

HB 2437-3
(LC 2728)
4/1/19 (MAM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representatives Susan McLain and David Brock Smith)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2437**

1 Delete pages 2 through 6 of the printed bill and insert:

2 **“SECTION 1. Sections 2 to 8 of this 2019 Act are added to and made**
3 **a part of ORS 196.600 to 196.905.**

4 **“SECTION 2. (1) The Legislative Assembly finds and declares that:**

5 **“(a) It is in the best interest of the state to create a simple regu-**
6 **latory approach for the maintenance of channels used for agricultural**
7 **drainage and to improve awareness of, and compliance with, the re-**
8 **moval and fill program provided for under ORS 196.600 to 196.905.**

9 **“(b) The provisions of sections 2 to 8 of this 2019 Act are designed**
10 **to protect the economic viability of Oregon’s farmers and ranchers by**
11 **allowing for the maintenance of channels used for agricultural drain-**
12 **age to be conducted in a manner that protects, maintains or improves**
13 **ecological function of the channels.**

14 **“(2) The Legislative Assembly declares that it is the policy of the**
15 **state:**

16 **“(a) To adaptively manage the implementation of sections 2 to 8 of**
17 **this 2019 Act to allow for a workable process for persons to maintain**
18 **traditionally maintained channels while protecting the ecological and**
19 **life history functions of fish and wildlife that inhabit the channels; and**

20 **“(b) To place a high priority on and to encourage the identification**
21 **and development of opportunities for voluntary actions to restore,**

1 **improve or enhance the ecological health or benefits of traditionally**
2 **maintained channels.**

3 **“SECTION 3. As used in sections 2 to 8 of this 2019 Act:**

4 **“(1) ‘Adaptive management’ has the meaning given that term in**
5 **ORS 541.890.**

6 **“(2) ‘Channel’ means the defined bed and bank that serve to confine**
7 **where a stream of water runs.**

8 **“(3) ‘Dry’ means:**

9 **“(a) Channel conditions where no flowing or standing water is**
10 **present, other than small quantities of water that may occur in low**
11 **areas of the channel as a direct result of active maintenance activities;**
12 **and**

13 **“(b) For the channel of a waterway that is subject to tidal influence,**
14 **the existence of channel conditions described in paragraph (a) of this**
15 **subsection during all tidal conditions.**

16 **“(4) ‘Maintenance’ means channel upkeep and removal from the**
17 **channel of sediment, vegetation or debris, in the minimum amount**
18 **necessary to restore the serviceability of the channel for facilitating**
19 **drainage.**

20 **“(5) ‘Traditionally maintained channel’ means the channel of a**
21 **segment, set of segments or the entirety of a drainage ditch, inter-**
22 **mittent stream or perennial stream that:**

23 **“(a) Has been routinely subject to maintenance to facilitate drain-**
24 **age related to farming or ranching operations; and**

25 **“(b) Has been serviceable for facilitating drainage within the past**
26 **five years.**

27 **“SECTION 4. (1) Notwithstanding the permit requirements of ORS**
28 **196.810, a person may engage in removal activities or fill activities, or**
29 **both, for conducting maintenance of a traditionally maintained chan-**
30 **nel without a permit from the Department of State Lands if:**

1 “(a) The person has a valid notice of maintenance activities on file
2 with the State Department of Agriculture prior to initiating activities
3 for the maintenance of a traditionally maintained channel; and

4 “(b) The maintenance activities are conducted in compliance with
5 the notice described in paragraph (a) of this subsection and with
6 sections 5 and 6 of this 2019 Act.

7 “(2) Notwithstanding the permit requirements of ORS 196.810, a
8 district organized under ORS chapter 545, 547, 552 or 553 or a district
9 improvement company or district improvement corporation organized
10 under ORS chapter 554 may engage in removal activities or fill activ-
11 ities, or both, for conducting maintenance of a traditionally main-
12 tained channel without a permit from the Department of State Lands
13 if:

14 “(a) The district, company or corporation has a valid notice of
15 maintenance activities on file with the State Department of Agricul-
16 ture prior to initiating activities for the maintenance of a traditionally
17 maintained channel;

18 “(b) The maintenance activities are conducted in compliance with
19 the notice described in paragraph (a) of this subsection and with
20 sections 5 and 6 of this 2019 Act; and

21 “(c) The governing body of the district, company or corporation,
22 as part of the notice filed pursuant to subsection (3) of this section,
23 agrees to submit to the jurisdiction of the Department of State Lands
24 and the State Department of Agriculture for purposes of enforcement
25 of sections 2 to 8 of this 2019 Act.

