

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Environment and Natural Resources

REVENUE: No revenue impact (-1)**FISCAL: Minimal fiscal impact (-1)****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Beth Reiley, Administrator**Meeting Dates:** 3/4, 3/16

WHAT THE MEASURE DOES: Allows payments for off-site compensatory mitigation credits to be made to Oregon Removal-Fill Mitigation Fund if credits from mitigation bank were not available at time Department of State Lands (Department) began developing off-site compensatory mitigation project in region and Department has yet to recoup costs of project. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: (Proposed -1 Amendment) Clarifies payments for off-site compensatory mitigation credits are allowed to be made to Oregon Removal-Fill Mitigation Fund if credits from approved mitigation bank were not available at time first payment for credits were made; and mitigation project expenses have not been fully recovered by Department of State Lands.

BACKGROUND: The Oregon Removal-Fill Mitigation Fund is a statutory account described in ORS 196.625 – 196.665. The fund was established to allow removal-fill permittees to purchase mitigation credits from the Department of State Lands (Department) to compensate for adverse effects from proposed projects on waterways and wetlands in Oregon. Monies from the fund are used by the Department 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 bank within the region.

Senate Bill 249 would allow payments for off-site compensatory mitigation credits to continue to be made if credits from mitigation bank were not available at the time the Department began developing the off-site compensatory mitigation project and project expenses have not been fully recovered.