

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/12/15

Action: Do Pass.

Meeting Dates: 05/05, 05/12

Vote:

Yeas: 9 - Bentz, Boone, Heard, Helm, Holvey, Johnson, Reardon, Vega Pederson, Weidner

Prepared By: Beth Patrino, Committee Administrator

WHAT THE MEASURE DOES:

Allows payments for off-site compensatory mitigation credits to Oregon Removal-Fill Mitigation Fund (Fund) when credits from approved mitigation bank were not available in region at time first payment was made to Fund and expenses associated with Department of State Lands (DSL) mitigation bank project in region have not been fully recovered by DSL. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Role of mitigation banks
- Currently 25 private mitigation banks
- Need for mitigation banks in areas outside Willamette Valley

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Department of State Lands (DSL) administers the state's removal-fill law, which requires a permit to remove or fill material in wetlands and waterways. If a project's impacts cannot be avoided, an applicant must compensate for wetland loss through mitigation. A mitigation bank is a property where wetlands have been restored, created or enhanced to generate mitigation credits which can be sold to removal-fill permit applicants with projects in the vicinity of the mitigation bank site.

The Oregon Removal-Fill Mitigation Fund was established to allow removal-fill permit holders to purchase mitigation credits from DSL to compensate for project impacts on waterways and wetlands in Oregon. The mitigation fund is used by DSL to develop mitigation projects in areas of the state where there are no private sector mitigation banks. Under current law, payments into the mitigation fund are only allowed if there are no credits available from an established private bank within the region.

Senate Bill 249A would allow payments for off-site compensatory mitigation credits to continue to be made to the Oregon Removal-Fill Mitigation Fund if credits from a private mitigation bank were not available at the time DSL began developing an off-site mitigation project and project expenses have not yet been fully recovered.