
2017 SUMMARY OF LEGISLATION



AGRICULTURE AND NATURAL RESOURCES



AGRICULTURE AND NATURAL RESOURCES MEASURES

Agriculture and Food	Enacted: SB 18, SB 677, HB 2038, HB 2533, HB 3116, HB 3249 Not Enacted: SB 197, HB 2043, HB 2371-A, HB 2372-A, HB 2469, HB 2535-A, HB 3193
Animals and Wildlife	Enacted: SB 372, SB 373, HB 2576 Not Enacted: SB 222, HB 3228
Fish and Shellfish	Enacted: HB 2784 Not Enacted: SB 172, HB 2485, HB 3153, HB 3234-A
Forests	Enacted: Not Enacted: SB 892, SB 1017, HB 3226, HJM 11
General Agriculture and Natural Resources Policy	Enacted: HB 2739 Not Enacted: SB 198, SB 805, HB 2027-B, HB 2365, HB 2853, HB 3050
Invasive Species	Enacted: Not Enacted: SB 789, HB 2321-B, HB 3151
Mining	Enacted: SB 3, SB 644, SB 1036 Not Enacted:
Recreation	Enacted: HB 2883, HB 3149 Not Enacted: SB 643-A, SB 745
State Lands	Enacted: SB 847 Not Enacted: SB 958, HB 2786
Water	Enacted: HB 2099, HB 2295, HB 2722, HB 3051 Not Enacted: HB 2297, HB 2485, HB 2705, HB 2706-A, HB 2707-A

Picture: Philomath Barn, Benton County - [Gary Halvorson, Oregon State Archives](#)

AGRICULTURE AND NATURAL RESOURCES TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

SB 372	Directs Oregon Department of Fish and Wildlife to report on implementation of wildlife salvage permit rules to committees related to environment and natural resources.	During 2023 regular session
SB 373	Directs Oregon Department of Fish and Wildlife to report on implementation of urban deer population control pilot program to committees related to environment and natural resources.	During 2027 regular session
HB 3249	Directs Legislative Policy and Research Office director to report findings and recommendations of study examining financial tools with regard to land transfer and succession planning for working land.	September 15, 2018

[Senate Bill 3](#)

Effective Date: January 1, 2018

Suction Dredge Mining

Chief Sponsors: Sen. Courtney

Committees: Senate Environment and Natural Resources, House Energy and Environment

Background and Current Law: Senate Bill 838 (2013) imposed a moratorium from January 2, 2016 until January 2, 2021 on motorized mining for precious metals in-stream and upland of rivers and tributaries with essential indigenous salmon habitat or naturally reproducing populations of bull trout. In areas where the moratorium did not apply, the measure capped the issuance of permits at 850 during the same period.

Bill Summary: Senate Bill 3 repeals the previous moratorium and prohibits motorized in-stream placer mining up to the ordinary high water line in any river containing essential indigenous anadromous salmonid habitat. The measure requires suction dredge operators to obtain an individual permit or a general permit from the Oregon Department of Environmental Quality in other areas.

Oregon Laws 2017: Chapter 300

[Senate Bill 18](#)

Effective Date: January 1, 2018

Food Safety Administration

At the request of: Governor Brown for State Department of Agriculture

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources

Background and Current Law: According to the U.S. Food and Drug Administration (FDA), 48 million Americans (about 1 in 6) get sick each year, 128,000 are hospitalized, and 3,000 die because of foodborne illnesses. The FDA Food Safety Modernization Act was signed into law on January 4, 2011. The law focuses on prevention and directs the FDA to develop and implement strategies to better coordinate with and enhance the food safety programs of state and local agencies to achieve national food safety goals. The Oregon Department of Agriculture administers the state's food safety laws.

Bill Summary: Senate Bill 18 designates the Oregon Department of Agriculture as the state agency having primary responsibility to administer and enforce duties, functions, and powers imposed on or granted to state agencies under the FDA Food Safety Modernization Act.

Oregon Laws 2017: Chapter 303

[Senate Bill 172](#)

Not Enacted

Fish Screen, Bypass, and Fishway Tax Credit

At the request of: Senate Interim Committee on Finance and Revenue

Committees: Senate Environment and Natural Resources, Joint Tax Credits

Background and Current Law: Water from rivers and streams is diverted out-of-stream for irrigation, power generation, drinking water, and other uses. These diversions can also pull fish into pumps, irrigation canals, and fields. Fish screens are placed at a point of water diversion to allow water to pass through while preventing fish from entering the diversion. A bypass can be a pipe, flume, or open channel that transports fish back to the water body from which they were diverted. A fishway, such as a fish ladder, allows fish to pass around a dam. In Oregon, a taxpayer may be eligible for a tax credit of 50 percent (up to \$5,000) of the cost of installing a new fish screen, bypass, or fishway if the diversion is not part of a federally licensed hydroelectric project.

Bill Summary: Senate Bill 172 would have extended the sunset for the fish screening device tax credit until January 1, 2024.

[House Bill 2066](#) was enacted and extends the sunset on the fish screening credit to 2024.

[Senate Bill 197](#)

Not Enacted

Dairy Air Emissions

At the request of: Senate Interim Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources

Background and Current Law: Senate Bill 235 (2007) established a Task Force on Dairy Air Quality and charged it with studying the emissions from dairy operations, evaluating available alternatives for reducing emissions, and presenting findings and recommendations to the Oregon departments of Agriculture and Environmental Quality. The task force delivered its report in July 2008, recommending that the Oregon Environmental Quality Commission work with other agencies to adopt rules to implement a program, based upon a set of guiding principles, starting as a voluntary program.

Bill Summary: Senate Bill 197 would have directed the Oregon Environmental Quality Commission to adopt by rule a program for regulating air contaminant emissions from dairy confined animal feeding operations based, to the extent feasible, on the recommendations of the Task Force on Dairy Air Quality.

[Senate Bill 198](#)

Not Enacted

Oregon Independent Science Review Board

At the request of: Senate Interim Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources

Background and Current Law: Senate Bill 202 (2015) established the Task Force on Independent Scientific Review for Natural Resources to evaluate and assess the need for independent science review in Oregon and to make recommendations to the governor and appropriate legislative committees. The final task force report was submitted to the legislature in September 2016.

Bill Summary: Senate Bill 198 would have created the Oregon Independent Science Review Board to convene scientific panels to address questions from state agencies, local governments, and private persons for independent scientific review of complex, multidisciplinary natural resource issues that required the involvement of multiple agencies.

