



OREGON FARM BUREAU TESTIMONY

House Agriculture and Natural Resources Committee

February 21, 2017

HB 2785 and HB 2786

Chair Clem and Members of the Committee:

The Oregon Farm Bureau Federation (OFB) asks for your support of the concepts behind HB 2785 and HB 2786. In the past several years, we have noticed an increase in enforcement actions by the Department of State Lands (DSL) on farmland in the Willamette Valley. In most instances, the farmers targeted by DSL did not know that DSL wanted them to have a permit, and no other local or state permitting entity told them. DSL will frequently seek tens of thousands of dollars in civil penalties for activities that take place on farmland, and are necessary for farm operation. Through this legislation, we are seeking to ensure that farmers and others who have complied in good faith with Oregon's land use laws are not subject to significant DSL penalties for activities that they have already completed, and for which DSL did not inform them that they needed a permit.

By way of background, OFB is Oregon's largest grassroots agriculture association, representing 7,000 farming and ranching families across the state. Our mission is to promote educational improvement, economic opportunity, and social advancement for our members and the farming, ranching, and natural resources industry as a whole.

For the past several years, we have had many members who have called us because DSL has initiated enforcement actions against them for activities that the farmers had no idea would require a permit. Among these enforcement actions include actions against farmers who have built barns and other structures with all the local county land use approvals.

Counts are required to send DSL a copy of an individual's land use application if the project could cause fill to a inventoried wetland. The wetland inventory used by most counties to decide whether to send an application to DSL only contains "traditional" wetlands – the wet, vegetated areas most people think of when they think "wetlands." However, DSL considers certain farmland in the state jurisdictional – something we dispute in many instances. Because the maps used by the counties do not contain a significant portion of the land DSL considers jurisdictional, counties often do not forward many applications to DSL for consideration. The result is that projects are approved by the county and constructed by the applicant without any knowledge that DSL would likely require a permit for the project and with full belief that they had secured all necessary permits. Despite

awareness of this issue by DSL and many counties, there is little education done with landowners to ensure that they are aware that they may need more than just a county building permit or to inform them that many counties are not forwarding the permits to DSL for review for all areas DSL considers jurisdictional.

We would like your support in helping to ensure that landowners who believed in good faith that they had all necessary permits and proceeded with building structures on lands not mapped by the state as wetlands are able to keep those structures intact without fear that DSL will seek penalties from them.

Thank you for the opportunity to submit comments. Please contact OFB if you have any questions.

Contact: Mary Anne Nash, maryanne@oregonfb.org, 541-740-4062.