

NATURAL RESOURCES



AGRICULTURE

Industrial Hemp

Industrial hemp is an agricultural product, subject to state regulation, that includes cannabis varieties grown for fiber, seed, oil, or as a cover crop. Commodity commissions are established by the legislature to shape research, education, and marketing programs for a variety of agricultural commodities. [House Bill 2284](#) creates the Oregon Hemp Commission overseen by the Oregon Department of Agriculture (ODA). [House Bill 2296](#) (*not enacted*) would have authorized ODA to enter into an agreement with a law enforcement agency to assist in carrying out inspections of industrial hemp crops. [House Bill 3000](#) authorizes the Oregon Liquor Control Commission to regulate the processing, transport, sale, and purchase of artificially derived cannabinoids.

Agricultural Channel Maintenance

Oregon farmers remove waterway silt that has built up on farmlands to ensure drainage of subsurface waters. A program authorized in 2019 established a notice-based program for these activities in dry, traditionally maintained channels. [House Bill 2032](#) authorizes state agencies to implement this program on a regional basis, with statewide implementation required within five years. [House Bill 3185](#) clarifies that the spreading of material in undisturbed wetlands during agricultural channel maintenance is prohibited.

Meat Inspection

Federal law requires states to have meat inspection programs “at least equal to” the federal meat inspection program. In 2020, the Legislative Assembly directed ODA to establish a program for state inspection of the processing and sale of meat products (see [House Bill 4206](#), 2020 First Special Session). [House Bill 2785](#) directs ODA to establish a grant program to fund the construction of and upgrades to establishments that will operate under the State Meat Inspection Program authorized in 2020, as well as the expansion of establishments that operate

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See the **2021 Legislative Summary Report** for [Natural Resources](#), which highlights policy measures that received a public hearing during Oregon’s 2021 Regular Legislative Session.

under the federal inspection program, to increase the processing of meat from animals raised in Oregon.

FISH AND WILDLIFE

Columbia River Recreation Endorsement

The 2013 Legislative Assembly authorized the establishment of a Columbia River recreational endorsement fee to fish for salmon, steelhead, and sturgeon in the Columbia Basin; fee revenue is used to fund activities to improve Columbia River fisheries. [Senate Bill 59](#) extends the sunset on the endorsement fee until January 2, 2026 and sets conditions under which the state Fish and Wildlife Commission may no longer require or collect the fee.

Landowner Preference Program

The landowner preference program (LOP) makes deer, elk, or antelope tags available to landowners and their family members to use on their property. [House Bill 2068](#) extends the sunset on the LOP until have authorized the use of an LOP tag to take elk on adjacent property with the consent of the adjacent property owner.

Wildlife Check Stations

The Oregon Department of Fish and Wildlife (ODFW) deploys wildlife check stations to assess the condition of wildlife, obtain harvest rate data, and collect biological samples. [House Bill 3152](#) authorizes the agency to require the operator of a vehicle transporting taken wildlife or parts of wildlife to stop at an inspection station and establishes that failure to stop is a violation.

Wildlife Corridors

Wildlife corridors allow safe passage for animals needing to move between habitat areas. [House Bill 2548](#) (*not enacted*) would have required the Legislative Policy and Research Office to study issues related to funding wildlife corridor road crossings, as a supplement to and in conjunction with the state's Wildlife Corridor Action Plan. A work group plans to meet during the 2021-2022 legislative interim to prepare 2022 legislation.

Coyotes

The hunting of coyotes is not regulated by ODFW. [House Bill 2728](#) (*not enacted*) would have prohibited coyote contests, competitions, tournaments, or derbies for cash or prizes.

FORESTS

Timber Harvest Taxation

The Legislative Assembly considered several measures related to how timber harvest is taxed in Oregon and how those revenues are used, but none were enacted in 2021. [House Bill 2070 A](#) (*not enacted*) and [House Bill 2430](#) (*not enacted*) would have extended existing privilege taxes. [House Bill 2379](#) (*not enacted*) would have changed the tax structure by replacing the existing volume-based Forest Products Harvest Tax with a value-based severance tax, changing the revenue recipients and distributions, and establishing a new mechanism for emergency wildfire suppression funding.