[Senate Bill 222](#)

Not Enacted

Veterinary Prescriptions

At the request of: Senate Interim Committee on Education

Committees: Senate Environment and Natural Resources

Background and Current Law: Veterinarians are licensed to practice in Oregon and can prescribe or administer a drug or medicine for the prevention, cure, amelioration, correction, or modification of an animal problem as an act constituting the practice of veterinary medicine.

Bill Summary: Senate Bill 222 would have directed the Oregon State Veterinary Medical Examining Board to adopt rules requiring veterinarians to provide animal owners with a copy of a prescription and a written statement that owners may purchase the prescription from the prescriber or a pharmacy chosen by the owners. The measure prohibited the prescriber from charging a fee for a prescription.

[Senate Bill 372](#)

Effective Date: January 1, 2018

Wildlife Salvage Permits

Chief Sponsors: Sen. Hansell

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources

Background and Current Law: Oregon law allows a person to kill crippled or helpless wildlife when the killing is done for humane purposes. Such action must be immediately reported to a person authorized to enforce wildlife laws and the wildlife must be disposed of as directed by the Oregon Fish and Wildlife Commission.

Bill Summary: Senate Bill 372 directs the Oregon Fish and Wildlife Commission to adopt rules for the issuance of wildlife salvage permits to allow game meat from deer and elk accidentally killed as a result of a car accident to be used for human consumption. The Oregon Department of Fish and Wildlife is directed to prepare and submit a report on the program to the 2023 Legislative Assembly, and the program sunsets on January 1, 2024.

Oregon Laws 2017: Chapter 330

[Senate Bill 373](#)

Effective Date: January 1, 2018

Urban Deer Control Pilot Program

Chief Sponsors: Sen. Hansell; Rep. Barreto

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources

Background and Current Law: Individual deer can consume 5 to 10 pounds of forage per day, depending on the season. In urban and neighborhood settings, browsing can affect flower and vegetable gardens, damage landscapes, empty bird feeders, and damage economically valuable trees and other plants. Increased deer populations can also spread tick-borne illnesses, such as Lyme disease.

Bill Summary: Senate Bill 373 directs the Oregon Fish and Wildlife Commission to establish a pilot program to control urban deer populations in cities where deer constitute a public nuisance.

Oregon Laws 2017: Chapter 331

[Senate Bill 643-A](#)

Not Enacted

River Helmet Requirement for Class III Waters or Higher

Chief Sponsors: Sen. Monnes Anderson; Rep. Gorsek

Committees: Senate Environment and Natural Resources, Senate Rules

Background and Current Law: Rivers and river segments are rated using roman numerals I through VI, according to the International Scale of River Difficulty. Class III waters are described by the American Whitewater Association as having “rapids with moderate, irregular waves which may be difficult to avoid and which can swamp an open canoe.”

Bill Summary: Senate Bill 643-A would have required an outfitter or guide using a boat to carry passengers on any section of river rated Class III or higher to offer to all passengers a helmet that met the standards established by the Oregon Marine Board.

Mining Permit Requirements

Chief Sponsors: Sens. Girod, Dembrow

Committees: Senate Environment and Natural Resources, Senate Rules, Joint Ways and Means

Background and Current Law: Mineral exploration and production in Oregon is regulated by the Oregon Department of Geology and Mineral Industries (DOGAMI), in cooperation with other state, federal, and local agencies to ensure the protection of adjacent natural resources and future beneficial use of mined lands. A five-member Governing Board of citizens, appointed by the governor and confirmed by the Oregon Senate, oversees the department.

Under current law, mining activities may be allowed on exclusive farm use land with the express approval of the local governing body if it determines that the activity will not force a significant change in the accepted farm or forest practices on surrounding lands, or increase the cost of such practices.

Senate Bill 838 (2013) imposed a moratorium from January 2, 2016 until January 2, 2021 on motorized mining for precious metals in-stream and upland of rivers and tributaries with essential indigenous salmon habitat or naturally reproducing populations of bull trout. In areas where the moratorium did not apply, the measure capped the issuance of permits at 850 during the same period.

Bill Summary: Senate Bill 644 defines a “significant mineral resource site” as a non-aggregate mining site located at least one mile outside of a city that either has an estimated 500,000 ounces or more of precious minerals and will create 75 or more full-time mining jobs or will create 100 or more full time mining jobs. For a significant mineral resource site on land zoned for exclusive farm use in Baker, Grant, Harney, Lake, Malheur, Union or Wallowa counties, the measure specifies that a land use application is not subject to a local governing body’s determination that the activity will not force a significant change in the accepted farm or forest practices on surrounding lands or significantly increase the cost of such practices on surrounding lands. The measure requires a county to deny a land use permit for a mine if it determines that the proposed use will conflict with an administrative rule adopted to implement the Oregon Sage-Grouse Action Plan or cause significant conflicts with one of the following: road capacity, safety at airports due to birds, health and safety of residential uses within certain distances of the site, or other factors.

Oregon Laws 2017: Chapter 736

[Senate Bill 677](#)

Effective Date: January 1, 2018

Cider Business on Farm and Forest Lands

Chief Sponsors: Sens. Olsen, Johnson, Thomsen; Rep. Post

Committees: Senate Environment and Natural Resources, House Economic Development and Trade

Background and Current Law: House Bill 3280 (2011) described the activities and events that a winery may hold when established as a permitted use on lands zoned for exclusive farm use.

Bill Summary: Senate Bill 677 establishes a cider business as a permitted use on exclusive farm use and mixed farm and forest use lands. The measure, modeled on the winery statute, also specifies the related uses allowed at such businesses and authorizes agritourism or other commercial events at these locations up to 18 days each calendar year.

Oregon Laws 2017: Chapter 253

[Senate Bill 745](#)

Not Enacted

Ocean Beach Fund

Chief Sponsors: Sen. Roblan

Committees: Senate Environment and Natural Resources, Senate Finance and Revenue

Background and Current Law: Oregon law imposes a state tax of 1.8 percent that is lowered to 1.5 percent after the year 2021 on the sale, service, or furnishing of transient lodging. “Transient lodging” includes: a hotel, motel, or inn dwelling unit that is used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.

Bill Summary: Senate Bill 745 would have directed transient lodging tax revenue, after refunds, collected by the Oregon Department of Parks and Recreation for providing transient lodging at state recreation areas located along the ocean shore, to a new Ocean Beach Fund. The fund was to be used to pay for agency expenses for managing state recreation areas along the ocean shore.

