HOUSE BILL REPORT
E2SHB 3049

As Passed House:
February 16, 1998

Title: An act relating to watershed planning and alternative project mitigation strategies.

Brief Description: Providing for watershed planning and project mitigation.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Linville, Chandler, Fisher, Mastin, Murray, Romero, Gardner, Robertson, Regala, K. Schmidt, Mitchell, Huff, Cooper, Scott, Tokuda, Mason, Ogden, Kenney and Morris).

Brief History:
Committee Activity:
Agriculture & Ecology: 2/5/98 [DPS];
Appropriations: 2/7/98 [DP2S(w/o sub AGEC)].
Floor Activity:
Passed House: 2/16/98, 98-0.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Bill Lynch (786-7092).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by 29 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Talcott and Tokuda.

Staff: Jeff Olsen (786-7157).

Background: Mitigation efforts in the past have generally focused upon on-site, in-kind mitigation activities. If mitigation actions are taken in the context of watershed management, they may provide for more environmental protection and less costly projects. There is no common framework which exists to evaluate mitigation alternatives within and between watershed resources.

Statutes pertaining to watershed plans developed under the Water Resource Inventory Areas (WRIA) planning unit process do not address the use of alternative mitigation strategies.

Summary of Bill: The Department of Transportation, the Department of Fish and Wildlife, and the Department of Ecology are directed to co-chair a work group to provide guidance to watershed groups in evaluating how mitigation efforts can be used to support watershed protection, restoration, and enhancement activities.

The work group is required to seek technical assistance from a variety of stakeholders and existing committees and work groups, including the Wetland Strategic Plan Implementation Committee, the Storm Water Technical Work Group, the Fish Passage Barrier Removal Task Force, the Flood Emergency Permit Streamlining Work Group, and the Water-Endangered Species Act Work Group.

The work group is required to develop a framework for evaluating alternative mitigation options which reconciles state and federal resource protection laws with watershed-based priorities and local resource protection ordinances. The work group must include criteria and procedures for identifying and evaluating mitigation opportunities within a watershed which have low risk to the environment but which produce a high net environmental, social, and economic benefit.

The work group must evaluate data requirements, decision-making framework, state agency coordination, permitting, and appropriate watershed scale as elements of mitigation. In analyzing alternative mitigation, the work group must consider the abundance and quality of the resource impacted; the relative value of the mitigation for the critical watershed resources; the compatibility of the proposal with the intent of broader watershed management objectives and plans; the ability of the mitigation to address scarce functions or values within a watershed; the benefits of the proposal to broader watershed goals such as connecting various habitat units; the benefits of early implementation habitat mitigation prior to the impacts of a planned project; the significance of negative impacts to nontarget species or resources; social and economic impacts to communities within the watershed; expected future development and infrastructure changes; and systems to track and prioritize deferred resource impacts for potential future mitigation. The Departments of Ecology, Department of Fish and

Wildlife, and Department of Transportation must report the progress of the work group each year to the Legislature.

Watershed plans developed through the Water Resource Inventory Areas (WRIA) planning unit process should identify and prioritize creation, restoration, and enhancement and preservation opportunities that may be used. Alternative mitigation strategies should be guided by priority goals identified in the watershed plan, and should be based upon the best available science. Watershed plans should include a geographic-information-systems (GIS) data base of prioritized restoration and enhancement projects and activities, and a data base should be maintained to track resource gains and losses under the watershed plan.

Appropriation: None.

Fiscal Note: Requested on February 5, 1998.

Effective Date Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: (Agriculture & Ecology) The pilot programs where this type of mitigation was used saved $460,000, provided better environmental protection, and led to several families going back to work.

(Appropriations) None.

Testimony Against: (Agriculture & Ecology) None.

(Appropriations) None.

Testified: (Agriculture & Ecology) Jerry Alb, Department of Transportation.

(Appropriations) None.