 progress in developing rules under this chapter.

15        **Sec. 2.** RCW 90.84.040 and 1998 c 248 s 5 are each amended to read  
16 as follows:

17        (1) The department may certify only those banks that meet the  
18 requirements of this chapter. The department may not certify a bank  
19 without local approval of the bank. Certification shall be  
20 accomplished through a banking instrument.

21        (2) The local jurisdiction in which the bank is located has final  
22 approval over the certification of the mitigation bank. If the local  
23 government approves the bank, it shall be signatory to the banking  
24 instrument.

25        ~~((2))~~ (3) State agencies and local governments may approve use of  
26 credits from a bank for any mitigation required under a permit issued  
27 or approved by that state agency or local government to compensate for  
28 the proposed impacts of a specific public or private project."

29        Correct the title.

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