Oregon Forest Resources Institute

Lawmakers contemplated several changes to the Oregon Forest Resources Institute ([OFRI](#)), a publicly funded organization that was established in 1991 to support and enhance Oregon's forest products

industry and provide wise stewardship of natural resources for the benefit of Oregonians. Various iterations of [House Bill 2357](#) (*not enacted*) included full elimination of the institute, significant budget reduction, transfer of authority to set the tax rate, transfer of some education initiatives, expansion of the Board of Directors to include additional perspectives, prohibitions and limits on types of expenditures, and record-keeping requirements.

Board of Forestry Governance

Changes to the composition of the Oregon Board of Forestry were envisioned in [Senate Bill 335](#) (*not enacted*) and [Senate Bill 337](#) (*not enacted*). The measures would have changed the maximum number of board members allowed to receive direct income at newly defined thresholds from the forest products industry. The measures would have also authorized the Governor, rather than the board, to appoint the State Forester, and would have either replaced existing regional forest practice committees with work groups, as needed, or left the committees intact but with changed membership requirements.

See the [Wildfire Policy](#) section below for measures at the intersection of forests and wildfire.

LAND USE

Eastern Oregon Border Economic Development Region

The 2017 Legislative Assembly created the Eastern Oregon Border Economic Development Region to recommend policies and strategies to promote workforce and economic growth. [Senate Bill 16](#) authorizes counties in the border region to partition and rezone up to 200 acres of land from exclusive farm use to residential use to address housing needs and support economic development.

Submarine Fiber Optic Cables

Oregon's territorial sea has been identified as a favorable location for submarine fiber optic telecommunication cables. [House Bill 2603](#) requires owners or operators of undersea cables to obtain financial assurances for the installation and removal of cables and to create a plan for the removal of cables.

Public Engagement in Land Use

Goal 1 of Oregon's Statewide Land Use Planning Program calls for citizen involvement in all phases of the land use planning process. [House Bill 2488 A](#) (*not enacted*) would have required that this goal be revised to address participation and engagement for disadvantaged groups that may experience past or current discrimination, patterns of exclusion or an unfair distribution of resources, access and opportunity, including people of color, individuals with low income or very low income as defined in [ORS 458.610](#) (2019) and persons with disabilities.

Stevens Road Tract in Bend

[House Bill 3318](#) establishes an expedited land use planning process with associated deadlines for the development of the Stevens Road tract of land in Bend. The measure also exempts dog training facilities from the state structural specialty code and authorizes incorporated cities to regulate dog training facilities.

OUTDOOR RECREATION

Boating

A stretch of the Willamette River known as the Newberg pool attracts heavy and varied boating use and has considerable shoreline development. In 2019, the Legislative Assembly required anyone participating in wake surfing or wakeboarding to complete an education course and maintain a towed watersports education endorsement (see [House Bill 2352](#) (2019)). Participants are also required to obtain a towed watersports motorboat certificate.

In 2021, three measures ([Senate Bill 857 A](#), [House Bill 2555](#), and [House Bill 2725](#) (*all not enacted*)) would have established a maximum loading weight of a motorboat to obtain a towed watersports motorboat certificate. [House Bill 2734](#) (*not enacted*) would have directed the Oregon State Marine Board (OSMB) to study and make recommendations for legislation to impose an excise tax on wake boat sales. [House Bill 2695 A](#) (*not enacted*) would have modified OSMB membership to include eight voting members and two nonvoting members who met specified criteria to bring a variety of backgrounds and expertise to the board's deliberations.

State Parks Fees

The Oregon State Parks and Recreation [Commission](#) sets rates for the use of state park facilities. [Senate Bill 794](#) establishes a fee differential for the use of recreational vehicles by nonresidents in areas established and maintained by the Oregon Parks and Recreation Department.

WATER

In 2021, the Oregon legislature considered a variety of topics related to water quality and quantity, infrastructure, and resource planning. Notably, the Legislative Assembly made significant water investments under [House Bill 5006](#), a \$530 million water package to support water needs at the state, regional, and local levels. The bill provides dedicated funding for modernizing surface and ground water data collection equipment, assisting with the development of a place-based integrated water resources strategy, and supporting regional water planning and management.

