SB 504 -2, -4 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

Prepared By: Alexa Piscanio, LPRO Analyst
Meeting Dates: 2/6, 2/18, 2/25

WHAT THE MEASURE DOES:

The measure directs the Land Conservation and Development Commission to adopt rules to allow soil bioengineering systems be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore, requiring that the rules adopted conform with statewide land use planning goals, and that the Department of State Lands (DSL), Department of Transportation, and the State Parks and Recreation Department (ORPD) appoint an advisory committee for the rulemaking process. Authorizes DSL and OPRD to adopt conforming rules by January 1, 2029.

Fiscal impact: May have fiscal impact, but no statement yet issued.

Revenue impact: No revenue impact.

Detailed Summary:

Directs the Land Conservation and Development Commission (LCDC), to adopt rules allowing the use of soil bioengineering systems for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore by January 1, 2028. 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 mimic natural systems, while remaining separate and distinct from existing rules and definitions. Specifies permissible materials, prohibits certain structural methods, and requires that soil bioengineering systems conform with statewide land use planning goals, prioritizing land management practices and nonstructural solutions over structural interventions for erosion and flooding. Requires the LCDC collaborate 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 for rulemaking. Prohibits the LCDC from altering any existing rules to allow ODOT to use shoreline stabilization that includes structural methods, elements, or solutions. Authorizes DSL and OPRD to adopt related rules by January 1, 2029.

ISSUES DISCUSSED:

- Materials used in soil bioengineering
- -4 amendment; difference between terms "soil bioengineering" and "nonstructural, nature based solutions"

EFFECT OF AMENDMENT:

-2 Replaces the term "soil bioengineering" with "ecological engineering" and adds absorption of river energy to the definition of "ecological engineering."

Fiscal impact: Fiscal impact issued

Revenue impact: No revenue impact

-4 Replaces measure.

Replaces the term “soil bioengineering” with “nonstructural, nature based solutions for shoreline stabilization,” requiring the Department of Land Conservation and Development Commission (DLCD) to adopt a definition of “nonstructural, nature based solutions” that clarifies trees and plants as native organisms, adds shellfish to list of natural materials that are dynamic and absorb wave energy, and requires that criteria be included for wildlife

habitat, water quality improvement, cultural and recreational resources, and public access. Requires DLCD conduct rulemaking to provide guidance for the use on nonstructural, nature-based solutions to minimize impact from flooding and erosion, and requires that the advisory committee include tribal representatives and land owners or managers.

Fiscal impact: May have fiscal impact, but no statement yet issued.

Revenue impact: May have revenue impact, but no statement yet issued.

BACKGROUND:

Coastal shorelines change in response to wind, waves, tides, rising and falling sea levels, and 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. 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.