

# Senate Bill 411

Sponsored by Senator SHIELDS (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows moneys in Watershed Conservation Operating Fund and Watershed Conservation Grant Fund to be used for educating elementary school students concerning protection and restoration of native fish or wildlife habitats, watersheds or ecosystems.

## A BILL FOR AN ACT

1  
2 Relating to conservation education; amending ORS 541.932, 541.945, 541.956 and 541.958.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 541.932 is amended to read:

5 541.932. (1)(a) The following entities may submit a request for funding for, or for advice and  
6 assistance in developing, a project under ORS 541.890 to 541.969:

7 (A) A person;

8 (B) An Indian tribe;

9 (C) A watershed council;

10 (D) A soil and water conservation district;

11 **(E) The Department of Education, acting on behalf of one or more school districts;**

12 *[(E)]* **(F)** A community college;

13 *[(F)]* **(G)** A public university listed in ORS 352.002;

14 *[(G)]* **(H)** An independent not-for-profit institution of higher education; or

15 *[(H)]* **(I)** A political subdivision of this state that is not a state agency.

16 (b) **Except as provided in paragraph (a)(E) of this subsection**, a state agency or federal  
17 agency may apply for funding under this section only as a coapplicant with an entity described in  
18 paragraph (a) of this subsection **that is not a state agency**.

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 establish a program through the Department of Education that pro-**  
26 **vides funds for participation by elementary school students in specialized hands-on learning**  
27 **programs that are integrated with local school curricula to educate students concerning the**  
28 **protection and restoration of native fish or wildlife habitats, watersheds or ecosystems.**

29 *[(4)]* **(5)** The board may fund implementation of action plans based on a watershed assessment  
30 that addresses water quality and aquatic resources of the watershed.

31 *[(5)]* **(6)** A project may use mechanical, vegetative or structural methods including, but not lim-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 ited to, management techniques, erosion control, streambank stabilization, forest, range or crop land  
 2 treatment, site specific in-stream structures, acquisitions or leases of land or water rights from a  
 3 willing owner, watershed assessments, landowner incentives and action plan development, imple-  
 4 mentation and monitoring.

5 [(6)] (7) The actions of a soil and water conservation district carried out pursuant to a grant  
 6 program established by the board under subsection (3) of this section shall not be subject to review  
 7 and approval by the Natural Resources Division under ORS 561.400.

8 [(7)] (8) If a project or a portion of a project is not subject to the funding criteria described in  
 9 ORS 541.958 and applies to receive funding from the board, the board may approve the project or  
 10 portion of a project for funding only if the project or portion of a project:

11 (a) Is based on sound principles of native fish or wildlife habitat conservation or watershed  
 12 management;

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

14 (c) Meets the criteria established by the board under ORS 541.906; and

15 (d) Contributes to either:

16 (A) The improved health of a stream, lake or reservoir and toward the achievement of standards  
 17 that satisfy the requirements of the Federal Water Pollution Control Act (P.L. 92-500), as amended;  
 18 or

19 (B) The conservation or restoration of habitat for, or of watershed or ecosystem function for,  
 20 native fish or wildlife.

21 [(8)] (9) The Oregon Watershed Enhancement Board may fund a project for the restoration of  
 22 a riparian area or associated upland that is carried out in conjunction with a storage structure.  
 23 However, the board shall not approve funding for any proposed project that consists solely of con-  
 24 struction of a storage structure for out-of-stream use.

25 [(9)] (10) The Oregon Watershed Enhancement Board may fund projects involving the acquisition  
 26 of lands and waters, or interests therein from willing sellers, for the purpose of maintaining or re-  
 27 storing watersheds and habitat for native fish or wildlife. Interests in these lands and waters may  
 28 be held by local, state and federal agencies, tribes, not-for-profit land conservation organizations and  
 29 trusts, public universities listed in ORS 352.002, independent not-for-profit institutions of higher ed-  
 30 ucation or political subdivisions of this state, as long as the entity continues to use the land or  
 31 water for the purposes specified under [section 4b,] Article XV, **section 4b**, of the Oregon Consti-  
 32 tution.

33 [(10)] (11) If the Oregon Watershed Enhancement Board approves funding for a project under  
 34 this section, the board may not disburse funds to the applicant for any part of the project that re-  
 35 quires the applicant to obtain a permit or license from a local, state or federal agency or governing  
 36 body until the applicant presents evidence that the agency has granted the permit or license.

