

A-Engrossed
Senate Bill 873

Ordered by the Senate April 10
Including Senate Amendments dated April 10

Sponsored by Senators SMITH DB, ANDERSON; Senator WEBER, Representatives GOMBERG, JAVADI, WRIGHT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows Department of Land Conservation and Development, Department of State Lands or Department of Transportation to allow bioengineering to protect coastal resources.]

Requires Land Conservation and Development Commission to adopt rules by January 1, 2026, to allow soil bioengineering systems for shoreline stabilization. Allows Department of State Lands and State Parks and Recreation Department to adopt conforming rules by January 1, 2027.

A BILL FOR AN ACT

1
2 Relating to bioengineering for the protection of coastal resources.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) On or before January 1, 2026, the Land Conservation and Development**
5 **Commission shall adopt rules to incorporate the allowance of soil bioengineering systems for**
6 **shoreline stabilization in estuaries, coastal shorelands and the ocean shore, including by:**

7 (a) **Adopting a definition of "soil bioengineering systems" that includes natural materials**
8 **that are dynamic and absorb wave energy and are meant to mimic natural systems. Materi-**
9 **als may include, but are not limited to, trees, plants, logs, rocks, and woody debris. "Soil**
10 **bioengineering systems" may not include structural methods of shoreline stabilization that**
11 **are static and reflect wave energy. The definition must be separate and distinct from existing**
12 **rules and definitions for shoreline stabilization in estuaries, coastal shorelands and the ocean**
13 **shore which include jetties, bulkheads, seawalls, riprap, beachfront protective structures and**
14 **other similar protective structures.**

15 (b) **Requiring that soil bioengineering systems conform with statewide land use planning**
16 **goals and that land use management practices and nonstructural solutions are prioritized**
17 **over structural solutions in addressing problems of erosion and flooding.**

18 (2) **In adopting rules under this section the commission:**

19 (a) **Shall confer with the Department of State Lands, the Department of Transportation**
20 **and the State Parks and Recreation Department;**

21 (b) **Shall appoint an advisory committee under ORS 183.333 that must include members**
22 **who are coastal engineering professionals, representatives of environmental and recreational**
23 **organizations, fish and wildlife professionals and local government officials and that may in-**
24 **clude other individuals; and**

25 (c) **May not substantively amend any process established by rule that allows the De-**
26 **partment of Transportation to perform actions or undertake projects that use shoreline**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 stabilization that includes structural methods, elements or solutions.

2 **SECTION 2. On or before January 1, 2027, the Department of State Lands and the State**
3 **Parks and Recreation Department may adopt rules conforming or consistent with the rules**
4 **adopted by the Land Conservation and Development Commission under section 1 of this 2023**
5 **Act.**

6
