

---

HOUSE BILL 1447

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Wood, Fisher, Cooper, Hankins, Schoesler, DeBolt, Doumit, Hatfield, Linville, Ogden and Murray

Read first time 01/25/2001. Referred to Committee on Transportation.

1 AN ACT Relating to environmental mitigation of transportation  
2 projects; and amending RCW 47.12.330.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read  
5 as follows:

6 For the purpose of environmental mitigation of transportation  
7 projects, the department may acquire or develop, or both acquire  
8 and develop, environmental mitigation sites in advance of the  
9 construction of programmed projects, or in response to  
10 programmatic agreements with resource agencies that include but  
11 are not limited to chronic repair obligations, emergency  
12 maintenance practices, and retrofit projects. The term "advanced  
13 environmental mitigation" means mitigation of adverse impacts upon  
14 the environment from transportation projects before their design  
15 and construction. Advanced environmental mitigation consists of the  
16 acquisition of property; the acquisition of property, water, or  
17 air rights; the development of property for the purposes of  
18 improved environmental management; engineering costs necessary for

1 such purchase and development; and the use of advanced  
2 environmental mitigation sites to fulfill project environmental  
3 permit requirements. Advanced environmental mitigation must be  
4 conducted in a manner that is consistent with the definition of  
5 mitigation found in the council of environmental quality  
6 regulations (40 C.F.R. Sec. 1508.20) ~~((and))~~, the governor's  
7 executive order on wetlands (EO 90-04), and the alternative  
8 mitigation policy guidance interagency implementation agreement,  
9 as signed on February 10, 2000, by the Washington state  
10 departments of ecology, fish and wildlife, and  
11 transportation. Advanced environmental mitigation is for projects  
12 approved by the transportation commission as part of the state's  
13 six-year plan or included in the state highway system  
14 plan. Advanced environmental mitigation must give consideration to  
15 activities related to fish passage, fish habitat, wetlands, and  
16 flood management. Advanced environmental mitigation may also be  
17 conducted in partnership with federal, state, or local government  
18 agencies, tribal governments, interest groups, or private  
19 parties. Partnership arrangements may include joint acquisition and  
20 development of mitigation sites, purchasing and selling mitigation  
21 bank credits among participants, and transfer of mitigation site  
22 title from one party to another. Specific conditions of partnership  
23 arrangements will be developed in written agreements for each  
24 applicable environmental mitigation site. Advanced mitigation  
25 opportunities can be identified in programmatic agreements between  
26 the department of transportation and other state agencies. For the  
27 purposes of this section, programmatic agreements are regulatory  
28 instruments that respond to the need to streamline permitting  
29 processes, conduct required mitigation and address permit  
30 conditions on a watershed-ecosystem function basis, and optimize  
31 environmental benefits. Specific conditions of a programmatic  
32 agreement will be developed in written agreement for applicable  
33 mitigation sites. All regulating state agencies are to work  
34 cooperatively with the department of transportation to develop and  
35 implement programmatic agreements to reduce mitigation costs of  
36 projects and improve permit streamline activities to achieve

- 1 delivery of the state transportation system in the most effective
- 2 and efficient manner possible.

--- END ---