26 “(3) A person shall file a notice of maintenance activities with the
27 State Department of Agriculture on a form developed by the depart-
28 ment. A notice filed under this subsection is valid for a period of five
29 years from the date that the notice is filed. The notice must:

30 “(a) Identify the location of the traditionally maintained channel

1 in which the maintenance activities will occur;

2 “(b) Include a description of the maintenance activities that, at a
3 minimum, identifies the linear miles of channel to be maintained and
4 the estimated volume per linear mile of material that will be removed
5 from the channel over the course of a five-year period; and

6 “(c) If the maintenance activities will be undertaken in part by a
7 district, company or corporation described in subsection (2) of this
8 section and in part by persons subject to the jurisdiction of the dis-
9 trict, company or corporation, clearly identify which activities will be
10 undertaken by the district, company or corporation and which activ-
11 ities will be undertaken by a person subject to the jurisdiction of the
12 district, company or corporation.

13 “(4) A district, company or corporation described in subsection (2)
14 of this section shall endeavor to submit the notice required under
15 subsection (2) of this section in coordination with submission of no-
16 tices under subsection (1) of this section by persons subject to the ju-
17 risdiction of the district, company or corporation. The State
18 Department of Agriculture may develop a consolidated form for the
19 filing of notices by districts, companies and corporations and persons
20 subject to the jurisdiction of the districts, companies and corporations.

21 **“SECTION 5. (1) Activities for conducting maintenance of a tradi-**
22 **tionally maintained channel pursuant to a notice submitted under**
23 **section 4 of this 2019 Act may not result in:**

24 “(a) The removal of more than 3,000 cubic yards per linear mile of
25 traditionally maintained channel over the course of the five-year pe-
26 riod for which the notice is valid;

27 “(b) The spreading of material in a wetland or converted wetland
28 pursuant to subsection (2)(k) of this section in a volume greater than
29 3,000 cubic yards per linear mile of traditionally maintained channel
30 over the course of the five-year period for which the notice is valid;

1 “(c) The removal or fill of material, or any other maintenance, oc-
2 ccurring in a channel that has been designated by rule and mapped by
3 the Department of State Lands as essential indigenous anadromous
4 salmonid habitat as defined in ORS 196.810; or

5 “(d) The enlargement of a water right or in otherwise causing in-
6 jury to another existing water right.

7 “(2) In addition to complying with all applicable laws related to fish
8 passage as described in ORS 509.585 and all applicable laws related to
9 water quality that are administered by the State Department of Agri-
10 culture, maintenance activities conducted pursuant to a notice sub-
11 mitted under section 4 of this 2019 Act must comply with the following
12 conditions:

13 “(a) A traditionally maintained channel must be dry before the
14 commencement of any removal activities in the channel. If there is
15 standing water in the channel that is due to a rain event and not in-
16 dicative of a perennial stream, a person must request a variance under
17 section 6 (5) of this 2019 Act prior to initiation of maintenance activ-
18 ities.

19 “(b) A person must complete removal activities during the applica-
20 ble regional dry maintenance time period established by the State De-
21 partment of Fish and Wildlife for the region where the traditionally
22 maintained channel is located.

23 “(c) The body of motorized equipment used to conduct removal or
24 fill activities must be operated from the bank of the channel, with only
25 the bucket or portion of the motorized equipment that actively re-
26 moves material operating within the channel.

27 “(d) The bottom of the channel bed must be excavated on a smooth
28 grade, in a manner that avoids creating depressions or grade changes
29 within the channel.

30 “(e) Maintenance activities must be conducted in a manner that

1 **minimizes new erosion into the channel.**

2 **“(f) Removal of woody vegetation must be limited to the minimum**
3 **amount needed to complete the maintenance activity.**

4 **“(g) Revegetation must occur for any riparian areas that serve as**
5 **a buffer adjacent to the channel and that experience vegetation loss**
6 **as a result of the maintenance activity. This condition is satisfied**
7 **whether revegetation occurs naturally or after seeding.**

8 **“(h) Work related to the maintenance activity must be conducted**
9 **only from one bank of the channel, on either the north or east side,**
10 **when practicable, to minimize the ecological impacts of the mainte-**
11 **nance activity.**

12 **“(i) Motorized equipment used for maintenance activities must uti-**
13 **lize existing crossings, if crossing the channel is necessary to complete**
14 **maintenance activities.**

15 **“(j) Maintenance activities must begin at the most upstream lo-**
16 **cation of the traditionally maintained channel and progress down-**
17 **stream.**

18 **“(k) Material that is removed from the channel may be temporarily**
19 **placed in a wetland or converted wetland to dry, provided that the**
20 **material must, no later than one year after the date that the mainte-**
21 **nance activity was completed, be moved to uplands or be spread in a**
22 **thin layer outside the riparian area that serves as a buffer adjacent**
23 **to the channel. Fill activities related to the maintenance of a tradi-**
24 **tionally maintained channel must be limited to fill pursuant to this**
25 **paragraph.**

26 **“(L) Maintenance activities may not result in converting wetlands**
27 **to uplands and may not materially change the depth or functionality**
28 **of a wetland.**

29 **“(m) Impacts to wetlands by the maintenance activities must be**
30 **temporary and must be limited to impacts related to accessing the site**

1 to conduct removal activities in the channel, the removal of material
2 and the disposal of removed material.

3 “(n) Maintenance activities may not result in a change in location
4 of a channel through the digging of a new channel and the diversion
5 of the flow from the old channel into the new channel or in increasing
6 the width or depth of the channel beyond the width or depth to which
7 the channel has routinely been maintained to facilitate drainage.

8 “(o) The maintenance activities must not alter any existing inlet
9 or outlet connections with other waterways.

10 **“SECTION 6. (1) The State Department of Agriculture shall, no**
11 **later than five days after the date the department receives a notice**
12 **filed pursuant to section 4 of this 2019 Act, provide a copy of the notice**
13 **to the State Department of Fish and Wildlife. The State Department**
14 **of Fish and Wildlife shall, within 30 days after receiving a copy of the**
15 **notice, provide a response to the State Department of Agriculture. The**
16 **response may indicate that a review was conducted and the work may**
17 **proceed, or may provide recommendations on:**

18 “(a) Whether the maintenance activities described in the notice will
19 meet the requirements of section 5 of this 2019 Act; and

20 “(b) Whether conditions in addition to those required under section
21 5 of this 2019 Act are necessary to address the presence of endangered
22 or threatened species, to protect endangered or threatened species’
23 habitat quality or quantity, or to otherwise protect the existing func-
24 tions of the channel.

25 “(2)(a) Except as provided under paragraph (b) of this subsection,
26 the State Department of Agriculture shall include any conditions re-
27 commended by the State Department of Fish and Wildlife in the re-
28 sponse to the notice required under subsection (3) of this section.

29 “(b) If the State Department of Agriculture disagrees with the rec-
30 ommendations of the State Department of Fish and Wildlife, the State

1 Department of Agriculture shall provide a copy of the notice and of
2 the recommendations to the Department of State Lands for the De-
3 partment of State Lands to make a final determination regarding:

4 “(A) Whether the maintenance activities described in the notice
5 may occur without a removal or fill permit; and

6 “(B) What conditions in addition to those required under section 5
7 of this 2019 Act, if any, are necessary for the maintenance activities
8 to occur without a removal or fill permit.

9 “(c) The Department of State Lands shall provide any final deter-
10 mination required pursuant to paragraph (b) of this subsection to the
11 State Department of Agriculture within five days after receiving the
12 copies of the notice and recommendations.

13 “(3) The State Department of Agriculture shall provide a response
14 to a notice filed pursuant to section 4 of this 2019 Act no later than
15 45 days after the date that the notice is received. The response must
16 include any conditions in addition to those required under section 5
17 of this 2019 Act that the departments have determined are necessary,
18 pursuant to the process described in subsection (2) of this section, for
19 maintenance activities to occur in the traditionally maintained chan-
20 nel without a removal or fill permit. If the State Department of Agri-
21 culture does not provide a response to a notice within the time period
22 described in this subsection, maintenance activities may proceed as
23 described in the notice and pursuant to section 5 of this 2019 Act.

24 “(4) Upon a request from the person submitting a notice under
25 section 4 of this 2019 Act, the State Department of Agriculture and the
26 State Department of Fish and Wildlife may provide for expedited re-
27 view under subsections (1) to (3) of this section, if the expedited review
28 is necessary to allow for maintenance activities to occur within a
29 specific time period.

