

NATURAL RESOURCES



This Legislative Summary Report highlights Natural Resources policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

Natural Resources policy sub-topics:

- Agriculture
- Fish and Wildlife
- Forests
- Land Use
- Outdoor Recreation
- Water
- Wildfire Policy
- 2020 Wildfire Recovery

Agriculture

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| SB 32 | ✓ | Changes various fees and fee caps related to livestock branding and feedlot licensing. |
| SB 33 | ✓ | Authorizes Oregon Department of Agriculture to establish additional food safety program license fees by rule by no more than 15 percent for fiscal years beginning July 1, 2022, and July 1, 2023. |
| SB 36 | ✓ | Increases the fee cap for the registration of a commercial feed brand. |
| SB 103 | ✓ | Transfers the duty to prepare a written animal emergency operations plan from the Office of Emergency Management to Oregon Department of Agriculture. |
| SB 583 | ✗ | Would have prohibited the Department of Environmental Quality and Oregon Department of Agriculture from issuing or renewing a license or permit to allow construction or operation of a new industrial dairy. |
| SB 832 | ✗ | Would have prohibited a person from breeding mink, transporting mink to or from a mink farm, or working at a mink farm unless the person has tested negative for COVID-19 within the previous 10 days. |
| HB 2031 | ✓ | Revises the definition of “pesticide applicator” and authorizes Oregon Department of Agriculture to adopt rules related to certification and training of applicators. |
| HB 2032 | ✓ | Authorizes Oregon Department of Agriculture and the Department of State Lands to implement the traditionally maintained channels program in a regional manner and requires statewide implementation within a five-year period. |

Agriculture, cont'd

- HB 2033 ✓ Authorizes Oregon Department of Agriculture to deputize veterinary technicians to assist in responding to emergencies.
- HB 2246 ✗ Would have prohibited the Department of State Lands director from requiring enhancement of, or other conditions in, wetlands to correct violation of removal-fill law.
- HB 2281 A ✗ Would have directed Oregon Department of Agriculture to administer Oregon Hemp State Program for production, processing, and sale of hemp.
- HB 2284 ✓ Creates a framework for the Oregon Hemp Commission overseen by Oregon Department of Agriculture.
- HB 2296 ✗ Would have allowed Oregon Department of Agriculture to enter into an agreement with a law enforcement agency to enable the law enforcement agency to assist the department in carrying out industrial hemp crop inspections.
- HB 2531 ✓ Adds Oregon Department of Forestry, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife as consulting agencies for state pollinator health outreach and education plan.
- HB 2611 ✓ Authorizes additional uses of agricultural buildings that are exempt from the application of the state specialty code provided those uses meet specified criteria.
- HB 2612 ✗ Would have directed Oregon Department of Agriculture to establish state grades and standards of quality and identity for unpasteurized butter.
- HB 2671 A ✗ Would have directed Oregon Department of Agriculture to adopt rules to regulate industrial hemp crop growers.
- HB 2733 ✗ Would have removed the prohibition against issuing a dog license without proof of rabies inoculation.
- HB 2785 A ✓ Directs Oregon Department of Agriculture to establish a grant program to fund construction or upgrades of new establishments that are expected to operate under the state meat inspection program and expansion of establishments that operate under a program of federal inspection.
- HB 2786 A ✗ Would have directed Oregon Department of Agriculture to study barriers to and methods to promote family-scale meat production pertaining to slaughter waste disposal systems, composting of slaughter waste, and disposal of dead livestock, including barriers arising from laws and rules.

Agriculture, cont'd

- HB 2787 ✗ Would have directed Department of Environmental Quality, in consultation with Oregon Department of Agriculture, to study laws related to permitting of animal rendering facilities.
- HB 3075 ✗ Would have repealed sunset of predator damage control district program.
- HB 3167 B ✗ Would have repealed sunset of predator damage control district program.
- HB 3185 ✓ Prohibits spreading of material in undisturbed wetlands during maintenance of agricultural channels.
- HB 3204 A ✗ Would have directed the Oregon Department of Fish and Wildlife, in consultation with the Oregon Health Authority, Oregon State Police, and Oregon Department of Agriculture to provide a report to the Legislative Assembly on the state's framework for preventing and responding to zoonotic diseases.
- HB 3249 ✗ Would have established a grant program to fund research on alternatives to chlorpyrifos.