Water Quality

The 2020 wildfires damaged critical wastewater infrastructure in many regions of the state where households rely on septic systems for wastewater treatment. As part of [House Bill 5006](#), the Legislative Assembly established a new financial assistance program to fund the repair, replacement, upgrade, or evaluation of a residential on-site septic system.

Building on past efforts to address harmful algal blooms (HABs) [House Bill 5042](#) appropriates funds to the Oregon Department of Environmental Quality (DEQ) for staffing and equipment related to testing for cyanotoxins in water bodies. [House Bill 3093 A](#) (*not enacted*) would have directed the Oregon Health Authority and DEQ to develop and implement strategies for responding to HABs in freshwater environments, including through the creation of a new staffing position in DEQ.

The Legislative Assembly also considered the increased use of wipes during COVID-19 and the impact that flushing disposable wipes has on wastewater infrastructure. [House Bill 2344](#) requires manufacturers, wholesalers, or retailers who sell single-use wipes to label such products as "non-

flushable” in a prominent font. See the [Energy and Environment](#) Summary of Legislation for additional measures related to materials management.

Water Infrastructure

The Legislative Assembly enacted two measures addressing well construction and maintenance. [House Bill 2145](#) establishes the Water Well Abandonment, Repair, and Replacement Fund to provide financial assistance for continued well construction and/or maintenance. [House Bill 3092](#) establishes a cost-sharing grant program for remediating personal use wells in the Greater Harney Valley Groundwater Area of Concern, an area designated by the Water Resources Commission to ensure regional ground water is appropriated within the limits of available water resources.

Related to beaver populations in Oregon, [House Bill 2298](#) requires ODFW to administer a program for voluntary stream restoration and habitat improvement projects through the construction of environmental restoration weirs, i.e., low barriers built across a channel to change water flow characteristics.

See the 2020 [Wildfire Recovery](#) section below for measures at the intersection of water and wildfires.

Water Law

To address the need for changes to existing water rights, [House Bill 3103](#) allows the holder of a water right certificate authorizing water storage to change the type of use of the water and directs the Water Resources Commission to engage professional facilitation services in finding a path forward for transfers of stored water and related legislation. [House Bill 3091](#) (*not enacted*) would have authorized a water right holder to petition the Oregon Water Resources Department (WRD) for a declaratory ruling on a water right transfer and conferred jurisdiction on the Supreme Court to determine WRD’s authority to approve the transfer.

WILDFIRE POLICY

In response to the dramatically increased size, frequency, intensity, and costs of wildfires in Oregon in recent years, policymakers enacted a major wildfire

package during the 2021 legislative session – [Senate Bill 762](#) (SB 762).

To help communities adapt to living with the risk of wildfire and to reduce risk of damage, SB 762 requires development of a statewide map of wildfire risk, establishment of defensible space standards, changes to building code standards, identification of potential future land use changes, electric utility risk mitigation planning, wildfire updates to the statewide emergency plan, support for community smoke response plans, and establishment of grant programs for community clean air shelters and residential smoke filtration systems.

To reduce hazardous fuels on the landscape, SB 762 requires a large-scale fuel treatment program on public and private forestlands, rangelands, and in communities, establishment of an Oregon Conservation Corps for youth to assist with fuel reduction efforts, establishment of a grant program to assist small forestland owners with fuel reduction, development of a Certified Burn Manager Program, enhancement of opportunities for prescribed burns across landownership boundaries, and continued engagement with federal partners to achieve effective landscape-scale changes on federal forestland.

Lastly, SB 762 enhances suppression and wildfire response by providing additional capacity, equipment, and resources to relevant agencies, and by requiring baseline levels of wildfire protection in each county. Relatedly, [Senate Bill 590](#) expands wildfire protection opportunities on cultivated cropland by allowing those areas to organize resource-supported rangeland protection associations. Under SB 762, all policy changes and accompanying investments will be overseen by a new Wildfire Programs Director and Council.

