



## Wetlands and Agricultural Drainage:

SB 1517-3

2016 Session

**Oregon Farm Bureau, Oregon Dairy Farmers' Association, and the Oregon Cattlemen's Association ask your support for SB 1517-3**

**Summary of Proposed Legislation:** This legislation has three components: 1) It requires local governing body review of wetland projects proposed in agricultural areas to ensure that the project does not negatively impact agricultural landowners or the agricultural land base in the area; 2) It removes a liability shield that exists for landowner contractors and designers who partner with the Oregon Watershed Enhancement Board (OWEB) or the Oregon Department of Fish and Wildlife (ODFW) in creating a wetland project; and 3) It authorizes agricultural landowners to remove or fill up to 100 cubic yards of material for the purpose of maintaining agricultural drainage.

**Explanation of Issue:** Due to very wet conditions most of the year, the ability to maintain adequate drainage on their fields is critical to farmers and ranchers in Western Oregon. In recent years, the Oregon Farm Bureau and Oregon Dairy Farmers' Association have noticed an increase in the construction of wetlands in agricultural areas, which can alter the drainage patterns in the area around the project and create flooding issues on neighboring farms. Given that farmers in wetland areas already struggle to combat flooding in wet years, these projects can drastically decrease the productivity of impacted farms and ranches. This issue has become particularly problematic in Tillamook County, where the local dairy farmers – most of whom have been in the area for generations – have found themselves competing with conservation groups for agricultural land to continue to run their operations. The dairy industry forms the backbone of the economy in Tillamook County, and it is essential that these operations continue to be able to coexist with local conservation projects while maintaining the functioning agricultural land base they need to be successful.

Presently, wetlands projects do not require review under Oregon land use laws for impacts to neighboring agricultural operations. As a result, wetlands projects are often not designed with an eye toward minimizing impacts to neighboring agricultural operations, particularly in regard to hydrologic impacts from the project. Compounding this issue, agricultural landowners impacted by a wetlands project presently do not have any legal recourse against neighboring landowners, such a conservation groups, who are also project contractors and designers when their wetland projects impact neighboring landowners when OWEB or ODFW were involved in the design or creation of the project. Further, current removal-fill policy from the Department of State Lands makes it difficult for farmers and ranchers to clean existing ditches necessarily to facilitate proper drainage.

Our proposed legislation is designed to address these issues and ensure that farmers and ranchers in Western Oregon can continue to be partners in conservation while maintaining their farming and ranching operations in the face of increasing conservation projects in their area. It does this by 1) requiring county review of wetlands projects in agricultural operations in order to ensure that the project is designed to minimize the impacts on agricultural operations, 2) removing the liability shield of landowners contractors and designers – often conservation groups – who engage in wetlands projects, and 3) allowing farmers and ranchers to remove up to 100 cubic yards of material in order to maintain agricultural drainage. We hope you'll support this legislation.



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