[Senate Bill 789](#)

Not Enacted

Use of Giant Cane as Biomass

At the request of: Senate Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources

Background and Current Law: *Arundo donax* L., also known as giant cane, is a tall, perennial grass-like bamboo that originates in areas around the Mediterranean Sea. Originally planted along waterways to control erosion, the plant is now considered an invasive species by the U.S. Department of Agriculture. The plant has come under consideration as a biomass energy crop because it is hardy, fast growing, and high-yield. Portland General Electric studied growing the plant for use in biomass combustion at the Boardman Coal Plant. In 2011, the state authorized a 400-acre test plot and required growers to post a \$1 million eradication bond.

Bill Summary: Senate Bill 789 would have required public utilities that grow giant cane, or other invasive species for use as biomass, to maintain a surety bond of a minimum of \$1 million on file with the Oregon Department of Agriculture and eradicate the species from any property to which it spread.

[Senate Bill 805](#)

Not Enacted

OSU Extension and Forest Research Laboratory Funding

Chief Sponsors: Sens. Roblan, Girod; Reps. Clem, Hack

Committees: Senate Environment and Natural Resources, Joint Ways and Means

Background and Current Law: The Oregon State University (OSU) Agricultural Experiment Station conducts research and demonstrations in the agricultural, biological, social, and environmental sciences. Research is conducted in Corvallis and at 11 branch stations throughout the state. The OSU Forest Research Laboratory conducts research on sustainable forest yields, use of forest products, and stewardship of Oregon's resources.

Bill Summary: Senate Bill 805 would have appropriated funds to support the agricultural experiment station and branch stations, the OSU Extension Service, and OSU Forest Research Laboratory programs.

[Senate Bill 847](#)

Effective Date: January 1, 2018

Identification of State Trust Lands

Chief Sponsors: Sen. Roblan, Devlin

Committees: Senate Environment and Natural Resources, Joint Ways and Means

Background and Current Law: The Oregon Admissions Act (1859) granted sections of every township to the state for the use of schools. According to the Oregon Department of State Lands, this land grant equaled approximately six percent of the state’s land area, or 3.4 million acres. Today, approximately 740,000 acres remain in state ownership. The Oregon Constitution and legislative action dedicate these lands and their resources and income to the Common School Fund (CSF). The State Land Board, made up of the Governor, State Treasurer, and Secretary of State, is the CSF trustee. The board distributes a portion of the funds twice each year to the Oregon Department of Education, which in turn distributes the funds to school districts.

Bill Summary: Senate Bill 847 authorizes the State Land Board to identify and submit to the Legislative Assembly a list of state trust lands with limited performance potential as assets of the Common School Fund for transfer to another state or federal agency or tribe.

Oregon Laws 2017: Chapter 693

[Senate Bill 892](#)

Not Enacted

Aerial Pesticide Applications to Forestlands

Chief Sponsors: Sen. Dembrow

Committees: Senate Environment and Natural Resources

Background and Current Law: Under current Oregon law, a person may apply pesticides from an aircraft if they hold a pesticide applicator’s license and a license to operate the aircraft from which the pesticide is being applied. The application of chemicals on forestland is also identified by administrative rule as a forest practice that requires written notice to the State Forester.

Bill Summary: Senate Bill 892 would have directed the Oregon Department of Forestry to maintain an electronic reporting and notification system, including provisions for filing, viewing, and sending notices and reports to the State Forester of aerial application of pesticides to privately owned forestland. The measure required an operator, timber owner, or landowner using the system to file notice of a proposed application with the State Forester no later than 15 business days prior to the proposed date of application.

[Senate Bill 958](#)

Not Enacted

Crude Oil Transport Facility Permitting

Chief Sponsors: Sen. Dembrow

Committees: Senate Environment and Natural Resources

Background and Current Law: Oregon law requires anyone who plans to remove or fill more than 50 cubic yards of material in a wetland or waterway to obtain a removal-fill permit from the Oregon Department of State Lands (DSL). For activities in state designated areas of essential salmonid habitat, state scenic waterways, and compensatory mitigation sites, a permit is required for any amount of removal or fill.

Bill Summary: Senate Bill 958 would have authorized DSL to issue a removal-fill permit for projects that facilitated the transport of crude oil only if the project met statutory requirements, was for public use, and would have satisfied a public need that outweighed harm to navigation, fisheries, and recreation.

[Senate Bill 1017](#)

Not Enacted

Forestland-Urban Interface Buffer Tax Credits

Chief Sponsors: Sen. Ferrioli

Committees: Senate Environment and Natural Resources

Background and Current Law: The Oregon Forestland-Urban Interface Fire Protection Act was passed in 1997 to require property owners in identified interface areas to reduce excess vegetation around structures and along driveways. Forestland-urban interface lands include lands within a forest protection district that have been divided into lots for residential development. A forestland-urban interface area is composed of groups of homes; the minimum grouping is four homes per 40 acres.

Bill Summary: Senate Bill 1017 would have required the State Forester to establish guidelines for wildfire buffer zones to provide defensible space on lands in forestland-urban interface areas and created a tax credit for landowners who file a certificate of compliance with buffer guidelines. The guidelines would have been in addition to requirements under the 1997 Oregon Forestland-Urban Interface Fire Protection Act.

[Senate Bill 1036](#)

Effective Date: January 1, 2018

Definition of Surface Mining

At the request of: Senate Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources, House Rules

Background and Current Law: Reclamation refers to the process of rehabilitating surface resources to minimize the adverse effects of surface mining operations or exploration of land, air, and water resources. Most mines in Oregon are aggregate mines. Aggregate is the main ingredient in concrete and asphalt pavement and is used for roads and buildings. The Oregon Department of Geology and Mineral Industries administers the state's surface mining reclamation program and issues operating permits for material extraction activity that exceeds one acre of disturbance or 5,000 cubic yards of excavation in any 12-month period.

Bill Summary: Senate Bill 1036 revises the statutory definition of surface mining to exempt from state mine operating permit requirements the excavation or movement of materials at landfills covered by a state landfill permit or excavation and movement of materials related to the construction or maintenance of utilities or drainage facilities.

Oregon Laws 2017: Chapter 743

[House Bill 2027-B](#)

Not Enacted

Prohibition of Construction on Deschutes Scenic Waterway

Chief Sponsors: Reps. Clem, Whisnant

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources, Senate Rules

Background and Current Law: Oregonians voted in 1970 to establish the Scenic Waterways Program to balance waterway protection and use through cooperation between federal, state, and local agencies as well as individual property owners and those who recreate along waterways. Oregon law declares that the highest and best uses of the waters within scenic waterways are recreation and fish and wildlife uses, and it directs that the free-flowing character of these waters be maintained in quantities necessary for these uses.

