H-4476.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 2550**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Lekanoff, Fitzgibbon, Doglio, Peterson, Pollet, and Macri)

AN ACT Relating to establishing net ecological gain as a policy for application across identified land use, development, and environmental laws; and creating a new section.

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

NEW SECTION. **Sec.**  (1) By December 1, 2020, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain and must include the following laws and rules adopted under these laws:

(a) The shoreline management act, chapter 90.58 RCW;

(b) The growth management act, chapter 36.70A RCW;

(c) Construction projects in state waters regulated under chapter 77.55 RCW; and

(d) The model toxics control act, chapter 70.105D RCW.

(2) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, the department of ecology, the department of fish and wildlife, and the department of commerce.

(3) The report must include:

(a) An assessment and comparison of opportunities and challenges for local government achievement of overall state net ecological gain through both:

(i) Implementation of a standard of net ecological gain under different environmental, development, and land use laws;

(ii) An enhanced approach to implementation and monitoring of existing environmental, development, and land use laws based on a "no net loss" standard;

(b) Recommendations on funding, incentives, technical assistance, monitoring, and other use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and

(c) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial environmental or social cobenefits.

(4) For the purposes of this section, "net ecological gain" means a standard for a development project, policy, plan, regulation, or activity in which the impacts on the ecological integrity caused by the development are outweighed by measures to mitigate the impacts. Under net ecological gain, a proponent must first avoid and minimize impacts before moving to the additional steps in mitigation sequencing.

**--- END ---**