

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, March 01, 2019

**TIME:** Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Gestrin, Representative(s) Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Toone, Mason

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Boyle, Raybould

**GUESTS:** Norm Semanko, Parsons Behle and Latimer; Donna Collier, Valencia Wetlands Trust; Elizabeth Criner, J.R. Simplot Company

**Chairman Gibbs** called the meeting to order at 12:39pm.

**MOTION:** **Rep. Kauffman** made a motion to approve the minutes of the February 13, 2019 meeting. **Motion carried by voice vote.**

**H 207:** **Norm Semanko**, Attorney, Parsons Behle and Latimer, stated **H 207** replaces **H 111**. He stated this bill promotes the availability of mitigation alternatives for projects such as highways and golf courses, which impact wetlands. When a Clean Water Act, Section 404 wetlands permit is required from the Corps of Engineers for a project, state agencies often play a role in that process. Mr. Semanko explained this bill does not incorporate or adopt federal law, instead it promotes all of the options available for mitigation and recognizes state agencies are prohibited from mandating any particular type of mitigation. That decision must be left up to the project applicants based on what makes the most sense for their project. He stated this is a consensus piece of legislation, developed through collaborative meetings with industry and state agency representatives and will promote consistency in dealing with wetlands mitigation in Idaho.

**Mr. Semanko** explained there are eight accredited wetland mitigation banks in Idaho, built by the private sector. If an applicant chooses to use a wetlands mitigation bank, they can purchase credits through one of those banks. The use of mitigation banks is recognized as the preferential method since they have already created approved wetlands available for credit purchase. He then turned the podium over to **Donna Collier** to provide more details about wetland mitigation banks.

**Donna Collier**, Developer and Manager of Valencia Wetlands Trust, stated in 2008, the EPA and the Corps of Engineers revised regulations governing compensatory mitigation establishing equivalent and effective standards for all three compensatory mitigation methods: mitigation banks, in-lieu fee mitigation, and applicant responsible mitigation. She stated since mitigation banking is the most reliable form of compensatory mitigation, these regulations establish a preference for the use of banks when appropriate credits are available, and this bill promotes a fair playing field for the eight wetland mitigation banks in Idaho.

**Ms. Collier** explained agencies in Washington D.C. introduced this concept in an effort to improve the success of the mitigation program since over half of the projects around the country were failing to be successful in restoring wetlands. Without healthy wetlands the overall water quality and supply would continue to degrade. As a result, government agencies allowed the private industry to do this work. She stated mitigation banks must go through a stringent approval process under the supervision of several governmental agencies on an inter-agency review team. Large amounts of money are spent doing the work in advance of credit sales and annual monitoring reports and inspections are conducted to ensure performance standards are met. She concluded by stating according to the Corps of Engineers, wetland mitigation banks reduce the permit time by at least half and are the most cost effective option for applicants. They assume all legal liability and long term management while freeing developers to boost the economy.

**MOTION:** **Rep. Lickley** made a motion to send **H 207** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:03pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary