

HB 4155 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. McLain

Action Date: 02/05/20
Action: Do Pass.
Vote: 6-0-1-0
Yeas: 6 - Boshart Davis, Clem, McLain, Post, Smith DB, Williams
Exc: 1 - Helm
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Beth Reiley, LPRO Analyst
Meeting Dates: 2/3, 2/5

WHAT THE MEASURE DOES:

Establishes that Department of State Lands (DSL) or State Department of Agriculture (ODA) rules implementing traditionally maintained channels program may provide for implementation on region-by-region basis. Requires implementation throughout state within five-year period. Establishes that the adoption of implementation rules does not modify DSL, ODA, or Department of Fish and Wildlife duties, functions, or powers under the traditionally maintained channels program. Sunsets Act on January 2, 2030. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Previous work group and legislative process
- Intention was always regionally phasing in implementation
- Agency efforts since original legislation was passed
- Maintains existing responsibilities from previous legislation

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon farmers remove silt build-up from waterways on their agricultural lands to ensure drainage of subsurface water. Typically, the volume of material they are legally allowed to remove under the state removal-fill law is limited to 50 cubic yards without a permit for most channels and 100 cubic yards with a streamlined general permit. The removal of larger quantities of material may be permissible with an individual permit. The Department of State Lands (DSL) is the regulatory agency that administers the removal-fill law and issues permits for activities that occur within waters of the state. The legislature passed HB 2437 in 2019, establishing a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels. The measure also directed DSL to establish a streamlined general permit for maintenance in wet channels.

House Bill 4155 would establish that DSL or State Department of Agriculture rules for implementing the traditionally maintained channels program may provide for regional implementation throughout the state within a five-year period.