30 “(5) Prior to initiation of maintenance activities, a person who has

1 a notice of maintenance activities on file with the State Department
2 of Agriculture may request from the State Department of Agriculture
3 a variance from any condition required under section 5 (2) of this 2019
4 Act or this section. The State Department of Agriculture shall consult
5 with the State Department of Fish and Wildlife before granting a
6 variance under this subsection. A person that has applied for a vari-
7 ance may not commence maintenance activities until after the State
8 Department of Agriculture has granted the variance and informed the
9 person of any modifications to conditions or additional conditions that
10 must be met for the maintenance to occur.

11 “(6)(a) Subject to paragraph (b) of this subsection, the State De-
12 partment of Agriculture or the State Department of Fish and Wildlife
13 may enter onto and inspect lands for which notices have been filed
14 under section 4 of this 2019 Act in order to develop the recommen-
15 dations and response required by subsections (1) to (3) of this section
16 or to ascertain compliance with sections 2 to 8 of this 2019 Act.

17 “(b) To enter onto and inspect lands under this subsection:

18 “(A) The Department of Agriculture shall first make a reasonable
19 attempt to notify the landowner;

20 “(B) The departments may only enter onto and inspect the lands
21 at a reasonable time; and

22 “(C) The State Department of Fish and Wildlife may not, without
23 the express agreement of the person, district, company or corporation
24 that filed the notice, enter onto and inspect the lands unless accom-
25 panied by the State Department of Agriculture.

26 “(7) The State Department of Agriculture shall maintain a record
27 of a notice filed pursuant to section 4 of this 2019 Act and any related
28 correspondence for 10 years after the date that the notice is received.

29 “(8)(a) The Department of State Lands may, after consultation with
30 the State Department of Agriculture and the State Department of Fish

1 and Wildlife, adopt rules as necessary to implement sections 2 to 8 of
2 this 2019 Act. Rules adopted pursuant to this subsection may include,
3 but need not be limited to, rules:

4 “(A) Modifying the volume limits for removal or fill set forth in
5 section 5 (1) of this 2019 Act or applying different volume limits within
6 certain geographies for certain types or categories of traditionally
7 maintained channels; or

8 “(B) Modifying the conditions that apply for maintenance of a tra-
9 ditionally maintained channel set forth in section 5 (2) of this 2019 Act.

10 “(b) Any rules adopted under paragraph (a)(A) or (B) of this sub-
11 section must be based on the best available scientific information and
12 on findings that the rules will:

13 “(A) Allow for maintenance of traditionally maintained channels to
14 be conducted in a manner that protects, maintains or improves the
15 existing ecological and habitat function of traditionally maintained
16 channels; and

17 “(B) Result in appropriate changes to the conditions required for
18 conducting maintenance activities, under an adaptive management
19 approach, for carrying out the state policy stated in section 2 of this
20 2019 Act.

21 “(9) Nothing in sections 2 to 8 of this 2019 Act limits or otherwise
22 changes the exemptions under ORS 196.905.

23 “(10) The costs of activities taken by the State Department of Fish
24 and Wildlife to carry out the duties of the department under sections
25 2 to 8 of this 2019 Act may not be charged to another state agency as
26 recompensable assistance under ORS 496.167 and 496.168.

27 “SECTION 7. Upon finding that a person has engaged in removal
28 activities or fill activities for the maintenance of a traditionally
29 maintained channel without a permit required under ORS 196.810 and
30 in violation of section 4, 5 or 6 of this 2019 Act, the State Department

1 of Agriculture or the Department of State Lands, in consultation with
2 the State Department of Fish and Wildlife, shall notify the person and
3 direct the person to take any actions necessary to bring the mainte-
4 nance activities into compliance with ORS 196.600 to 196.905 within a
5 reasonable period of time. In all cases, the State Department of Agri-
6 culture or the Department of State Lands shall make reasonable ef-
7 forts to induce voluntary compliance, prior to the assessment of any
8 civil penalty under ORS 196.890 for violation of section 4, 5 or 6 of this
9 2019 Act.