Bill Summary: House Bill 2027-B would have prohibited the construction of a bridge crossing the Deschutes Scenic Waterway in a specified river segment located within the City of Bend urban growth boundary and allowed the construction of a pedestrian or foot bridge crossing a segment of the Deschutes Scenic Waterway located within 520 feet upstream of the urban growth boundary.

[House Bill 2038](#)

Effective Date: August 2, 2017

Farm-to-School Funding and Grants

Chief Sponsors: Reps. Clem, Brock Smith

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: House Bill 2800 (2011) created the Farm-to-School program in Oregon, which awards grants to school districts and partner organizations to purchase Oregon food products or provide food-based, agriculture-based, or garden-based educational activities.

Bill Summary: House Bill 2038 appropriates \$4.5 million to continue the Farm-to-School program to be used for noncompetitive grants for purchasing Oregon food products; competitive grants to provide food-, agriculture-, or garden-based educational activities; and costs to administer the grant programs. The measure specifies that proceeds from noncompetitive grants for school districts to purchase food produced or processed in Oregon may not be used to supplant products that were purchased prior to receiving a grant unless the food meets criteria adopted by the Oregon Department of Education and it expands the list of organizations that may apply for competitive grants.

Oregon Laws 2017: Chapter 609

[House Bill 2043](#)

Not Enacted

Noxious Weed Control Funding

Chief Sponsors: Rep. G. Smith

Committees: House Agriculture and Natural Resources

Background and Current Law: A weed is designated noxious when it is considered by a governmental agency to be injurious to public health, agriculture, recreation, wildlife, or property. The Oregon Department of Agriculture Noxious Weed Control Program coordinates and implements noxious weed control projects, which are implemented by county weed control programs throughout Oregon. House Bill 3358 (2011) established a grant process for funding designated county weed control districts. As of 2017, state funding has not been allocated for grants.

Bill Summary: House Bill 2043 would have appropriated \$1 million for the 2017-19 biennium for state- and county-level activities to carry out noxious weed control.

[House Bill 2099](#)

Effective Date: August 15, 2018

Municipal Water Rights Extensions

At the request of: House Interim Committee on Rural Communities, Land Use and Water

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: A municipality must obtain a water right permit from the Oregon Water Resources Department (OWRD) before it can divert and use surface or ground water. House Bill 3038 (2005) specified that unlike other water rights holders who have up to five years, municipalities have up to 20 years to develop a water right permit. The measure allowed OWRD to grant extensions of time to develop a municipal water right permit if certain conditions were met, including maintaining the persistence of fish species listed as sensitive, threatened, or endangered under state or federal law.

Bill Summary: House Bill 2099 specifies that the undeveloped portion of a water right permit, for the purpose of determining the water to which fish persistence conditions should be applied, is the later of June 29, 2005 or the time specified in the municipality’s permit or last approved extension to perfect the water right. The measure requires municipalities to submit a water management and conservation plan and obtain approval from OWRD as a requirement of approving an extension.

Oregon Laws 2017: Chapter 704

[House Bill 2295](#)

Effective Date: July 19, 2017

Water Right Transactions and Dam Safety Fees

At the request of: Governor Brown for Water Resources Department

Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: The Oregon Water Resources Department (OWRD) conducts a variety of transactions, including processing water right applications and transfers and issuing water right certificates and limited licenses. The fees charged by OWRD are set in statute and were temporarily increased with the passage of House Bill 2259 (2013); the temporary increases are scheduled to sunset July 1, 2017, with fees returning to 2009 levels.

Bill Summary: House Bill 2295 increases fees for certain OWRD services and eliminates fee reductions scheduled for July 1, 2017.

Oregon Laws 2017: Chapter 571

[House Bill 2297](#)

Not Enacted

Extension of the Task Force on Drought Emergency Response

At the request of: Governor Brown for Water Resources Department

Committees: House Agriculture and Natural Resources

Background and Current Law: House Bill 4113 (2016) established the Task Force on Drought Emergency Response to review and make recommendations on the tools and information needed to prepare for and respond to a drought. The task force was asked to: evaluate existing drought response tools and make recommendations to improve drought response; identify options to minimize the impact of drought on agriculture, municipalities, fish, wildlife, and other interests; identify data and resources needed to anticipate and understand drought effects; and recommend improvements to information sharing during a drought. The report of the task force was due November 1, 2016 and the task force closed on December 31, 2016.

Bill Summary: House Bill 2297 would have retroactively extended the sunset of the Task Force on Drought Emergency Response to December 31, 2018.

[House Bill 2321-B](#)

Not Enacted

Oregon Aquatic Invasive Species Boating Regulations

At the request of: Governor Brown for State Marine Board

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources, Joint Ways and Means

Background and Current Law: The Aquatic Invasive Species Prevention Program was established in 2009 to keep Oregon's lakes, rivers, and streams free of invasive species. The Oregon Department of Fish and Wildlife and the Oregon State Marine Board manage the program, and Oregon State Police and Oregon County Sheriffs enforce its regulations. In 2014, the National Sea Grant Law Center published a report recommending boaters drain standing or captured water and transport boats with plugs and valves open to minimize standing water where invasive species, like mussels, tend to live.

Bill Summary: House Bill 2321-B would have required boaters to remove or open all drain plugs, bailers, valves, or other devices used to control draining of water before transporting any boat within the state. The measure also required a person transporting a boat to return to an inspection station if stopped by a peace officer for bypassing a mandatory inspection station, providing the station is open and within five miles of the location of the stop.

[House Bill 2365](#)

Not Enacted

Task Force on Transfer of Federal Land Ownership

Chief Sponsors: Rep. Wilson

Committees: House Agriculture and Natural Resources

Background and Current Law: Within the state of Oregon, over 32 million acres, or approximately 53 percent of land, is owned by the federal government. This land includes over 15 million acres of national forests, 2.6 million acres of federally revested Oregon and California Railroad grant lands across 18 counties, and 15.7 million acres managed by the federal Bureau of Land Management.

Bill Summary: House Bill 2365 would have established the Task Force on the Transfer of Federal Land Ownership in Oregon to study the costs and benefits of transferring federal lands to state control, except for national parks, lands designated as part of the National Wilderness Preservation System, lands belonging to an Indian tribe that are held in trust by the United States, lands ceded to the United States by state statute, and national monuments. The task force would have been required to report back to the Legislative Assembly within 30 days of its final meeting, or as designated by the President of the Senate and the Speaker of the House of Representatives.

