

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED SENATE BILL 342

By JOINT COMMITTEE ON WAYS AND MEANS

June 27

1 On page 1 of the printed B-engrossed bill, line 5, after “541.399” insert “and section 276, chapter
2 ___, Oregon Laws 2011 (Enrolled Senate Bill 242)”.

3 On page 19, after line 27, insert:

4 “**SECTION 30a. If Senate Bill 242 becomes law, section 276, chapter ___, Oregon Laws 2011**
5 **(Enrolled Senate Bill 242) (amending ORS 541.375), is repealed and ORS 541.375, as amended**
6 **by section 22 of this 2011 Act, is amended to read:**

7 “541.375. (1)(a) The following entities may submit a request for funding for, or for advice and
8 assistance in developing, a project under ORS 541.351 to 541.415:

9 “(A) A person;

10 “(B) An Indian tribe;

11 “(C) A watershed council;

12 “(D) A soil and water conservation district;

13 “(E) A community college;

14 “(F) A [*state institution of higher education*] **public university listed in ORS 352.002;**

15 “(G) An independent not-for-profit institution of higher education; or

16 “(H) A political subdivision of this state that is not a state agency.

17 “(b) A state agency or federal agency may apply for funding under this section only as a
18 coapplicant with an entity described in paragraph (a) of this subsection.

19 “(2) The request under subsection (1) of this section shall be filed in the manner, be in the form
20 and contain the information required by the Oregon Watershed Enhancement Board, regardless of
21 the anticipated funding source for the project.

22 “(3) The board may establish a grant program through soil and water conservation districts or-
23 ganized under ORS 568.210 to 568.808 and 568.900 to 568.933 that provides funds for local imple-
24 mentation of watershed enhancement, education and monitoring efforts.

25 “(4) The board may fund implementation of action plans based on a watershed assessment that
26 addresses water quality and aquatic resources of the watershed.

27 “(5) A project may use mechanical, vegetative or structural methods including, but not limited
28 to, management techniques, erosion control, streambank stabilization, forest, range or crop land
29 treatment, site specific in-stream structures, acquisitions or leases of land or water rights from a
30 willing owner, watershed assessments, landowner incentives and action plan development, imple-
31 mentation and monitoring.

32 “(6) The actions of a soil and water conservation district carried out pursuant to a grant pro-
33 gram established by the board under subsection (3) of this section shall not be subject to review and
34 approval by the Natural Resources Division under ORS 561.400.

35 “(7) If a project or a portion of a project is not subject to the funding criteria described in ORS

1 541.401 and applies to receive funding from the board, the board may approve the project or portion
2 of a project for funding only if the project or portion of a project:

3 “(a) Is based on sound principles of native fish or wildlife habitat conservation or watershed
4 management;

5 “(b) Uses methods most adapted to the project locale;

6 “(c) Meets the criteria established by the board under ORS 541.396; and

7 “(d) Contributes to either:

8 “(A) The improved health of a stream, lake or reservoir and toward the achievement of stan-
9 dards that satisfy the requirements of the Federal Water Pollution Control Act (P.L. 92-500), as
10 amended; or

11 “(B) The conservation or restoration of habitat for, or of watershed or ecosystem function for,
12 native fish or wildlife.

13 “(8) The Oregon Watershed Enhancement Board may fund a project for the restoration of a
14 riparian area or associated upland that is carried out in conjunction with a storage structure.
15 However, the board shall not approve funding for any proposed project that consists solely of con-
16 struction of a storage structure for out-of-stream use.

17 “(9) The Oregon Watershed Enhancement Board may fund projects involving the acquisition of
18 lands and waters, or interests therein from willing sellers, for the purpose of maintaining or re-
19 storing watersheds and habitat for native fish or wildlife. Interests in these lands and waters may
20 be held by local, state and federal agencies, tribes, not-for-profit land conservation organizations and
21 trusts, [*state institutions of higher education*] **public universities listed in ORS 352.002**, independent
22 not-for-profit institutions of higher education or political subdivisions of this state, as long as the
23 entity continues to use the land or water for the purposes specified under section 4b, Article XV
24 of the Oregon Constitution.

25 “(10) If the Oregon Watershed Enhancement Board approves funding for a project under this
26 section, the board may not disburse funds to the applicant for any part of the project that requires
27 the applicant to obtain a permit or license from a local, state or federal agency or governing body
28 until the applicant presents evidence that the agency has granted the permit or license.

29 “**SECTION 30b. The amendments to ORS 541.375 by section 30a of this 2011 Act become**
30 **operative on January 1, 2012.”.**

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