

HB 2032 STAFF MEASURE SUMMARY

Carrier: Rep. McLain, Rep. Smith
DB

House Committee On Agriculture and Natural Resources

Action Date: 03/23/21

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Breese-Iverson, Cate, Hudson, Marsh, McLain, Post, Reardon, Smith DB, Williams, Witt

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Stuty Maskey, LPRO Analyst

Meeting Dates: 2/4, 3/23

WHAT THE MEASURE DOES:

Establishes that Department of State Lands (DSL) or Oregon Department of Agriculture (ODA) rules for 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 rules for regional implementation 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, 2031. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Benefits of a phased approach to implementation of the traditionally maintained channels program
- Roles of different agencies to implement traditionally maintained channels program

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 is the regulatory agency that administers the removal-fill law and issues permits for activities that occur within waters of the state. The Legislative Assembly passed House Bill 2437 in 2019, establishing a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels.

House Bill 2032 establishes that Department of State Lands and Oregon Department of Agriculture rules for implementing the traditionally maintained channels program may provide for regional implementation, and requires implementation throughout the state within a five-year period.