[House Bill 2371-A](#)

Not Enacted

Regulation of Industrial Hemp Seed as Flower Seed

Chief Sponsors: Reps. Wilson, Brock Smith

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Industrial hemp is an agricultural product that is subject to regulation by the Oregon Department of Agriculture (ODA) and refers to cannabis varieties that are grown for fiber, seed, or oil, or as a cover crop. Senate Bill 676 (2009) authorized the production of, possession of, and commerce in industrial hemp and commodities in Oregon, and House Bill 4060 (2016) authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed.

Bill Summary: House Bill 2371-A would have established the Oregon Industrial Hemp Fund and Agricultural Pilot Research Program under the Oregon Department of Agriculture, directed ODA and the College of Agricultural Sciences at Oregon State University to establish a program for labeling and certification of agricultural hemp seed, and allowed accredited independent laboratories to be approved for the testing of industrial hemp and related products. The measure would have exempted homegrown industrial hemp under four plants from licensing requirements and specified tetrahydrocannabinol concentration limits for various uses of industrial hemp.

[House Bill 2372-A](#)

Not Enacted

Establishment of Industrial Hemp Commission

Chief Sponsors: Reps. Wilson, Brock Smith

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Commodity commissions are made up of volunteers appointed by Oregon’s Director of Agriculture to serve as a link between production agriculture and decision makers. Oregon’s 23 commodity commissions are charged with supporting commodity industries and enhancing and preserving the economic interests of the state by engaging in public policy and educational activities related to the commodities they represent.

Bill Summary: House Bill 2372-A would have established the Oregon Industrial Hemp Commission as a commodity commission pursuant to Oregon law and authorized the Director of Agriculture to appoint members who are growers or handlers of industrial hemp on or before January 1, 2018.

[House Bill 2469](#)

Not Enacted

Local Control of Genetically Engineered Food Regulation

Chief Sponsors: Reps. Holvey, Marsh

Committees: House Agriculture and Natural Resources

Background and Current Law: Senate Bill 863 (2013 Special Session) prohibited local governments from enacting or enforcing regulations of agricultural, flower, vegetable, and nursery seed and seed products. The law exempts Jackson County, where voters banned the propagation, cultivation, raising, or growing of genetically modified organisms in 2014.

Bill Summary: House Bill 2469 would have allowed local governments to enact or enforce a local law to inhibit or prevent the production or use of genetically engineered seeds and seed products to protect non-genetically engineered seeds and products from potential adverse impacts.

[House Bill 2485](#)

Not Enacted

Point of Diversion Pilot Program for Fish Passage

Chief Sponsors: Rep. Bentz

Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: Water right transfers provide a method to change the point of diversion or appropriation, the place of use, or the beneficial use of a water right after its original issuance. The water right holder must obtain advance approval of a water right transfer from the Oregon Water Resources Department (OWRD) before making changes. In reviewing a transfer application, the OWRD is responsible for ensuring that other water right holders will not be injured as a result of the proposed change. Upon receipt of an application for a transfer, the OWRD publishes a notice of the application to provide other water right holders an opportunity to identify any injury that might occur as a result of the transfer.

Bill Summary: House Bill 2485 would have required OWRD, after consultation with the Oregon Department of Fish and Wildlife (ODFW), to establish a water right pilot program to encourage and facilitate point-of-diversion changes requested by ODFW to benefit fish passage.

[House Bill 2533](#)

Effective Date: January 1, 2018

Bee Colony Registration Fees

Chief Sponsors: Rep. Reardon

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: House Bill 3362 (2015) established a reporting system for pollinator die-offs, increased Oregon pesticide registration fees and apiary registration fees to provide extra funding for pollinator health-related activities, and directed Oregon State University to create educational materials on pollinator health. The bill required anyone who owns or manages five or more colonies to register with the Oregon Department of Agriculture, with all moneys collected to be spent on pollinator research. There are two types of colonies that require registration under the program: (1) pollinator colonies, also known as production colonies, which provide pollination service to agriculture or horticulture crops; and (2) nucleus colonies, which are smaller colonies of honey bees, not used for production purposes.

Bill Summary: House Bill 2533 clarifies that only pollinator colonies are subject to application and registration fees, and nucleus colonies are not.

Oregon Laws 2017: Chapter 52

[House Bill 2535-A](#)

Not Enacted

Noxious Weed Replacement Pilot Program

Chief Sponsors: Rep. Reardon

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: A weed is designated noxious when it is considered by a governmental agency to be injurious to public health, agriculture, recreation, wildlife, or property. The Oregon Department of Agriculture, in consultation with the State Weed Board, through the Noxious Weed Control Program, and through county weed programs around the state, coordinates and implements noxious weed control projects. An unintended consequence of noxious weed control is the eradication of some plants that supply pollen and nectar to pollinating insects.

Bill Summary: House Bill 2535-A would have directed the Oregon Department of Agriculture (ODA), in consultation with the State Weed Board, to establish a four-year pilot program to control noxious weeds and replace them with pollinator forage species. The bill would have authorized ODA to coordinate with counties and special weed control districts and other public and private entities and allowed ODA to seek gifts, grants, or donations from public and private sources to fund the program.

[House Bill 2576](#)

Effective Date: May 18, 2017

Trade of Protective Wildlife Species

Chief Sponsors: Rep. Rayfield

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In November 2016, Oregon voters passed Ballot Measure 100, which prohibits the purchase, sale, or possession with intent to sell parts or products from elephant, rhinoceros, whale, tiger, lion, leopard, cheetah, jaguar, pangolin, sea turtle, shark, or ray, subject to civil penalties. The measure created exceptions to the prohibition, including law enforcement activities; activities authorized by federal law; certain antiques over 100 years old; certain musical instruments; noncommercial transfers through estates, trusts, gifts; and possession by tribal members. An exception was also made for donations for scientific or educational purposes.

Bill Summary: House Bill 2576 clarifies exemptions to the provisions of Ballot Measure 100 for a bona fide scientific or educational institution, for scientific or educational purposes, when the sale is made pursuant to a written gift agreement or similar instrument entered into before July 1, 2017. The measure allows the Oregon Department of Fish and Wildlife (ODFW) to permit these institutions to engage in the purchase, sale, or donation of a lawfully acquired covered animal species part or product on or after July 1, 2017, and requires the institution to keep, and provide a copy to ODFW, of documentation of the transaction.

