

# HOUSE BILL REPORT

## SB 6531

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**As Reported by House Committee On:**  
Ecology & Parks

**Title:** An act relating to environmental mitigation in highway construction.

**Brief Description:** Addressing environmental mitigation in highway construction.

**Sponsors:** Senator Haugen.

**Brief History:**

**Committee Activity:**

Ecology & Parks: 2/22/08, 2/27/08 [DPA].

**Brief Summary of Bill**  
**(As Amended by House Committee)**

- Requires the Washington State Department of Transportation to consider using state and local public land first when agricultural lands of long-term commercial significance are being considered for environmental mitigation under the National Environmental Policy Act and the State Environmental Policy Act.

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### HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson, Eickmeyer, Kristiansen, O'Brien and Pearson.

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

**Background:**

Under the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), the Washington State Department of Transportation (WSDOT) is required to review unavoidable environmental impacts of transportation construction projects and identify possible mitigation measures. Mitigation may include enhancing existing environments or creating new habitats.

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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.*

Under the Growth Management Act certain counties and cities are required to designate agricultural lands that are of long-term commercial significance and develop conservation strategies applicable to those lands.

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**Summary of Amended Bill:**

The WSDOT will consider using state and local public land first when agricultural lands of long-term commercial significance are being considered for environmental mitigation requirements under the NEPA and the SEPA. If state and local public lands are not available, the WSDOT should avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

**Amended Bill Compared to Original Bill:**

This bill limits the WSDOT's consideration of using public land first to meet highway construction environmental mitigation requirements to projects where agricultural lands of long-term commercial significance are being considered for environmental mitigation. This bill clarifies that "public land" is both state and local public land.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) None.

(With concerns) This would be a considerable change to the WSDOT's practice. This bill should focus on projects that have a potential to access agricultural lands. Some changes to the bill would allow streamlining.

(Opposed) Agricultural lands have been converted to mitigation banks and some communities do not appreciate the benefits of mitigation banks. So, this bill may be trying to use public land instead of converting agricultural land to wetland mitigation areas. This bill is not a good solution; some terms in the bill can only be determined by the courts. This bill is not necessary.

**Persons Testifying:** (With concerns) Megan White, Washington State Department of Transportation.

(Opposed) Mike Ryherd, Clear Valley Environmental Farm.

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