

Assembly Bill No. 642

CHAPTER 950

An act to add Chapter 9 (commencing with Section 1850) to Division 2 of the Fish and Game Code, relating to wetlands.

[Approved by Governor September 29, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 642, Lempert. Wetlands mitigation banking.

Existing provisions of the Keene-Nejedly California Wetlands Preservation Act require the Department of Parks and Recreation and the Department of Fish and Game to prepare a wetlands priority plan and authorize the departments to acquire interests in wetlands and to enter into operating agreements with cities, counties, and districts for the management and control of wetlands or interests in wetlands acquired under that act.

This bill would require the Department of Fish and Game, on or before January 1, 2002, to establish a data base of all existing and operating wetlands mitigation banks that sell credits to the public in California and to provide a report to the Legislature with a description and the status of each existing wetlands mitigation bank site in operation as of January 1, 2001, and each bank site approved thereafter, including specified information.

The bill would provide that implementation of its provisions would be subject to an appropriation of sufficient funds, as specified.

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

SECTION 1. Chapter 9 (commencing with Section 1850) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 9. WETLANDS MITIGATION BANKING

Article 1. General Provisions

1850. On or before January 1, 2002, the department shall establish an updated data base of all existing and operating wetlands mitigation banks that sell credits to the public in California. To the extent feasible, the department shall use all existing information in compiling this data base and shall utilize the CERES Environmental Data Catalog to make this information available to the public. The department shall update this data base on an annual basis and shall include all relevant information required by Section 1851.



1851. On or before January 1, 2002, and biennially thereafter, the department shall review the data base and the data catalog described in Section 1850, and shall provide a report to the Legislature with a description and the status of each existing wetlands mitigation bank site in operation as of January 1, 2001, and each mitigation bank site approved thereafter. The report shall include, but not be limited to, all of the following information:

(a) The name, address, and telephone number of the person or agency who created the wetlands mitigation bank site.

(b) The name, address, and telephone number of the wetlands mitigation bank operator and the address or other appropriate physical description of the location of the wetlands mitigation bank site.

(c) The date the wetlands mitigation bank site was created.

(d) A description of the wetlands mitigation bank site's service area.

(e) A description of existing habitat functions at the wetlands mitigation bank site prior to its development as a wetlands mitigation bank site.

(f) The type of financial assurances secured by the wetlands mitigation bank operator to ensure management of the wetlands mitigation bank site in perpetuity.

(g) Whether goals were established for the wetlands mitigation bank site and what percentage of those goals have been achieved.

(h) Utilizing existing information compiled by the United States Army Corps of Engineers or other federal agencies, the number of wetlands acres and habitat functions created at the bank site.

(i) The number of credits issued and to whom.

(j) An assessment of the biological productivity of the created wetlands.

(k) Utilizing existing information that is publicly available within the records of state or federal agencies, a comparison of the wetlands acreage and habitat functions that were created at the bank site and those that were lost as a result of the permitted projects for which credits were obtained.

1852. This article shall not be implemented until sufficient funds for its implementation have been appropriated in the annual Budget Act or other legislation.