Oregon Laws 2017: Chapter 107

[House Bill 2705](#)

Not Enacted

Water Measurement and Reporting

Chief Sponsors: Rep. Helm

Committees: House Energy and Environment, House Rules

Background and Current Law: By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and groundwater. About 80 percent of water rights are for surface water, with the majority used for agricultural irrigation. The other 20 percent are for groundwater use. Only about 20 percent of water rights holders are required to report how much water they use to the Water Resources Department. Many of the rights holders that are required to report their water use are municipalities and industries.

Bill Summary: House Bill 2705 would have required a water appropriator to install, operate, and maintain a device at a point of diversion or appropriation to measure the amount, and would have allowed a determination of rate and duty, of water being used. The bill also would have required a water appropriator to report the water amount, rate, and duty information to the Water Resources Department.

[House Bill 2706-A](#)

Not Enacted

Water Management Fee

Chief Sponsors: Rep. Helm

Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and groundwater and is restricted to the place of use (tract of land), point of diversion (place where water is withdrawn), and type of use (i.e., irrigation or municipal). A water right is issued in two phases: a permit, then a certificate. A permit, if granted, is typically for up to five years and is the initial approval to construct a water system and begin using up to an allotted amount of water. A certificate is then issued when the user proves the allocated amount of water has been used for its intended purpose and any additional permit conditions have been met. A certificate does not expire if the water system it pertains to is used at least once every five years for its intended purpose.

Bill Summary: House Bill 2706-A would have imposed an annual \$100 management fee on each primary or supplemental water right under a water right permit, water right certificate, decree, or groundwater registration. The bill would have established a cap so that a municipality or water provider would not pay more than \$2,500 and a nonwater provider would not pay more than \$1,000. In addition, the bill would have required that the fee revenue be used only to fund field, technical scientific, and administrative duties directly related to water rights management.

[House Bill 2707-A](#)

Not Enacted

Groundwater Studies and Investigations

Chief Sponsors: Rep. Helm

Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: According to the Oregon Water Resources Department (OWRD), Oregon currently has 256,800 known wells, and several thousand new wells are built each year. Wells provide drinking water, water for irrigation and industry, and information about groundwater levels throughout the state. To monitor groundwater, OWRD has a network of approximately 1,100 observation wells. These wells provide information on current groundwater availability and long-term trends. OWRD coordinates with the United States Geological Survey to collect information for extensive water basin studies, which typically take five to six years to complete. To date, only about one-third of the state has been covered by basin studies.

Bill Summary: House Bill 2707 would have appropriated an unspecified amount of money from the General Fund to OWRD for groundwater studies and investigations to assess and manage Oregon's groundwater resources, in cooperation with the United States Geological Survey in priority basins determined by OWRD.

[House Bill 2722](#)

Effective Date: June 22, 2017

Irrigation Requirements in Condominiums and Planned Communities

Chief Sponsors: Reps. McLain, Vial

Committees: House Energy and Environment, Senate Environment and Natural Resources

Background and Current Law: According to the report of the Task Force on Drought Emergency Response, drought is not an abnormal event in Oregon, with notable droughts occurring in 1976-77, 1992, 2001-02, and 2015. In 2015, Oregon experienced severe to extreme drought conditions across the entire state, prompted by warmer-than-normal temperatures, record-low snowpack, and, in some parts of the state, below-normal spring and summer precipitation. The result was record-low to near-record-low streamflows in most parts of the state. The Governor declared a drought in 25 of Oregon's 36 counties, the most since 1992, when a statewide drought declaration was issued.

In 2016, the Legislative Assembly enacted Senate Bill 1529 prohibiting the enforcement of irrigation requirements imposed by homeowner's associations following drought conditions.

Bill Summary: House Bill 2722 extends this prohibition to both condominiums and planned communities by making irrigation requirements void and unenforceable while certain drought declarations, findings, conservation requirements, or association rules are in effect. The bill also authorizes a planned community or a condominium association to adopt rules to require the reduction or elimination of irrigation and allow or require the replacement of turf or other landscape vegetation with xeriscape.

Oregon Laws 2017: Chapter 423

[House Bill 2739](#)

Not Enacted

Patent Holder Liability for Genetically Engineered Organisms

Chief Sponsors: Rep. Barnhart

Committees: House Judiciary, House Rules

Background and Current Law: A “GMO” is a genetically modified organism. Genetic changes are achieved through laboratory techniques, including the manipulation of existing genetic material or the introduction of modified genetic material into the organism. Crops may be genetically altered to be resistant to pesticides and herbicides, to combat disease and parasites, or to increase nutritional value. Several countries ban producing or importing genetically modified crops and local farmers and agricultural operations may be concerned about accidental contamination of nonmodified crops.

Bill Summary: House Bill 2739 would have allowed lawsuits against GMO patent holders if their products were discovered on land without permission. If a GMO was found on public land, any person within the jurisdiction of the public body owning the land would have been authorized to bring an action if the public body declined to do so. The measure also provided an affirmative defense if a GMO was present on land through an intentional act without the patent holder’s permission.

[House Bill 2784](#)

Effective Date: August 15, 2017

Shellfish Task Force Recommendations

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: House Bill 2209 (2015) created the Oregon Shellfish Task Force, responsible for developing a draft Oregon Shellfish Initiative along with a report which included recommendations to help enhance and expand cultivated shellfish production; conserve, protect, and restore wild populations of native shellfish; and improve water quality and the health of aquatic and marine habitats.

Bill Summary: House Bill 2784 clarifies that ODA is the lead agency responsible for state administration of programs and policies relating to the commercial cultivation of oysters, clams and mussels. In addition, the bill directs ODA to conduct a statewide pilot project designed to increase the frequency of water quality monitoring and analysis related to the closure and opening of shellfish harvesting on state lands classified by ODA, as suitable for oyster, clam or mussel cultivation.

Oregon Laws 2017: Chapter 711

[House Bill 2786](#)

Not Enacted

State Wetlands Inventory Regulation

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources

Background and Current Law: The Oregon Department of State Lands (DSL) is responsible for developing and maintaining the Statewide Wetlands Inventory, which provides an estimate of wetland locations and types throughout the state. The State Wetlands Inventory is used by local governments to catalog resources for protection under Oregon's land use planning goals. City and county planners use wetlands inventories to determine when to send a wetland land use notice to DSL. The response to this notice provides planners and applicants with information about the likelihood that wetlands and waters are in the project area, and if a removal-fill permit may be required for the proposed project.