37 **SECTION 2.** ORS 541.945 is amended to read:

38 541.945. (1) The Watershed Conservation Operating Fund is established in the State Treasury  
 39 separate and distinct from the General Fund. The Watershed Conservation Operating Fund shall  
 40 consist of all moneys placed in the fund as provided by law. The purpose of the fund is to carry out  
 41 activities that support all of the purposes described in ORS 541.942. Moneys in the Watershed Con-  
 42 servation Operating Fund shall be used for each of the following:

43 (a) To develop, implement or update state conservation strategies or plans to protect or restore  
 44 native fish or wildlife habitats or to protect or restore natural watershed or ecosystem functions to  
 45 improve water quality or stream flows;

1 (b) To develop, implement or update regional or local strategies or plans that are consistent  
 2 with state strategies or plans described in paragraph (a) of this subsection;

3 (c) To develop, implement or update state strategies or plans to prevent, detect, control or  
 4 eradicate invasive species that threaten native fish or wildlife habitats or that impair water quality;

5 (d) To support local delivery, including but not limited to delivery by watershed councils, soil  
 6 and water conservation districts, **elementary schools** and other community-based organizations, of  
 7 watershed education activities and other programs or projects that protect or restore native fish or  
 8 wildlife habitats, watersheds or ecosystems;

9 (e) To pay the Oregon Watershed Enhancement Board costs of administering the Watershed  
 10 Conservation Grant Fund;

11 (f) To enforce fish and wildlife laws and regulations and fish and wildlife habitat protection laws  
 12 and regulations; and

13 (g) To reimburse the Secretary of State as described in ORS 297.230 for the costs of audits  
 14 performed by the Secretary of State under [section 4c,] Article XV, **section 4c**, of the Oregon Con-  
 15 stitution.

16 (2) Interest accruing to the Watershed Conservation Operating Fund shall be credited to the  
 17 fund. Watershed Conservation Operating Fund moneys appropriated and not expended by the com-  
 18 pletion of a biennium shall remain in the Watershed Conservation Operating Fund.

19 (3) Any public or private source may make gifts or grants to the Watershed Conservation Op-  
 20 erating Fund.

21 **SECTION 3.** ORS 541.956 is amended to read:

22 541.956. The purpose of the Watershed Conservation Grant Fund is to provide funding for grants  
 23 to achieve the purposes and uses described in ORS 541.942 and to implement the mission of the  
 24 Oregon Plan, including but not limited to grants to further the Oregon Conservation Strategy and  
 25 the watershed health and native fish recovery programs of this state. Moneys appropriated to the  
 26 fund shall be used only for the following activities:

27 (1) Acquiring from willing owners interests in land or water that will protect or restore native  
 28 fish or wildlife habitats. The interests may include, but need not be limited to, fee interests, con-  
 29 servation easements or leases.

30 (2) Projects to protect or restore native fish habitat or wildlife habitat.

31 (3) Projects to protect or restore natural watershed or ecosystem functions in order to improve  
 32 water quality or stream flows.

33 (4) Resource assessment, planning, design and engineering, technical assistance, monitoring and  
 34 outreach activities necessary for carrying out subsections (1) to (3) of this section.

35 **(5) Participation by elementary school students in specialized hands-on learning programs**  
 36 **that are integrated with local school curricula to educate students concerning the protection**  
 37 **and restoration of native fish or wildlife habitats, watersheds or ecosystems.**

38 **SECTION 4.** ORS 541.958 is amended to read:

39 541.958. The Oregon Watershed Enhancement Board may award funds from the Watershed  
 40 Conservation Grant Fund only for activities described in ORS 541.956. Any project that the board  
 41 approves for funding shall comply with the following criteria:

42 (1) There is a matching contribution from other program funds, in-kind services or other in-  
 43 vestment in the project;

44 (2) The project to be funded is reviewed and approved by a technical committee established in  
 45 accordance with ORS 541.926; and

1 (3) The project provides a public benefit by supporting improved:

2 (a) Water quality;

3 (b) Native fish or wildlife habitat; [or]

4 (c) Watershed or ecosystem function[.];

5 **(d) Elementary school student education concerning the protection and restoration of**  
6 **native fish or wildlife habitats, watersheds or ecosystems.**

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