

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 638

Short Title: Capitalize on Wetland Mitigation. (Public)

Sponsors: Representatives Millis, J. Bell, and Pendleton (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Environment.

April 14, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL  
3 RESOURCES, IN COOPERATION WITH THE WILDLIFE RESOURCES  
4 COMMISSION, TO TAKE ACTION THAT ENCOURAGES WETLAND MITIGATION  
5 PRACTICES SUPPORTIVE OF PUBLIC RECREATION AND HUNTING ON  
6 MITIGATION SITES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** It is the intent of the General Assembly to capitalize on the  
9 establishment of public and private wetland mitigation banks that serve to meet federal  
10 mitigation requirements for wildlife habitat and hunting opportunities. The directives to  
11 Department of Environment and Natural Resources and the Wildlife Resources Commission  
12 enacted in this act are intended to facilitate voluntary cooperation by third-party groups to  
13 realize the goal of increased wildlife habitats and hunting opportunities on lands contained  
14 within public and private wetland mitigation banks through the pursuit of federal mitigation  
15 credits without increasing the cost of achieving those credits.

16 **SECTION 2.** Article 21 of Chapter 143 of the General Statutes is amended by  
17 adding a new section to read:

18 "**§ 143-214.15. Compensatory mitigation for diverse habitats.**

19 (a) The Department of Environment and Natural Resources shall seek more net gains of  
20 aquatic resources through compensatory mitigation by increasing wetland establishment of  
21 diverse habitats, including emergent marsh habitat, shallow open water, and other forested and  
22 non-forested wetland habitats.

23 (b) The Department of Environment and Natural Resources shall further establish with  
24 the district engineer of the Wilmington District of the United States Army Corps of Engineers  
25 compensatory mitigation credit ratios that incentivize the creation or establishment of diverse  
26 wetland habitats to support waterfowl and other wildlife.

27 (c) The Department of Environment and Natural Resources shall work in cooperation  
28 with the Wildlife Resources Commission to ensure that all purchased mitigation lands or  
29 conservation easements on these lands maximize opportunities for public recreation, including  
30 hunting, and promote wildlife and biological diversity. The Department and the Commission  
31 shall pursue the voluntary involvement of third-party groups to leverage resources and ensure  
32 that there is no additional cost to private mitigation bankers or the taxpayers in achieving these  
33 mitigation credits.

34 (d) The Office of Land and Water Stewardship of the Department of Environment and  
35 Natural Resources shall catalog an inventory of all its land holdings and determine how many



1 of those holdings are potential wildlife habitats, either as currently held or with some  
2 modification. The Wildlife Resources Commission shall conduct a third-party review of this  
3 inventory, and the Commission and the Office of Land and Water Stewardship shall both report  
4 their findings to the Environmental Review Commission as part of the report required under  
5 subsection (f) of this section.

6 (e) If private individuals, corporations, or other nongovernmental entities wish to  
7 purchase any of the inventory of land suitable for wildlife habitat, then the Office of Land and  
8 Water Stewardship of the Department of Environment and Natural Resources shall issue a  
9 request for proposal to all interested respondents for the purchase of the land, and the State  
10 shall have the ability to accept or reject any offer.

11 (f) The Department of Environment and Natural Resources shall report to the  
12 Environmental Review Commission by March 1 of each year on its progress in complying with  
13 the provisions of this section."

14 **SECTION 3.** This act is effective when it becomes law.