Bill Summary: House Bill 2786 would have prohibited DSL from applying removal-fill laws to parcels not designated as wetlands, or as including wetlands, in the State Wetlands Inventory.

[House Bill 2853](#)

Not Enacted

Tax Credits for Animal Manure Biomass

At the request of: House Committee on Revenue

Committees: House Agriculture and Natural Resources

Background and Current Law: Tax credits for biomass produced from a variety of sources as a feedstock for bioenergy or biofuel production in Oregon, are scheduled to sunset January 1, 2018. These include biomass made from oilseed and grain crops; virgin oil or alcohol from feedstock; used cooking oil or waste grease; wastewater biosolids; woody biomass; and grass, wheat, straw, or other vegetative biomass from agricultural crops.

Bill Summary: For future tax years beginning January 1, 2018, House Bill 2853 would have limited the tax credit on animal manure or rendering offal to animal manure processed in a digester in service prior to January 1, 2017.

[House Bill 2066](#) was enacted and creates a bovine manure tax credit administered by the Oregon Department of Agriculture. An annual cap of \$5 million is established.

[House Bill 2883](#)

Effective Date: January 1, 2018

Outfitter and Guide Wildlife Violations

At the request of: House Committee on Revenue

Committees: House Agriculture and Natural Resources

Background and Current Law: Tax credits for biomass produced from a variety of sources as a feedstock for bioenergy or biofuel production in Oregon, are scheduled to sunset January 1, 2018. These include biomass made from oilseed and grain crops; virgin oil or alcohol from feedstock; used cooking oil or waste grease; wastewater biosolids; woody biomass; and grass, wheat, straw, or other vegetative biomass from agricultural crops.

Bill Summary: House Bill 2883 authorizes the court to order the Oregon Fish and Wildlife Commission to revoke all licenses, tags, and permits issued to an outfitter or guide who is convicted of a violation of a wildlife law that involves the taking or killing of wildlife with a culpable mental state and prohibits such individuals from applying for another such license, tag, or permit. HB 2883 increases the length of time that the Oregon State Marine Board may suspend an outfitter or guide registration from 24 to 60 months and authorizes the board to deny registration if the applicant has a conviction of a wildlife violation involving unlawful taking or killing of wildlife with a culpable mental state.

Oregon Laws 2017: Chapter 293

[House Bill 3050](#)

Not Enacted

Solar Siting on High-Value Farmland

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources

Background and Current Law: Oregon’s Statewide Planning Goals and Guidelines indicate the state’s preference for restricting urbanization and preserving farmland through the implementation of strict zoning rules. Under current Oregon law, lands zoned for exclusive farm use (EFU) have a set of allowable activities and structures. Common nonfarm uses include “commercial activities in conjunction with farm use,” “home occupations,” and “utility facilities necessary for public service.” High-value farmland refers to lands composed predominantly of soils that are particularly well-suited for growing agricultural crops.

Bill Summary: House Bill 3050 would have expanded the set of activities and structures allowed on exclusive farm use lands to include solar power generation facilities generating electricity for public use. The bill authorized siting of such facilities on high-value farmland if the appropriate governing body adopted an exception to a statewide planning goal related to agricultural lands or if the governing body determined no alternative site was available.

[House Bill 3051](#)

Effective Date: January 1, 2018

Water Measurement Cost Sharing for Groundwater Users

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: House Bill 4113 (2016) established the Task Force on Drought Emergency Response to review and make recommendations on the tools and information needed to prepare for and respond to a drought. The task force was asked to: evaluate existing drought response tools and make recommendations to improve drought response; identify options to minimize the impact of drought on agriculture, municipalities, fish, wildlife, and other interests; identify data and resources needed to anticipate and understand drought impacts; and recommend improvements to information sharing during a drought. The report of the task force was due November 1, 2016 and the task force closed on December 31, 2016.

Bill Summary: House Bill 3051 addresses recommendations by the Task Force on Drought Emergency Response by allowing the use of funding from the Water Measurement Cost Share Program Revolving Fund to help pay for installation, repair, or replacement of a measuring device on an authorized diversion or point of appropriation.

Oregon Laws 2017: Chapter 170

[House Bill 3116](#)

Effective Date: May 17, 2017

Ungraded Eggs

Chief Sponsors: Reps. Marsh, McLain

Committees: House Economic Development and Trade, Senate Environment and Natural Resources

Background and Current Law: Oregon law requires an egg's interior quality to be determined prior to sale. This process is called "candling" and requires the egg to be held between a light and the inspector to gauge the interior quality. Depending on the egg's size, shell, and interior quality, the egg is graded AA, A, or B. Eggs sold by licensed egg handlers are typically required to pay an egg handler fee of \$.0025 for every dozen eggs sold.

Bill Summary: House Bill 3116 allows for the sale of candled eggs as ungraded if the egg producer sells them directly to consumers by consignment or at a farmer's market. The measure also requires the egg carton to clearly be labeled as "ungraded" and indicate the number of eggs in the carton. HB 3116 also allows licensed egg handlers to sell ungraded eggs at farmer's markets if they are properly labeled as ungraded.

Oregon Laws 2017: Chapter 88

[House Bill 3149](#)

Effective Date: October 6, 2017

Oregon Coast Trail Development

Chief Sponsors: Reps. Brock Smith, Gomberg, Buehler

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: In 1971, the Oregon Recreation Trails System Act was passed to provide for the outdoor recreation needs of residents and tourists and to promote public access to the outdoor treasures of Oregon. The Oregon Coast Trail resulted from the act and offers hiking across beaches, forests, and headlands. The trail is planned to extend along the entire coast from Washington to California. Less than 60 miles of trail, much of which stretches along the shoulder of Highway 101, remain unfinished.

Bill Summary: House Bill 3149 directs the Oregon Parks and Recreation Department and Department of Transportation to cooperate with stakeholders to develop an action plan to complete the Oregon Coast Trail. The bill establishes the Oregon Coast Trail Fund, which may be used to develop and implement the action plan and to develop, maintain, and operate the trail and trail facilities.

Oregon Laws 2017: Chapter 674

[House Bill 3151](#)

Not Enacted

Sudden Oak Death Management Funding

Chief Sponsors: Reps. Brock Smith; Sens. Roblan, Kruse

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Sudden Oak Death (SOD), the scientific name of which is *Phytophthora ramorum*, has been detected throughout California coastal forests and in Curry County, Oregon. The disease attacks the vascular system of trees and can lead to the rapid death of tanoaks, coast live oaks, and black oaks. A new strain of SOD known as EU1 has the potential to damage Douglas fir trees.