10 **“SECTION 8. (1) The Department of State Lands and the State De-**
11 **partment of Agriculture shall enter into a memorandum of under-**
12 **standing providing for the State Department of Agriculture to**
13 **implement sections 2 to 8 of this 2019 Act. Subject to the terms of the**
14 **memorandum of understanding, the State Department of Agriculture:**

15 **“(a) May perform the functions of the Department of State Lands**
16 **in implementing and enforcing sections 2 to 8 of this 2019 Act.**

17 **“(b) Shall, in coordination with soil and water conservation dis-**
18 **tricts, work to provide education on the requirements of sections 2 to**
19 **8 of this 2019 Act.**

20 **“(c) Shall, in coordination with the Department of State Lands,**
21 **develop and implement a process for responding to requests to review**
22 **the accuracy of the designation by the Department of State Lands and**
23 **mapping of essential indigenous anadromous salmonid habitat as de-**
24 **defined in ORS 196.810.**

25 **“(2) The Department of State Lands may enter into any memoran-**
26 **dum of understanding other than that required under subsection (1)**
27 **of this section that is necessary for the implementation and enforce-**
28 **ment of sections 2 to 8 of this 2019 Act.**

29 **“(3) The State Department of Agriculture, in consultation with the**
30 **Department of State Lands and the State Department of Fish and**

1 **Wildlife, shall biennially conduct an adaptive management review of**
2 **the implementation of sections 2 to 8 of this 2019 Act to determine**
3 **whether implementation changes are required to best carry out the**
4 **policy stated in section 2 of this 2019 Act.**

5 **“SECTION 9.** ORS 196.816 is amended to read:

6 **“196.816. (1) As used in this section, ‘traditionally maintained chan-**
7 **nel’ has the meaning given that term in section 3 of this 2019 Act.**

8 **“(2) Notwithstanding ORS 196.810, the Department of State Lands may**
9 **establish by rule a general permit that allows the removal of no more than**
10 **100 cubic yards of material from waters of this state, including in essential**
11 **indigenous anadromous salmonid habitat, for the purpose of maintaining**
12 **drainage and protecting agricultural land.**

13 **“(3) Notwithstanding ORS 196.810, the department shall establish by**
14 **rule one or more general permits that allow the removal of material**
15 **from waters of this state, including in essential indigenous**
16 **anadromous salmonid habitat, to conduct maintenance of traditionally**
17 **maintained channels during channel conditions where flowing or**
18 **standing water is present. The general permits must require the**
19 **maintenance to be conducted in a manner that protects, maintains or**
20 **improves existing agricultural and ecological functions of the chan-**
21 **nels, including the life history functions of fish and wildlife that in-**
22 **habit the channels. In establishing a general permit under this**
23 **subsection, the department shall utilize best available science and**
24 **shall consult with the State Department of Agriculture, the State De-**
25 **partment of Fish and Wildlife, other relevant state or federal agencies**
26 **and representatives of agricultural interests and conservation inter-**
27 **ests.**

28 **“(4) The Department of State Lands may waive the fees specified in ORS**
29 **196.815 for removal taking place under the provisions of this section.**

30 **“SECTION 10. (1) The College of Agricultural Sciences of Oregon**

1 State University shall conduct a study of the benefits and impacts of
2 maintenance activities in traditionally maintained channels on habitat
3 complexity and other biological parameters, including the benefits and
4 impacts of maintenance activities for fish and wildlife that inhabit the
5 channels. In conducting the study, the college shall assess the impacts
6 of maintenance activities at a variety of geographic locations, in a
7 variety of channel types and on a variety of channel conditions.

8 “(2) In designing and implementing the study, the college shall
9 consult with representatives of agricultural interests and conservation
10 interests, the Department of State Lands, the State Department of
11 Agriculture, the State Department of Fish and Wildlife and any other
12 interested agencies of state government, as defined in ORS 174.111, as
13 necessary to develop study questions and to design the study in a
14 manner that will best align with the needs of the Department of State
15 Lands, the State Department of Agriculture and the State Department
16 of Fish and Wildlife in applying adaptive management to the imple-
17 mentation of sections 2 to 8 of this 2019 Act and ORS 196.816 (3).

18 “(3) The college shall submit a report on the study required by this
19 section, and may include recommendations for legislation, to the in-
20 terim committees of the Legislative Assembly related to agriculture
21 in the manner provided under ORS 192.245, and to the Department of
22 State Lands, the State Department of Agriculture and the State De-
23 partment of Fish and Wildlife no later than January 1, 2025.

24 “SECTION 11. Section 10 of this 2019 Act is repealed on January 2,
25 2025.

26 “SECTION 12. Upon receipt of the study results contained in the
27 report required under section 10 of this 2019 Act, the State Department
28 of Agriculture shall consider the results in developing adaptive man-
29 agement recommendations pursuant to section 8 (3) of this 2019 Act.

