

2 **SSB 5915** - S AMD 090

3 By Senators Hargrove, Morton, Hochstatter and T. Sheldon

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5 On page 4, after line 2, insert the following:

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

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

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

17 (3) In addition to the limitation of subsection (2) of this
18 section, a state agency shall not approve off-site compensatory
19 mitigation of the wetland impacts of a project located within an
20 incorporated area or within a designated urban growth area, unless the
21 mitigation is to be conducted within five miles of the project site.

22 (4) For purposes of this section:

23 (a) "Approval" of a project that impacts wetlands includes the
24 issuance by any state agency of any regulatory permit, water quality
25 certification, or other regulatory action approving or conditioning the
26 project.

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

31 (c) "Off-site compensatory mitigation" and "off-site mitigation"
32 means compensatory mitigation undertaken at a location other than the
33 project site.

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

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

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

8 The departments of ecology and fish and wildlife shall implement
9 this chapter consistent with section 5 of this act.

10 NEW SECTION. **Sec. 7.** Section 5 of this act applies to any state
11 agency approval of a project that impacts wetlands where the approval
12 is made on or after January 1, 2001."

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16 On page 1, line 2 of the title, after "adding" strike "a new
17 section" and insert "new sections"

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