

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 424

Introduced by Assembly Member Gaines

February 16, 2007

An act to add Article 2 (commencing with Section 1855) to Chapter 9 of Division 2 of the Fish and Game Code, relating to wetlands.

LEGISLATIVE COUNSEL'S DIGEST

AB 424, as amended, Gaines. Wetlands mitigation banking: notice.

The Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993 authorizes the Department of Fish and Game, until January 1, 2010, to qualify wetland mitigation bank sites, as defined, in the Sacramento-San Joaquin Valley, to create wetlands in areas where wetlands are removed or filled, or where there are discharges into wetlands, under specified federal permits. Other existing law requires the department to establish a database of all existing and operating wetlands mitigation banks that sell credits to the public in the state and to provide a report to the Legislature with a description and the status of each existing wetlands mitigation bank site.

This bill would prohibit the department from approving a wetlands mitigation bank, unless the memorandum of understanding or other agreement for the bank site requires ~~that a notice be sent~~ *the department to send notice, within 60 days of the date of agreement*, to specified local governmental entities, ~~as appropriate~~, if the mitigation takes place in the entity's approved sphere of influence.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2 (commencing with Section 1855) is
2 added to Chapter 9 of Division 2 of the Fish and Game Code, to
3 read:

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Article 2. Mitigation Banks

7 1855. The department shall not approve a wetlands mitigation
8 bank, including, but not limited to, determining a bank site to be
9 qualified under Chapter 7.8 (commencing with Section 1775),
10 unless the memorandum of understanding or other agreement for
11 ~~a bank site requires that a notice be sent to each city, county, city~~
12 ~~and county, local agency formation commission, and any other~~
13 ~~local governmental entity, as appropriate, if the mitigation takes~~
14 ~~a bank site requires the department, within 60 days of the date of~~
15 ~~agreement, to send a notice to each city, county, or city and county,~~
16 ~~if the mitigation takes place in the entity's approved sphere of~~
17 influence.

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