

**SENATE BILL 5101**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senator Metcalf.

Read first time January 21, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to mitigation of negative impacts to wildlife;  
2 adding a new section to chapter 43.21C RCW; adding a new chapter to  
3 Title 77 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes:

6 (1) The value of wildlife to the people of the state of Washington  
7 and to the state of Washington;

8 (2) The need to protect wildlife habitat for both game and nongame  
9 species;

10 (3) That public and private developments that subject lands to more  
11 intensive uses may have significant positive economic and social  
12 benefits; and

13 (4) That if appropriate mitigation measures are taken, benefits to  
14 wildlife may result from environmentally sound development.

1        NEW SECTION.    **Sec. 2.**    (1) The department shall describe and  
2 analyze the negative impacts of development on wildlife and shall  
3 specify the actions necessary to mitigate the impacts.

4        (2) The department, in cooperation with the departments of natural  
5 resources and fisheries, shall jointly review any project for which an  
6 environmental impact statement is required under chapter 43.21C RCW.

7        The review shall:

8        (a) Analyze positive and negative impacts on wildlife;

9        (b) Establish mitigation measures that must be undertaken before,  
10 during, and after the construction of the project; and

11       (c) Designate who is to pay for the mitigation.

12       NEW SECTION.    **Sec. 3.**    Final action may not be taken on any  
13 proposal or action determined by the department to have a negative  
14 impact on wildlife, until a mitigation agreement is entered into  
15 between the proponent and the department, including an agreement that  
16 the proponent will be responsible for all current and future costs of  
17 mitigation.    The department shall determine the adequacy of the  
18 agreement.

19       NEW SECTION.    **Sec. 4.**    The department shall develop a fee schedule  
20 that will allow the department to recover its expenses from the  
21 proponent of the development that is the subject of the review.    The  
22 schedule shall be subject to approval by the legislature.

23       NEW SECTION.    **Sec. 5.**    The department shall report annually to the  
24 legislature on its actions under this chapter.

1        NEW SECTION.   **Sec. 6.**   Failure to comply with a mitigation  
2 agreement required under section 3 of this act shall be punished as a  
3 gross misdemeanor under chapter 9A.20 RCW.

4        NEW SECTION.   **Sec. 7.**   A new section is added to chapter 43.21C RCW  
5 to read as follows:

6        No final action may be taken on any major action requiring an  
7 environmental impact statement until the review required by section 2  
8 of this act is completed and a mitigation agreement is entered into  
9 under section 3 of this act, if required.

10       NEW SECTION.   **Sec. 8.**   Sections 1 through 6 of this act shall  
11 constitute a new chapter in Title 77 RCW.