

SB 873 -5 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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

WHAT THE MEASURE DOES:

Allows the Department of Land Conservation and Development, Department of State Lands, and Department of Transportation to use bioengineering practices that incorporate "natural materials" for projects that mitigate, preserve, restore, remediate, or stabilize coastal resources. Describes authorized "natural materials" as including trees, plants, logs, rocks, and woody debris.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Replaces the measure. Directs the Land Conservation and Development Commission (Commission), by January 1, 2026, to adopt rules to allow soil bioengineering systems for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. Requires that the rulemaking include adoption of 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 in estuaries, coastal shorelands, and the ocean shore. 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.

FISCAL: Has fiscal impact

REVENUE: No revenue impact

BACKGROUND:

Coastal shorelines are dynamic, 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.

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

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providing habitat for fish and wildlife.

Senate Bill 873 would allow the Department of Land Conservation and Development, Department of State Lands, and Department of Transportation to use bioengineering practices that incorporate natural materials for projects that mitigate, preserve, restore, remediate, or stabilize coastal resources.