

HB 4155 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 2/18

WHAT THE MEASURE DOES:

Establishes that Department of State Lands (DSL) or State Department of Agriculture (ODA) rules implementing the traditionally maintained channels program may provide for implementation on region-by-region basis. Requires rules must provide for implementation throughout state within five-year period. Establishes that the Act 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.

No subsequent referral

Has minimal fiscal impact

No revenue impact

ISSUES DISCUSSED:

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 House Bill 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 the State Department of Agriculture rules for implementing the traditionally maintained channels program may provide for regional implementation, while also requiring implementation throughout the state within a five-year period.