



Senate Environment & Natural Resources Committee

February 6, 2017

Oregon Farm Bureau Testimony on SB 3

Chair Dembrow and Members of the Committee:

Thank you for the opportunity to submit testimony on SB 3. Oregon Farm Bureau has some concerns about the potential spillover effects of a component of this legislation.

By way of background, the Oregon Farm Bureau is a voluntary, grassroots, nonprofit agricultural organization representing Oregon's farmers and ranchers in the public and policymaking arena. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry as a whole. Today, Oregon Farm Bureau represents over 7,000 member families professionally engaged in the industry and has a total membership of over 60,000 families.

As you are aware, the ability to clean drainage ditches to maintain agricultural drainage is critical to farmers and ranchers in Western Oregon. We are concerned that the designation of a new type of special resource habitat in the bill could have spillover effects on Oregon removal-fill, particularly as it impacts agricultural drainage. Section 8(1) of SB 3 defines "biological resource habitat" as "essential indigenous anadromous salmonid habitat as defined in ORS 196.810 and habitat that is essential to the recovery and conservation of Pacific lamprey, bull trout and freshwater mollusks." Section 12(2) further provides that biological resource habitat "shall be further defined and designated by rule by the Department of State Lands in consultation with the State Department of Fish and Wildlife, the Department of Environmental Quality, other affected state and federal agencies and other affected parties."

The designation of "essential anadromous salmonid habitat (ESH)" in Oregon has had a significant impact on our members' ability to protect agricultural drainage. While we work hard to be partners in conservation and ensure that our actions are supporting habitat, we have found the requirements around the ESH designation to be difficult to administer and understand through the Department of State Lands regulatory process. We are concerned that creating a new type of special habitat designation prior to fixing the issues that have arisen around the ESH designation will only compound and expand the issues we've seen, and make it more difficult for farmers to maintain drainage. This is especially true given that the statute would allow DSL, ODFW and DEQ to further define and designate this habitat – potentially for other programs. We urge the committee not to create yet another complex, ambiguous regulatory program affecting the same lands already regulated under a gamut of federal and state programs.



We have submitted amendments that would simply list out the type of habitats that the bill desires to protect. This would achieve the same protections without creating a new definition of habitat that could negatively impact other removal-fill programs.

If you have any questions, please contact Mary Anne Nash at maryanne@oregonfb.org and 541-740-4062.

