

HB 2796 -1 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 3/21, 4/4

WHAT THE MEASURE DOES:

Requires the Department of State Lands (DSL) to develop rules to allow removal and fill of degraded wetlands for needed housing projects by general permit or authorization by January 1, 2021. Specifies that the permit or authorization cannot require compensatory mitigation at a ratio greater than one acre of restored wetlands per four acres of impacted degraded wetlands.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Provides that DSL may suspend, modify, or revoke any rule that allows general permits or authorizations for removal and fill of degraded wetlands for needed housing projects, for the purpose of obtaining authority to issue or administer any permit under 33 U.S.C. 1344 (g) and (h) of the Federal Water Pollution Control Act.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

The Department of State Lands (DSL) regulates "waters of the state" to protect, conserve, and provide for the best use of those aquatic resources. Oregon's Removal-Fill Law (ORS 196.795-196.990) requires people who plan to remove or fill material in wetlands or waterways to obtain a "removal-fill permit" from DSL. The permit process includes documentation on how a proposed project will reduce adverse effects to aquatic resources, and how unavoidable impacts will be offset by actions to replace the area, functions, and values of the loss.

Compensatory mitigation aims to replace aquatic resource functions and values that are lost due to removal-fill impacts. OAR 141-085-0690 establishes the following minimum ratios for compensatory mitigation: one acre of restored wetland for one acre of impacted wetland (1:1); 1.5 acres of created wetland for one acre of impacted wetland (1.5:1); three acres of enhanced wetland for one acre of impacted wetland (3:1); and two acres of enhanced cropped wetland for one acre of impacted wetland (2:1). DSL determines the ratio of preserved wetland to impacted wetland on a case-by-case basis.

House Bill 2796 would require the Department of State Lands to develop rules to allow removal and fill of degraded wetlands for needed housing projects by general permit or authorization by January 1, 2021.