Fish and Wildlife

- SB 21 ✗ Would have directed the Oregon Fish and Wildlife Commission to develop and adopt by rule an invasive grass pilot program in the Phillip W. Schneider Wildlife Area.
- SB 59 ✓ Extends the sunset on the Columbia River Fisheries Enhancement Fund and recreational endorsement fee to fish for salmon, steelhead, and sturgeon until January 2, 2026.
- SB 151 ✗ Would have extended a tax credit for the production or collection of bovine manure.
- SB 630 ✗ Would have authorized the use of a landowner damage tag to take elk on adjacent property with the consent of the adjacent property owner.
- SB 637 ✗ Would have allowed a person taking certain nuisance game mammals to retain the game meat if the meat is offered to charitable organizations and refused.
- SB 642 ✗ Would have appropriated funds to the Oregon Department of Agriculture for deposit in the Wolf Management Compensation and Proactive Trust Fund.
- SB 761 ✓ Expands a pilot program for urban deer population control to include elk.

Fish and Wildlife, cont'd

- SB 792 ✓ Exempts from disclosure as a public record personally identifiable information about child under-age of 16 years that is submitted to the Oregon Fish and Wildlife Commission or its agent to obtain a license, tag, or permit under wildlife laws.
- SB 858 ✗ Would have allowed the Oregon Tuna Classic to sell the tuna caught and donate the cash received to the Oregon Food Bank.
- HB 2067 ✗ Would have allowed Oregon Fish and Wildlife Commission to charge fees for hunting, angling, and shellfish licenses, tags, and permits that are less than the amount established in the statutory fee schedule.
- HB 2068 ✓ Extends sunset on landowner preference program until January 2, 2026.
- HB 2069 ✓ Establishes Sage Grouse Mitigation Program In-Lieu Fee Fund.
- HB 2286 ✗ Would have established the Task Force on Wildlife.
- HB 2548 ✗ 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 Wildlife Corridor Action Plan.
- HB 2661 ✗ Would have appropriated funds to the Oregon Department of Fish and Wildlife to fund programs that award for take of a pikeminnow, if take complies with wildlife laws.
- HB 2691 A ✗ Would have directed Oregon State University, in consultation with State Department of Energy, to conduct study to increase visibility of wind energy facilities to prevent avian deaths.
- HB 2728 ✗ Would have prohibited coyote contests, competitions, tournaments, or derbies for cash or prizes.
- HB 2844 ✗ Would have removed beaver from the definition of predatory animals.
- HB 3150 A ✗ Would have required Oregon Department of Fish and Wildlife to establish and operate fish incubation box program for rearing of salmonids on suitable waterways in coastal areas of southern Oregon.
- HB 3152 ✓ Authorizes Oregon Department of Fish and Wildlife to operate wildlife inspection stations to prevent spreading of infections or infestations harmful to wildlife.
- HB 3163 ✓ Changes definition of “resident” for purposes of licenses, tags, and permits related to wildlife hunting.

Fish and Wildlife, cont'd

- HB 3187 ✗ Would have established the Oregon Wildlife Council.
- HB 3191 ✓ Directs the Oregon Fish and Wildlife Commission to adopt rules governing the disposal of the carcasses of returning hatchery fish.

Forests

- SB 335 ✗ Would have required Oregon Department of Forestry to study and make recommendations to an interim committee of the Legislative Assembly regarding the operation of the Board of Forestry.
- SB 337 ✗ Would have required Oregon Department of Forestry to study and make recommendations to an interim committee of the Legislative Assembly regarding the efficacy of forest policy.
- HB 2070 ✗ Would have set rates for privilege taxes on forest products harvested on forestlands in Oregon for calendar years 2022 and 2023 and eliminated role of Oregon Forest Resources Institute Board in setting tax rate dedicated to purposes of Institute.
- HB 2357 B ✗ Would have reallocated privilege tax revenue to Oregon Forest Resources Institute (OFRI) Fund, newly created Family Forestlands Subaccount, and Sound Forestry Practices Subaccount. Would have added two voting members to the OFRI board of directors.
- HB 2379 ✗ Would have imposed a severance tax, at a rate of five percent of the value of timber when harvested from forestland other than small tract forestlands.
- HB 2389 ✗ Would have made taxes levied upon taxpayers for the privilege of harvesting merchantable forest products on forestlands permanent.
- HB 2430 ✗ Would have extended privilege taxes on merchantable forest products harvested on forestlands for the calendar year 2022.
- HB 2572 A ✗ Would have directed the State Board of Forestry to establish by rule a Certified Burn Manager program and authorized establishment and imposition of fees for program participation.
- HB 2663 ✗ Would have appropriated funds to the Oregon Department of Forestry to carry out an integrated pest management program to combat Sudden Oak Death.
- HB 2727 ✗ Would have directed Oregon Business Development Department to establish a program to assist certain pulp mills and paper mills and employees of such mills, to transfer mill ownership to employees and to convert mill to manufacturing personal protective equipment.

