

# HOUSE BILL REPORT

## SSB 6380

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### As Reported by House Committee On:

Ecology & Parks  
Transportation

**Title:** An act relating to the purchase of wetland mitigation bank credits by the department of transportation.

**Brief Description:** Concerning the purchase of wetland mitigation bank credits by the department of transportation.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen, Ranker and Swecker).

### Brief History:

#### Committee Activity:

Ecology & Parks: 2/19/10, 2/23/10 [DP];  
Transportation: 2/26/10, 3/1/10 [DP].

#### Brief Summary of Substitute Bill

- Requires the Washington State Department of Transportation, when purchasing wetland mitigation bank credits, to determine which bank provides the most or multiple benefits to impacted habitat.

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### HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase, Dickerson, Dunshee, Eddy, Finn, Hudgins and Morris.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Short, Ranking Minority Member; Kretz, Kristiansen, Orcutt, Shea and Taylor.

**Staff:** Jaclyn Ford (786-7339).

### Background:

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*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.*

The Washington State Department of Transportation (WSDOT) is required by state and federal law to mitigate for its construction projects' impacts. Mitigation can include: creating, restoring, enhancing, or preserving a functioning wetland within the service area; using stored credits in one of their existing mitigation banks; or purchasing mitigation banking credits from a private entrepreneurial mitigation bank that has been certified by the Department of Ecology's Wetland Banking Program.

A wetland mitigation bank is a wetland, stream, or other aquatic resource that has been restored or created for the purpose of providing compensation for unavoidable impacts to aquatic resources. Units of mitigation can be bought from a wetland bank and credited as mitigation against projects with unavoidable wetland impacts.

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**Summary of Bill:**

When purchasing wetland mitigation bank credits, the WSDOT must determine which bank provides the most or multiple benefits to the impacted habitat. When possible, the WSDOT must consider purchasing credit from the wetland mitigation bank that provides the most benefit and likelihood for success.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The WSDOT often purchases credits from wetland mitigation banks. There are many different banks available. The WSDOT should be buying credits from the one with the most beneficial uses. The state should spend its money on the wetland that will provide the state with the most benefits.

(With concerns) Mitigation banking is preferred and provides better environmental results than individual banks. Each bank is regulated and has to meet certain criteria. There should be cost consideration in the bill.

(Information only) Wetland banks have many safeguards. Each bank is required to be protected permanently.

(Opposed) None.

**Persons Testifying:** (In support) Senator Haugen, prime sponsor.

(With concerns) Megan White, Washington State Department of Transportation.

(Information only) Lauren Driscoll, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 16 members: Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson, Driscoll, Eddy, Finn, Flannigan, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Ericksen, Herrera, Johnson, Klippert, Kristiansen, Nealey and Shea.

**Staff:** Christie Parker (786-7322).

### **Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Ecology & Parks:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) None.

(With concerns) Mitigation banks can offer better results than individual mitigation sites. A concern is that use of the mitigation banks requires a great deal of coordination among different agencies. A suggestion is to add language saying that cost can be considered if more than one mitigation bank can be used for the project.

(Opposed) None.

**Persons Testifying:** Megan White, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.