

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Bates, Hansell, Hass, Olsen, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Reiley, Administrator

Meeting Dates: 4/3, 5/1

WHAT THE MEASURE DOES: Adds large woody debris to definition of “material” for purposes of removal-fill statutes. Defines “large woody debris” as any naturally downed wood that captures gravel, provides stream stability or provides fish habitat; or any wood placed into waters of state as part of habitat improvement or conservation project. Exempts removal of large woody debris from provisions of removal/fill law if it: poses direct and demonstrable danger to livestock, human life or real property; poses risk of harm to transportation facilities including but not limited to culverts, bridges and roads in beds or banks of any waters of state; prevents or obstructs navigation within beds or banks of any waters of state; or meets conditions for removal of large woody debris as specified in rules of Director of Department of State Lands.

ISSUES DISCUSSED:

- Role of large woody debris in fish habitat
- Expense of intentionally placing large woody debris
- Circumstances under which large woody debris could be removed

EFFECT OF COMMITTEE AMENDMENT: Clarifies definition of large woody debris includes any naturally downed wood that captures gravel, provides stream stability or fish habitat; or any wood placed into waters of state as part of habitat improvement or conservation project. Alters exemption to apply to removal of large woody debris that poses risk of harm to transportation facilities including but not limited to culverts, bridges and roads; or prevents or obstructs navigation within beds or banks of any waters of state.

BACKGROUND: Oregon’s Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the Department of State Lands. The purpose of the law, enacted in 1967, is to protect public navigation, fishery and recreational uses of the waters. "Waters of the state" are defined as "natural waterways including all tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean that is in the boundaries of this state." The law applies to all landowners, whether private individuals or public agencies. House Bill 2396 B would add large woody debris to the definition of material for purposes of the state’s removal/fill laws.

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This summary has not been adopted or officially endorsed by action of the committee.