

**HOUSE COMMITTEE ON**  
**ENVIRONMENT AND LAND USE**

May 13, 2003 Hearing Room HR E  
9:00 AM Tapes 75 - 76

**MEMBERS PRESENT:**        **Rep. Dennis Richardson, Vice-Chair**  
                                  **Rep. Cliff Zauner, Vice-Chair**  
                                  **Rep. Robert Ackerman**  
                                  **Rep. Mitch Greenlick**  
                                  **Rep. Diane Rosenbaum**

**MEMBER EXCUSED:**        **Rep. Bill Garrard, Chair**  
                                  **Rep. Dan Doyle**

**STAFF PRESENT:**         **Ray Kelly, Committee Administrator**  
                                  **David Peffley, Committee Assistant**

**MEASURES HEARD:**         **HB 2899 – Work Session**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 75, A</b>		
003	Vice-Chair Zauner	Calls the meeting to order at 9:09 and opens a work session on HB 2899.
<b><u>HB 2899 – WORK SESSION</u></b>		
013	Vice-Chair Zauner	Recesses the meeting.
014	Vice-Chair Zauner	Reconvenes the meeting.
016	Ray Kelly	Committee Administrator. Introduces the -2 amendments <b>(EXHIBIT A)</b> and the -3 amendments <b>(EXHIBIT B)</b> .
022	John Lilly	Assistant Director, Division of State Lands (DSL). Submits <b>(EXHIBIT C)</b> and testifies regarding the findings of the work group.
050	Rep. Richardson	Notes the difference between the -2 amendments and the -3 amendments and the effects of the changes.
098	Ray Kelly	Explains the -2 amendments and refers to the paragraph noted by Rep. Richardson.
112	Lilly	Addresses the effects of the amendments with regard to wetland mitigation banks.
161	Rep. Richardson	Asks if DSL supports the amendments.
165	Lilly	Replies that the amendments are acceptable to the DSL.
168	Rep. Richardson	Asks which amendments the DSL supports.
171	Lilly	Notes that they would support either amendments, but believes that the lighter-handed -3 amendments are preferable.
208	Rep. Greenlick	Asks about Page 7, Lines 7-8 in the -3 amendments.
214	Phil Scoles	Work group participant. Addresses the section questioned by

		Rep. Greenlick as relating to mitigation banks.
225	Rep. Greenlick	Requests further clarification.
228	Scoles	States that Rep. Greenlick's understanding was not consistent with the intention of the bill. Gives the rationale for that section of the amendment.
243	Rep. Greenlick	Asks for confirmation of the effects of Lines 7-9.
252	Scoles	Confirms that Rep. Greenlick's interpretation may be correct.
258	Rep. Rosenbaum	Notes the effect of <i>being bound by</i> and notes that this is not a huge departure from the norm.
266	Rep. Greenlick	Asks whether <i>in consultation with</i> refers to a specific process.
270	Lilly	Clarifies the meaning and implications of <i>bound by</i> . Notes the changes allowed by the amendments over the current process.
297	Rep. Greenlick	Asks about the definition of <i>practicable</i> in Section 9 of the bill.
312	Lilly	Gives the precedent for the term.
340	Vice-Chair Zauner	States that he'd like the committee to accept one set of amendments before proceeding.
<b>352</b>	<b>Rep. Richardson</b>	<b>MOTION: Moves to ADOPT HB 2899-3 amendments dated 5/13/03.</b>
356	Rep. Greenlick	Informs the chair that he doesn't feel comfortable moving the bill without having the opportunity to review the amendments.
<b>363</b>		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Garrard, Doyle</b>
<b>372</b>	<b>Vice-Chair Zauner</b>	<b>The motion CARRIES.</b>
378	Rep. Richardson	Asks for confirmation of the -3 amendments relating to the U.S. Army Corp of Engineers.
388	Lilly	Discusses the definition of wetlands and notes that it is a standard definition.
394	Rep. Richardson	Asks for the confirmation of the meaning of <i>ecological characteristics</i> .
410	Lilly	Explains the implications of that phrase.
<b>TAPE 76, A</b>		
001	Rep. Greenlick	Refers to Page 17 of -3 amendments and asks for clarification on the implications of onsite mitigation.
013	Lilly	Confirms Rep. Greenlick's assumptions.
014	Rep. Greenlick	Asks about mitigation being built into the formula.
020	Lilly	Confirms that Rep. Greenlick is correct.
023	Rep. Richardson	Asks Lilly about the bill's intentions.
033	Lilly	States that this bill provides for greater certainty in the process.
042	Scoles	Also notes the assurances provided for in the amendments.
065	Vice-Chair Zauner	Asks about overlap relating to the Corp of Engineers and whether HB 2899 will help to solve the problem.
071	Lilly	Replies that DSL continues to work with the Corps of Engineers and speaks to the overall permitting process.
085	Rep. Greenlick	Refers to Page 22 of the -3 amendments and asks for clarification.
094	Lilly	Notes DSL's job in ensuring compatibility with the project.
118	Rep. Greenlick	Clarifies the conditional permit process.
121	Lilly	Concurs with Rep. Greenlick.
134	Rep. Greenlick	Asks about the definition of a wetland.
137	Lilly	Notes that wetland delineation is fairly complex and would need to pass certain criteria to be considered as such.
145	Rep. Greenlick	Asks for a clarification on Page 29, Section 20.
150	Scoles	Notes that it applies to all permitting, not just to mitigation

158 Vice-Chair Zauner banking.  
Closes the work session on HB 2899 and adjourns the meeting at 9:48.  
The following prepared testimony was submitted for the record without public testimony for HB 2899.  
Mel Stewart Submits **(EXHIBIT D)**.

**EXHIBIT SUMMARY**

- A – HB 2899, -2 amendments, staff, 30 pp.**
- B – HB 2899, -3 amendments, staff, 30 pp.**
- C – HB 2899, written testimony, John Lilly, 1 p.**

**The following exhibit is listed out of order in the body of the tape log.**

- D – HB 2899, written testimony, Mel Stewart, 5 pp.**