

**SSB 6761** - H AMD TO EPAR COMM AMD (H5845.1/08) **1415**  
By Representative Upthegrove

**ADOPTED 3/06/2008**

1 On page 2, beginning on line 15 of the striking amendment,  
2 strike all of section 2 and insert the following:

3 "Sec. 2. RCW 90.84.040 and 1998 c 248 s 5 are each amended to  
4 read as follows:

5 (1) The department may certify only those banks that meet the  
6 requirements of this chapter. Certification shall be accomplished  
7 through a banking instrument. The local jurisdiction in which the  
8 bank is located shall be signatory to the banking instrument.

9 (2) For a bank for which an application for a banking  
10 instrument was filed January 1, 2008, or thereafter, the department  
11 may not certify a bank without local approval of the bank. The  
12 local jurisdiction in which the bank is located has final approval  
13 over the certification of the mitigation bank. If the local  
14 government approves the bank, it shall be a signatory to the  
15 banking instrument.

16 ~~((2))~~(3) State agencies and local governments may approve use  
17 of credits from a bank for any mitigation required under a permit  
18 issued or approved by that state agency or local government to  
19 compensate for the proposed impacts of a specific public or private  
20 project."

**EFFECT:** For wetland mitigation banks that have an application for a banking instrument filed January 1, 2008 or after, the DOE must have local approval. The local jurisdiction where the bank is located has final approval of the certification of the mitigation bank. The local government will be a signatory to the banking instrument, if they choose to approve the mitigation bank.