Bill Summary: House Bill 3151 would have appropriated \$695,000 from the General Fund to the Oregon Department of Forestry to carry out an integrated pest-management program to combat Sudden Oak Death.

[House Bill 3153](#)

Not Enacted

Use of Sonar Technology to Count Fish

Chief Sponsors: Rep. Brock Smith

Committees: House Agriculture and Natural Resources

Background and Current Law: The Oregon Department of Fish and Wildlife partners with organizations including the Army Corps of Engineers and The Confederated Tribes of the Umatilla Indian Reservation to monitor populations of fish species. Partners use a variety of methods to count fish, including trapping or impounding fish at counting stations and other visual surveys to estimate the total number of fish passing through the waters of Oregon.

Dual-frequency identification sonar (DIDSON) is a technology that uses high-frequency sound waves to produce near video-quality images of underwater objects. It can be used to determine directional movement and estimate fish size in rivers, including in turbid and low-light conditions. DIDSON devices are typically installed underwater near one bank with the sound beam aimed toward the opposite bank to detect fish passing through the channel.

Bill Summary: House Bill 3153 would have directed the Oregon Department of Fish and Wildlife to use dual-frequency identification sonar technology to count fish and allocated an unspecified amount of funding toward the purchase of DIDSON devices.

[House Bill 3193](#)

Not Enacted

Small-Scale Hand Harvest of Seaweed

Chief Sponsors: Reps. Brock Smith, Gomberg

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: In Oregon, a person wishing to harvest kelp and other seaweed from the submerged lands owned by the state must obtain a lease from the Oregon Department of State Lands (DSL), survey the leased area, and provide information about the amount and condition of kelp. The lessee must also erect a plant and commence operation within 12 months. There is an exemption from lease requirements for a person harvesting less than 2,000 pounds of wet kelp per year for personal use.

Bill Summary: House Bill 3193 would have replaced the lease system and directed the Oregon Department of Fish and Wildlife (ODFW), in consultation with the Department of State Lands and the Oregon Parks and Recreation Department, to develop and implement a permitting program for small-scale commercial hand harvests of kelp and other seaweed. The measure removed the personal use exemption and authorized ODFW to determine harvest amounts to be exempted from permitting requirements.

[House Bill 3226](#)

Not Enacted

Forest Practices Act

Chief Sponsors: Rep. Holvey

Committees: House Agriculture and Natural Resources

Background and Current Law: The Oregon Forest Practices Act sets standards for all commercial activities involving the establishment, management, and harvesting of trees on Oregon's forestlands. Enacted by the legislature in 1971, the act and its accompanying rules apply to all state and private forestlands within the state. The Oregon Board of Forestry is responsible for interpreting the Forest Practices Act and evaluating, implementing and changing rules as needed based on the latest scientific information and evolving public needs and interests.

Bill Summary: House Bill 3226 would have made significant changes to the Oregon Forest Practices Act to include requirements for the Board of Forestry and State Forester to establish criteria to value and establish protections for natural, cultural, and historical resources on forestland. The measure would have directed owners and operators of forestlands to develop and obtain approval of forest management plans prior to commencing timber harvest operations and directed the Board of Forestry to establish a certification program. The measure would have established requirements for the management of land areas along rivers, streams, and other waterways and directed the State Forester to evaluate needs related to forest roads. The bill would have required forestland owners or operators to have a forest road plan and restricted timber harvest operations and road construction in areas where there was a landslide risk.

[House Bill 3228](#)

Not Enacted

Nongame Wildlife Management

Chief Sponsors: Rep. Helm

Committees: House Agriculture and Natural Resources

Background and Current Law: Under current Oregon law, wildlife management policy generally aims to provide the optimum recreational and aesthetic benefit for present and future generations.

Bill Summary: House Bill 3228 would have expanded wildlife management goals to protecting, maintaining, and restoring indigenous nongame wildlife resources for their intrinsic values, as well as their ecosystem functions and long-term benefits.

[House Bill 3234-A](#)

Not Enacted

Shellfish Funding

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: House Bill 2209 (2015) created the Oregon Shellfish Task Force, responsible for developing a draft Oregon Shellfish Initiative along with a report which included recommendations to help enhance and expand cultivated shellfish production; conserve, protect, and restore wild populations of native shellfish; and improve water quality and the health of aquatic and marine habitats.

Bill Summary: House Bill 3234-A would have provided funding for a variety of activities designed to support the stated goals of the Oregon Shellfish Initiative, including studies of recreational and commercial shellfish cultivation and harvesting, restoration, economic and ecological benefits of shellfish populations, and regulatory processes.

[House Bill 3249](#)

Effective Date: August 15, 2017

Oregon Agriculture Heritage Program

Chief Sponsors: Reps. Clem, Witt, Buehler

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: The Oregon Watershed Enhancement Board, created in 1999, provides grant funding to Oregonians for voluntary projects on local streams, rivers, wetlands, and natural areas. Community members and landowners use criteria to decide jointly on actions to conserve and improve rivers and natural habitats in the places they live.

Bill Summary: House Bill 3249 establishes the Oregon Agricultural Heritage Foundation and Fund under the Oregon Watershed Enhancement Board to provide grants and technical assistance to help agricultural landowners and operators partner with organizations to create a conservation management plan, working land conservation covenant, or easement and assist owners with succession planning, purchasing, and monitoring activities. The measure also requires a study to identify potential tax incentives and financial tools to improve the likelihood of continued use of working lands for agricultural and conservation purposes. The study and recommendations are to be submitted to the Legislative Assembly by September 15, 2018.

Oregon Laws 2017: Chapter 716

Oregon and California Lands Management Reform

Chief Sponsors: Reps. Brock Smith, Wilson; Sens. Knopp, Kruse

Committees: House Agriculture and Natural Resources, House Rules

Background and Current Law: In 1937, Congress passed the Oregon and California Railroad Revested Lands (O&C) Act, providing for permanent forest production, protection of watersheds and regulation of stream flow, contribution toward the economic stability of local communities and the timber industry, creation of recreational facilities, and reimbursing the O&C counties for the loss of tax revenues from the O&C lands. As part of the O&C Act, the U.S. Department of the Interior, through the Bureau of Land Management, was directed to harvest timber from O&C forest lands on a sustainable-yield basis. Since that time, timber sales have declined, which has caused the funds that Oregon counties receive to decline as well.

Bill Summary: House Joint Memorial 11 would have asked the President of the United States and Congress to reconsider the management of O&C lands.