

2 **SHB 1448** - S AMD TO S AMD (1448-S AMS .... FLOO 008) - 426

3 By Senator Patterson

4 RULED BEYOND SCOPE AND OBJECT 4/16/99

5 On page 3, line 22, delete "this" and insert "Sections 1 through 4  
6 of this"

7 On page 3, after line 26, insert the following:

8 "NEW SECTION. **Sec. 5.** A new section is added to chapter 79.90 RCW  
9 to read as follows:

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

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

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

32 Renumber the sections consecutively, correct any internal  
33 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