



From the desk of:
REP. JULIE FAHEY

**Please Support HB 2785A: Fair Enforcement by
Department of State Lands**

We ask for your support of HB 2785A:

- **HB 2785A will protect landowners who acted in good faith.** HB 2785A will ensure that farmers who built homes or agricultural buildings on their farm or forest land with all necessary local permits are protected from retroactive enforcement by Department of State Lands (DSL). It exempts existing fill associated with buildings from DSL enforcement if the farmer had the necessary county approvals for the buildings.
- **The Department of State Lands Has Been Enforcing Unfairly.** Over the past several years, DSL has been initiating enforcement actions against farmers for activities that they had no idea would require a permit and which neither DSL nor the county told them would need a permit.
 - These include actions against farmers who have built barns and other structures with all the local county land use approvals.
 - The penalties are steep -- DSL will frequently seek tens of thousands of dollars in civil penalties for activities that are necessary for farm operation.
- **DSL's Current Process for Asserting Jurisdiction is Not Working.** Counties 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." Farmland is not on these maps, despite the fact that DSL claims jurisdiction over many farm fields.
- **DSL Has Not Taken Steps to Fix This Problem.** Despite awareness of this issue by DSL and many counties, DSL and the counties have not taken steps to correct this issue. This means that farmers who think they have all necessary approvals are subject to potential enforcement action by DSL, often years after they have completed construction of their buildings.

Through this legislation, we seek 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.

Pease help ensure that landowners who believed that they had all necessary permits are able to keep farm structures intact without fear that DSL will seek penalties from them.

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