

**SB 873 A STAFF MEASURE SUMMARY**

**Senate Committee On Natural Resources**

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**Action Date:** 03/29/23

**Action:** Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Girod, Golden, Prozanski, Smith DB, Taylor

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Laura Kentnesse, LPRO Analyst

**Meeting Dates:** 2/27, 3/27, 3/29

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**WHAT THE MEASURE DOES:**

Directs the Land Conservation and Development Commission (Commission), by January 1, 2026, to adopt rules to allow soil bioengineering systems to be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. Requires that the rulemaking include adopting a definition of "soil bioengineering systems" that includes natural materials that are dynamic and absorb wave energy, and that are meant to mimic natural systems. Specifies materials that may be used and structural methods that may not be used. Specifies that the definition must be separate and distinct from existing rules and definitions for shoreline stabilization. Requires that the rulemaking ensure that soil bioengineering systems conform with statewide land use planning goals and that land use management practices and nonstructural solutions are prioritized over structural solutions in addressing problems of erosion and flooding. Requires the Commission, in adopting the rules, to confer with the Department of State Lands (DSL), Oregon Department of Transportation (ODOT), and Oregon Parks and Recreation Department (OPRD) and to appoint an advisory committee that includes specified members. Prohibits the Commission from substantively amending any process established by rule that allows ODOT to perform actions or undertake projects that use shoreline stabilization that includes structural methods, elements, or solutions. Authorizes DSL and OPRD, by January 1, 2027, to adopt rules conforming or consistent with the rules adopted by the Commission.

**ISSUES DISCUSSED:**

- Identification of the best terminology to describe these coastal protection methods
- Integration with existing rules related to stabilization
- State agency collaborative work to generate amendment
- No intent to alter ODOT's existing processes to stabilize coastal highways
- Potential Infrastructure Investment and Jobs Act federal funding for these projects, with no state match component

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

Coastal shorelines are dynamic, and constantly changing in response to wind, waves, tides, and increasingly rising sea levels and intensified storm impacts. Coastal bioengineering practices aim to protect property and provide habitat connectivity by reducing erosion and stabilizing shorelines.

Some shoreline stabilization methods employ "hard materials" for protection, including bulkheads, retaining walls, walkways, and roads. These methods are frequently discouraged by state agencies as being environmentally destructive and having a tendency to collapse over time, necessitating expensive repairs.

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Bioengineering practices that employ "soft materials" typically install deep-rooted native plant species, logs, root wads, vegetative mats, and other methods that reduce or eliminate the need for hard materials. Soft methods are frequently encouraged by state agencies as imitating natural systems, adapting to environmental conditions, and providing habitat for fish and wildlife.

Senate Bill 873 A would direct the Land Conservation and Development Commission to adopt rules to allow soil bioengineering systems to be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore.