

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2629

Introduced by Assembly Member Bloom

February 21, 2014

An act to amend Section 1799 of the Fish and Game Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2629, as amended, Bloom. Conservation and mitigation banks: ~~expedited review and approval.~~ *report.*

Existing law provides that no conservation bank, mitigation bank, or conservation and mitigation bank is operative, vested, or final, nor bank credits issued, until the Department of Fish and Wildlife has approved the bank in writing and a conservation easement has been recorded on the site. *Existing law requires the department to provide an annual report to the Legislature that includes, among other things, information determined by the department to be relevant in assessing the effectiveness of the department's mitigation and conservation banking program.*

This bill would require the department to also include in the annual report the number of bank applications received for a proposed bank site that is concurrently a federally approved conservation or mitigation bank.

~~This bill would state the intent of the Legislature to enact later legislation that would create an expedited review and approval process by the department of an entity applying to the department to establish a conservation bank or mitigation bank for threatened, endangered, or~~

~~other special status species if that entity already has a federally approved conservation bank or mitigation bank for that species.~~

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

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

1 SECTION 1. Section 1799 of the Fish and Game Code is
2 amended to read:

3 1799. (a) Until the department has approved a bank, in writing,
4 and, if applicable, a conservation easement has been recorded on
5 the site, no bank shall be operative, vested, or final, nor bank credits
6 issued. No amendment to an approved bank shall be effective
7 without the written approval of the department.

8 (b) Following approval of a final bank agreement package and
9 establishment of a bank, the department shall conduct compliance
10 review activities as provided in the approved bank enabling
11 instrument.

12 (c) (1) The department shall establish and maintain a database
13 that allows bank sponsors to accurately update and add information
14 about mitigation and conservation banks. This data shall be
15 available on the department’s Internet Web site or accessible by
16 a link from the department’s Internet Web site. The available
17 information shall include, but is not limited to, the total number
18 of each type of bank credit, the types of credits sold or obligated,
19 the number of credits sold or obligated, the number of credits
20 applied, the balance of each type of credit remaining, the status of
21 the species and habitat at the bank, links to the bank’s long-term
22 management plans, and links to the complete annual monitoring
23 reports required by departmental policy.

24 (2) Information contained in the database created pursuant to
25 former Chapter 9 (commencing with Section 1850) on January 1,
26 2011, shall be incorporated into the database established pursuant
27 to paragraph (1).

28 (d) By January 1, 2014, and annually thereafter, the department
29 shall provide a report to the Legislature. The report shall include
30 the following information based on data from the previous calendar
31 year:

32 (1) Number of new bank applications, prospectuses, bank
33 agreement packages, and amendments received.

1 (2) Number of bank applications approved, rejected because
2 not complete, rejected because not acceptable, and withdrawn.

3 (3) Name of new or existing bank, geographic location, number
4 of acres, number of credits approved for each habitat type or
5 species, and number of credits sold.

6 (4) An accounting of fees collected pursuant to this chapter.

7 (5) A statement of whether or not the timelines for bank review
8 in this chapter were met.

9 (6) *Number of bank applications received for a proposed bank
10 site that is concurrently a federally approved conservation or
11 mitigation bank.*

12 ~~(6)~~

13 (7) Other information determined by the department to be
14 relevant in assessing the effectiveness of the department's
15 mitigation and conservation banking program.

16 (e) (1) The department shall collect fees to pay for all or a
17 portion of the department's bank implementation and compliance
18 costs.

19 (2) The department shall collect a total payment of sixty
20 thousand (\$60,000) per bank, apportioned by an amount that equals
21 the ratio of the number of credits released to the total number of
22 credits in the bank, and shall be identified in the bank enabling
23 instrument. Payments shall be due following each credit release
24 no later than the due date for the submission of the bank's annual
25 report. The payments shall be submitted following each credit
26 release and no later than the time of the submission of the bank's
27 annual report. The department may require the bank to cease selling
28 credits and may stop credit releases until these fees are paid in full.
29 The department shall assess a penalty of 10 percent of the amount
30 of fees due if there is a failure to remit the amount payable when
31 due.

32 ~~SECTION 1. It is the intent of the Legislature to enact later
33 legislation that would do the following:~~

34 ~~(a) Create an expedited review and approval process by the
35 Department of Fish and Wildlife for an entity applying to the
36 Department of Fish and Wildlife to establish a conservation bank
37 or mitigation bank for threatened, endangered, or other special
38 status species if that entity already has a federally approved
39 conservation bank or mitigation bank for those threatened,~~

- 1 endangered, or other special status species for which the entity is
- 2 seeking a state approved conservation bank or mitigation bank.
- 3 ~~(b) Require an entity to provide the Department of Fish and~~
- 4 ~~Wildlife any information required by, and provided to, the~~
- 5 ~~appropriate federal regulatory entity for the approval and ongoing~~
- 6 ~~monitoring and oversight for compliance and effectiveness of the~~
- 7 ~~federally approved conservation bank or mitigation bank, including,~~
- 8 ~~but not limited to, the prospectus, any survey work information,~~
- 9 ~~progress reports, and federal credits paperwork.~~
- 10 ~~(e) Require the Department of Fish and Wildlife to utilize for~~
- 11 ~~the expedited review and approval process the information~~
- 12 ~~specified in subdivision (b).~~