



Oregon

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To: The Honorable Brian Clem, Chair
House Committee on Agriculture and Land Use



House Bill 2796 Oregon Department of Fish and Wildlife

The mission of the Oregon Department of Fish and Wildlife is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

HB 2796 directs the Department of State Lands (DSL) to evaluate and establish rules for allowing removal and fill activities within "degraded wetlands" for the purpose of developing needed housing projects. This includes development of a new DSL permit, which would limit compensatory mitigation at a ratio that does not exceed one acre of restored wetlands per four acres of impacted degraded wetlands.

ORS 196.672(4) requires the state to "*Maintain a stable resource base of wetlands through the mitigation of losses of wetland resources and the adoption of the procedural mitigation standard currently used by federal agencies.*" This procedural standard is a no net loss policy, or 1:1 mitigation to impact area minimum ratio. Consistent with this statute, when the Department reviews projects that involve wetland removal or fill impacts, it strives to make recommendations that achieve no net loss in habitat, and avoid, minimize, or mitigate impacts according to the Wildlife Policy (496.012) and the Department's Fish and Wildlife Habitat Mitigation Policy (Division 415).

HB 2796 would allow the development of rules for "degraded wetlands" that lower the mitigation obligation below the minimum of 1:1, inconsistent with the State's no net loss standard and the Department's Fish and Wildlife Habitat Mitigation Policy. This would result in the net loss of many of the critical life-history functions that wetlands provide to fish and wildlife.

Statewide consistency is key to meeting this goal of no net loss in habitat, and compliance with federal law. HB 2796 creates less certainty that impacts to fish and wildlife habitat will be adequately considered and addressed, and could also incentivize the degradation of wetlands (e.g., hydrologic manipulation) in order to qualify for the new requirements to reduce future mitigation obligation.

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