
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)

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

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

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

- 15 (a) The shoreline management act, chapter 90.58 RCW;
16 (b) The growth management act, chapter 36.70A RCW;
17 (c) Construction projects in state waters regulated under chapter
18 77.55 RCW; and
19 (d) The model toxics control act, chapter 70.105D RCW.

20 (2) In developing the report under this section, the office of
21 financial management must consult with the appropriate local

1 governments, state agencies, federally recognized Indian tribes, and
2 stakeholders with subject matter expertise on environmental, land
3 use, and development laws including, but not limited to, cities,
4 counties, the department of ecology, the department of fish and
5 wildlife, and the department of commerce.

6 (3) The report must include:

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

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

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

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

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

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

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