
SENATE BILL 6173

State of Washington

58th Legislature

2004 Regular Session

By Senators Haugen, Mulliken, Horn, Morton, Pflug and Kastama

Read first time 01/14/2004. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to requiring storm water and wetland mitigation for
2 public-use airports to be compatible with safe airport operations;
3 amending RCW 90.74.020; adding a new section to chapter 14.08 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that most public-use
7 airports have large tracts of open, unimproved land that are desirable
8 for added margins of safety and noise mitigation. These areas can
9 present potential hazards to aviation because they often attract
10 wildlife. Wildlife use of areas within an airport's approach or
11 departure airspace, aircraft movement areas, loading ramps, or aircraft
12 parking areas may cause safety hazards resulting from collisions
13 between wildlife and aircraft.

14 The legislature further finds that new public-use airport
15 development projects may result in unavoidable impacts to storm water
16 runoff or wetlands that require mitigation. Storm water and wetland
17 mitigation that attracts or sustains hazardous wildlife on or near
18 public-use airports can significantly increase the potential for

1 wildlife-aircraft collisions. The legislature concludes that storm
2 water and wetland mitigation resulting from public-use airport
3 development projects should be compatible with safe airport operations.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 14.08 RCW
5 to read as follows:

6 Storm water and wetland mitigation plans for public-use airport
7 infrastructure improvement projects shall be consistent with the
8 federal aviation administration's recommended land use practices
9 related to compatibility with safe airport operations. The departments
10 of ecology and fish and wildlife may not require a municipality to
11 implement any storm water or wetland mitigation plan that is
12 incompatible with safe airport operations.

13 **Sec. 3.** RCW 90.74.020 and 1997 c 424 s 3 are each amended to read
14 as follows:

15 (1) Project proponents may use a mitigation plan to propose
16 compensatory mitigation within a watershed. A mitigation plan shall:

17 (a) Contain provisions that guarantee the long-term viability of
18 the created, restored, enhanced, or preserved habitat, including
19 assurances for protecting any essential biological functions and values
20 defined in the mitigation plan;

21 (b) Contain provisions for long-term monitoring of any created,
22 restored, or enhanced mitigation site; (~~and~~)

23 (c) Be consistent with the local comprehensive land use plan and
24 any other applicable planning process in effect for the development
25 area, such as an adopted subbasin or watershed plan; and

26 (d) For infrastructure development involving public-use airports,
27 be consistent with the federal aviation administration's recommended
28 land use practices related to compatibility with safe airport
29 operations.

30 (2) The departments of ecology and fish and wildlife may not limit
31 the scope of options in a mitigation plan to areas on or near the
32 project site, or to habitat types of the same type as contained on the
33 project site. The departments of ecology and fish and wildlife shall
34 fully review and give due consideration to compensatory mitigation
35 proposals that improve the overall biological functions and values of
36 the watershed or bay and accommodate the mitigation needs of

1 infrastructure development. The mitigation needs of infrastructure
2 development involving public-use airports include the need for
3 compatibility with safe airport operations.

4 The departments of ecology and fish and wildlife are not required
5 to grant approval to a mitigation plan that the departments find does
6 not provide equal or better biological functions and values within the
7 watershed or bay.

8 (3) When making a permit or other regulatory decision under the
9 guidance of this chapter, the departments of ecology and fish and
10 wildlife shall consider whether the mitigation plan provides equal or
11 better biological functions and values, compared to the existing
12 conditions, for the target resources or species identified in the
13 mitigation plan. This consideration shall be based upon the following
14 factors:

15 (a) The relative value of the mitigation for the target resources,
16 in terms of the quality and quantity of biological functions and values
17 provided;

18 (b) The compatibility of the proposal with the intent of broader
19 resource management and habitat management objectives and plans, such
20 as existing resource management plans, watershed plans, critical areas
21 ordinances, and shoreline master programs;

22 (c) The ability of the mitigation to address scarce functions or
23 values within a watershed;

24 (d) The benefits of the proposal to broader watershed landscape,
25 including the benefits of connecting various habitat units or providing
26 population-limiting habitats or functions for target species;

27 (e) The benefits of early implementation of habitat mitigation for
28 projects that provide compensatory mitigation in advance of the
29 project's planned impacts; and

30 (f) The significance of any negative impacts to nontarget species
31 or resources.

32 (4) A mitigation plan may be approved through a memorandum of
33 agreement between the project proponent and either the department of
34 ecology or the department of fish and wildlife, or both.

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