

SENATE BILL REPORT

E2SHB 2238

As of February 17, 2012

Title: An act relating to pairing required investments in compensatory environmental mitigation, including the mitigation of transportation projects, with existing programs currently referenced in Title 76 RCW that enhance natural environmental functions.

Brief Description: Regarding environmental mitigation.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Wilcox, Clibborn, Armstrong, Billig, Takko, Rivers, Angel, Hinkle, Schmick, Orcutt, Johnson, Warnick, Dahlquist, Blake and Chandler).

Brief History: Passed House: 2/13/12, 88-9.

Committee Activity: Transportation: 2/20/12.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Clint McCarthy (786-7319)

Background: State and federal governments require a proponent of a project that will diminish the function of an existing wetland to mitigate that loss of function. This duty is called compensatory wetland mitigation. The project proponent has a number of options available for mitigating wetland loss; however, any mitigation plan must be approved by the state, primarily through the Department of Ecology (DOE) and the United States Army Corps of Engineers.

Summary of Bill: A new option for wetland mitigation is created that pairs mitigation investments with existing state programs which enhance or preserve riparian and aquatic resources. The existing state programs include the Family Forest Passage Program, the Forestry Riparian Easement Program, and the Riparian & Open Space Program. When an entity considers using these programs for wetland mitigation, they must consult with the departments of Transportation, Natural Resources, and Commerce; affected federally recognized Indian tribes; and private sector stakeholders such as forest landowners, environmental interests, and the development community. DOE and the Department of Fish and Wildlife (DFW) are authorized to seek federal or private funds and in-kind contributions to implement this wetland mitigation option. Requires DOE and DFW to report to the Legislature the successes and constraints of the identified programs and the appropriateness of extending the option to other additional programs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None

Fiscal Note: Available

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.