

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means and Be Placed on the Consent Calendar

Vote: 8 - 0 - 0

Yeas: Bailey, Barnhart, Bentz, Boone, Gilliam, Jenson, Smith J., Cannon

Nays: 0

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 1/29, 4/23

WHAT THE MEASURE DOES: Broadens definition of “compensatory mitigation” to include activities to preserve functions and values of water resources of this state to compensate for removal-fill related adverse effects of a project. Changes name of program to Removal-Fill Mitigation Fund. Directs that rules adopted by Department of State Lands to guide mitigation bank program include guidelines for use of mitigation banks and for allowing a permittee or third party to create a mitigation bank or to conduct compensatory mitigation.

ISSUES DISCUSSED:

- Potential confusion over program name in original bill
- How a mitigation bank functions

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: When removal-fill permit applicants seek to alter wetlands, streams or other waters, they are required to reduce adverse effects of the proposed project on these water resources. This is referred to as “mitigation.” As part of the application process, applicants must first consider avoiding the impact altogether and, second, minimizing the impact. If adverse effects are unavoidable, applicants may propose compensating for the impact by replacing or providing comparable substitute wetlands, stream or other water resources.