

HB 2032 STAFF MEASURE SUMMARY

Carrier: Sen. Kennemer

Senate Committee On Natural Resources and Wildfire Recovery

Action Date: 04/26/21

Action: Do pass.

Vote: 4-0-1-0

Yeas: 4 - Golden, Kennemer, Patterson, Prozanski

Exc: 1 - Heard

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 4/21, 4/26

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:

- 2019 legislation to authorize channel maintenance notification program
- Phased approach to allow flexibility to address regional differences

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 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 DSL 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.