The Legislative Assembly did not come to a resolution on [Senate Bill 605 A](#) (*not enacted*) during the 2021 Regular Session. The bill would have provided a process for annexation of properties within seven road miles of a fire station into a rural fire protection district.

WILDFIRE RECOVERY

The Labor Day wildfires of 2020 were the most destructive recorded in state history. They burned over one million acres, cost hundreds of millions of dollars in damage, and destroyed more than 5,000 homes and other structures in the Cascades, coastal, and southern regions of the state.

In addition to the policy provisions outlined below, the Legislative Assembly approved nearly \$500 million through [House Bill 5006](#) to aid Oregonians impacted by the fires and to accelerate meaningful recovery, and made additional budget rebalance and Emergency Board investments.

Shelter and Rebuilding

The Legislative Assembly enacted several measures to support, incentivize, and expedite rebuilding for those who lost homes and other structures. [House Bill 2289](#) provides a streamlined regulatory pathway limited to 2020 wildfire survivors to build back without engaging in the traditional land use process. For a subset of homes, structures, and other uses that are considered nonconforming, [Senate Bill 405](#) extends an existing timeline from one to five years from the date of the wildfire for when replacement efforts have to start, so that survivors have sufficient time to clean up fire debris and arrange for rebuilding. For manufactured homes, [House Bill 3219](#) ensures local approvals, streamlined permitting, zoning flexibility, and modified construction standards for expedited manufactured dwelling park redevelopment. The measure also specifies landlord and tenant responsibilities in the event of a future wildfire or other natural disaster.

The Legislative Assembly sought to expand temporary shelter options as wildfire survivors rebuild or consider their relocation options. In addition to making investments in shelter supply, [House Bill 2809](#) allows homeowners to remain on their damaged property in a recreational vehicle (RV) for up to 24 months, regardless of the availability of water, electric, or sewer connections.

Tax Relief

The Legislative Assembly enacted short-term tax relief for 2020 wildfire survivors as well as tax policy changes that the body determined would be useful in

the event of future damaging wildfire seasons and other emergencies.

Limited to the 2020–2021 property tax year, [Senate Bill 464](#) authorizes wildfire-impacted counties to require tax collectors to cancel 5/6ths of property taxes for properties that suffered a loss of real market value due to the 2020 wildfires, and to refund any overpayment of taxes. Also limited to the 2020-2021 property tax year, [House Bill 2247](#) allows counties to waive interest charges on unpaid or late property tax payments for businesses as long as the delinquency was substantially due to the effects of the 2020 wildfires or the COVID-19 pandemic.

The Legislative Assembly enacted two measures modifying tax responsibilities for Oregonians affected by the 2020 wildfires as well as for anyone who, in the future, resides in a geographic area covered by an emergency declaration or Emergency Conflagration Act invocation. [House Bill 2341](#) authorizes tax collectors to proactively prorate property taxes for properties that have been destroyed or damaged by fire or an act of God, rather than necessitating that property owners file an application requesting proration. [House Bill 2607](#) exempts from construction taxes any residential housing being constructed to replace housing destroyed or damaged by wildfire or another emergency event.

Water Access and Infrastructure

The 2020 wildfires damaged critical drinking and wastewater infrastructure in many regions of the state. To ensure recovery of these systems, the legislature made significant water infrastructure investments and passed two policy measures to ensure optimal community access to special districts to facilitate their recovery.

Unincorporated communities in Oregon typically rely on aging septic systems for wastewater services and are restricted from operating as sanitary districts with centralized sewer systems unless they meet certain criteria outlined in law. In light of the Holiday Farm Fire's destruction of much of Blue River's septic infrastructure and the opportunity for the community to re-envision its wastewater system, lawmakers passed [Senate Bill 745](#), which modifies those criteria. The change will create a pathway for Blue River and

other unincorporated communities to potentially develop centralized wastewater systems. [House Bill 3126](#) addresses drinking water access for a Jackson County mobile home park that lost two of its three wells to the Almeda Fire, and creates an expedited annexation pathway into a water district for communities whose water supply demonstrably becomes inadequate or contaminated by a wildfire and who meet other specified conditions.

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