

2 **SHB 1448** - S AMD to S COMM (S-2503.2) - 424

3 By Senator Patterson

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5 On page 4, after line 39, insert the following:

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.90 RCW
7 to read as follows:

8 State agencies and local governments with regulatory jurisdiction
9 over activities that impact aquatic lands and other wetlands shall not
10 approve a plan for the mitigation of impairment or destruction of
11 aquatic lands or other wetlands which support or otherwise sustain the
12 values of the aquatic habitat of a species listed or proposed for
13 listing under the federal endangered species act (16 U.S.C. Sec. 1351
14 et seq.), unless the plan provides for replacement or enhancement of
15 aquatic lands or other wetlands providing habitat for such species
16 within five miles of the impacted area, in the case of aquatic lands,
17 or within the same drainage basin, in the case of other wetlands.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.48 RCW
19 to read as follows:

20 A certification by the department under the authority of section
21 401 of the federal water pollution control amendments of 1972, 22
22 U.S.C. 1341 et seq., shall not be issued for any project which will
23 impair or destroy aquatic lands or other wetlands which support or
24 otherwise sustain the values of aquatic habitat of a species listed or
25 proposed for listing under the federal endangered species act (16
26 U.S.C. Sec. 1351 et seq.), unless the project is conditioned to require
27 replacement or enhancement of wetlands providing habitat for such
28 species five miles of the impacted area, in the case of aquatic lands,
29 or within the same drainage basin, in the case of other wetlands.-

1 Renumber the sections consecutively, correct any internal
2 references accordingly, and amend the title accordingly.

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EFFECT: Establishes mitigation requirements for impacts to aquatic lands and other wetlands that sustain habitat for endangered species. Limits state certification of projects that would affect such wetlands