30 “SECTION 13. Section 12 of this 2019 Act is repealed on January 2,

1 2027.

2 **“SECTION 14. (1) The State Department of Agriculture, the De-**
3 **partment of State Lands and the State Department of Fish and**
4 **Wildlife shall jointly prepare a report on activities in this state for the**
5 **maintenance of traditionally maintained channels. The State Depart-**
6 **ment of Agriculture shall coordinate preparation of the report.**

7 **“(2) The report shall:**

8 **“(a) Describe activities related to the implementation of sections 2**
9 **to 8, 10 and 12 of this 2019 Act and the amendments to ORS 196.816 by**
10 **section 9 of this 2019 Act, including methods of implementation, com-**
11 **pliance information and outcomes;**

12 **“(b) Provide a discussion of the biennial adaptive management re-**
13 **view required under section 8 (3) of this 2019 Act;**

14 **“(c) Include information on the number of notices required under**
15 **section 4 of this 2019 Act on file with the Department of Agriculture,**
16 **the linear miles of traditionally maintained channel in this state being**
17 **maintained and the amount of cubic yards of material being removed**
18 **pursuant to sections 2 to 8 of this 2019 Act;**

19 **“(d) Provide a discussion of the potential impacts and benefits to**
20 **agricultural lands and ecological function by maintenance conducted**
21 **pursuant to sections 2 to 8 of this 2019 Act;**

22 **“(e) Provide a discussion of opportunities to provide incentives to**
23 **landowners to improve or enhance the ecological functions of channels**
24 **maintained under sections 2 to 8 of this 2019 Act, including incentives**
25 **provided to landowners during the period covered by the report; and**

26 **“(f) Include any other relevant information on the implementation**
27 **and effectiveness of sections 2 to 8 of this 2019 Act.**

28 **“(3) The report may include recommendations for legislation.**

29 **“(4) The report shall be submitted to the interim committees of the**
30 **Legislative Assembly related to agriculture in the manner provided**

1 under ORS 192.245 no later than December 15 of each odd-numbered
2 year.

3 **“SECTION 15.** Section 14 of this 2019 Act is repealed on January 2,
4 2030.

5 **“SECTION 16.** (1) In addition to and not in lieu of any other ap-
6 propriation, there is appropriated to the State Department of Agri-
7 culture, for the biennium beginning July 1, 2019, out of the General
8 Fund, the amount of \$_____, which may be expended for the depart-
9 ment to carry out the duties of the department under sections 2 to 8
10 of this 2019 Act.

11 **“(2)** In addition to and not in lieu of any other appropriation, there
12 is appropriated to the State Department of Fish and Wildlife, for the
13 biennium beginning July 1, 2019, out of the General Fund, the amount
14 of \$_____, which may be expended for the department to carry out
15 the duties of the department under sections 2 to 8 of this 2019 Act.

16 **“(3)** In addition to and not in lieu of any other appropriation, there
17 is appropriated to the Higher Education Coordinating Commission, for
18 distribution to the College of Agricultural Sciences of Oregon State
19 University, for the biennium beginning July 1, 2019, out of the General
20 Fund, the amount of \$_____, which may be expended by the college
21 to conduct the study required under section 10 of this 2019 Act.

22 **“SECTION 17.** (1) Sections 2 to 8 of this 2019 Act and the amend-
23 ments to ORS 196.816 by section 9 of this 2019 Act become operative
24 on January 1, 2020.

25 **“(2)** The State Department of Agriculture, the Department of State
26 Lands and the State Department of Fish and Wildlife may take any
27 action before the operative date specified in subsection (1) of this sec-
28 tion that is necessary to enable the State Department of Agriculture,
29 the Department of State Lands and the State Department of Fish and
30 Wildlife, on and after the operative date specified in subsection (1) of

1 **this section, to exercise all of the duties, powers and functions con-**
2 **ferred on the State Department of Agriculture, the Department of**
3 **State Lands and the State Department of Fish and Wildlife by sections**
4 **2 to 8 of this 2019 Act and the amendments to ORS 196.816 by section**
5 **9 of this 2019 Act.**

6 **“SECTION 18. This 2019 Act being necessary for the immediate**
7 **preservation of the public peace, health and safety, an emergency is**
8 **declared to exist, and this 2019 Act takes effect on its passage.”.**

9
