

SSB 5684 - H COMM AMD  
By Committee on Transportation

ADOPTED 04/09/2009

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01 RCW  
4 to read as follows:

5 (1) For highway construction projects where the department  
6 considers agricultural lands of long-term commercial significance, as  
7 defined in RCW 36.70A.030, in reviewing and selecting sites to meet  
8 environmental mitigation requirements under the national environmental  
9 policy act (42 U.S.C. Sec. 4321 et seq.) and chapter 43.21C RCW, the  
10 department shall, to the greatest extent possible, consider using  
11 public land first.

12 (2) If public lands are not available that meet the required  
13 environmental mitigation needs, the department may use other sites  
14 while making every effort to avoid any net loss of agricultural lands  
15 that have a designation of long-term commercial significance.

16 (3) Nothing in this section shall be construed to restrict the  
17 department from meeting environmental mitigation requirements,  
18 described in subsection (1) of this section, by the purchase of credits  
19 from a wetland mitigation bank certified for the sale of such credits,  
20 including but not limited to credits for lands that were or are  
21 agricultural lands of long-term commercial significance."

22 Correct the title.

EFFECT: Establishes that the Department of Transportation's  
existing authority to meet environmental mitigation requirements  
through a certified wetland mitigation bank is not restricted by the  
requirement to consider using public lands before using agricultural

lands of long-term commercial significance for environmental mitigation purposes.

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