Land Use

- SB 16 ✓ Allows counties within Eastern Oregon Border Economic Development Region to partition and rezone up to 200 acres of lands from exclusive farm use to residential uses.
- SB 375 ✗ Would have allowed replacement dwelling for structure that was considered dwelling by final order under Ballot Measure 49 (2007) claim.
- SB 559 ✗ Would have allowed counties to approve livestock and livestock-affiliated exercise, therapy, and counseling on lands zoned for exclusive farm use.
- HB 2110 ✓ Modifies costs for petitioners filing a notice of petition with Land Use Board of Appeals.
- HB 2312 ✓ Provides that lawful units of land whose property lines are relocated by certain judgments remain lawful units.
- HB 2488 A ✗ Would have required that statewide land use planning goal relating to citizen involvement address participation and engagement for disadvantaged groups.
- HB 2520 A ✗ Would have required Land Conservation and Development Commission to adopt rules no later than July 1, 2022, by which county may justify exception to statewide land use planning goals for development of renewable energy facilities.
- HB 2603 ✓ Requires owners or operators of undersea cables to obtain financial assurances for installation and removal of cable and create plan for removal of cable.
- HB 2645 ✗ Would have exempted dog training facilities from state structural specialty codes and established that lawfully created units of land remain lawfully established units of land following a judgment that relocates a property line. (see [HB 2312](#) and [HB 3318](#))
- HB 2837 ✓ Removes designation of rural reserves from private road commonly known as Lasich Lane in Washington County.
- HB 2884 ✓ Extends time for recording partition plat incorporating city or county's permit validating unit of land to 365 days.
- HB 3318 ✓ Establishes an expedited land use planning process and with associated deadlines for the development of Stevens Road tract in Bend. Exempts dog training facilities from state structural specialty codes, defines terms, and authorizes incorporated cities to regulate dog training facilities.

Land Use, cont'd

- HB 3371 A ✗ Would have required the Department of State Lands to consider potential risks in authorizing the use of submerged and submersible lands and allowed the department to require authorized users of these lands to procure insurance policies to compensate the state for possible damages.

Outdoor Recreation

- SB 126 ✓ Allows the Department of State Lands to expand the estuarine research reserve management area to include other lands acquired by department connected to Coos Bay estuary.
- SB 794 ✓ Establishes a fee differential for the use of recreational vehicles by nonresidents in areas established and maintained by Oregon Parks and Recreation Department.
- SB 795 ✗ Would have authorized the Oregon Parks and Recreation Commission to adopt a fee differential for nonresident users of areas established and maintained by Oregon Parks and Recreation Department.
- SB 857 A ✗ Would have established the maximum loading weight of a motorboat as less than 4,000 pounds to obtain a towed watersports motorboat certificate and required a person to carry a towed watersport endorsement if engaged in any towed watersports. Would have also authorized the Oregon State Marine Board to conduct a study on increasing the maximum loading weight and required that the study make determinations and recommendations to interim committees of the Legislative Assembly based on objective, peer reviewed scientific research and after consultation with the Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and Department of Environmental Quality.
- HB 2171 ✓ Repeals the sunset on the Oregon Conservation and Recreation Fund and directs Oregon Parks and Recreation Department to establish statewide recommended standards for design of recreation projects.
- HB 2549 ✓ Directs the Oregon State Marine Board to compile and make public the information in reports on public access sites, including through the use of a web-based map.
- HB 2555 ✗ Would have established a maximum loading weight of a motorboat to be less than 4,000 pounds to obtain towed watersports motorboat certificate.
- HB 2600 ✗ Would have repealed the sunset of the Oregon Conservation and Recreation Fund (OCRF) and allowed a stated percentage of revenue from state transient lodging tax to be transferred to the OCRF.

Outdoor Recreation, cont'd

- HB 2695 A ✗ Would have modified membership of the Oregon State Marine Board to include eight voting members and two nonvoting members.
- HB 2725 ✗ Would have established maximum loading weight of a motorboat to be less than 4,000 pounds to obtain towed watersports motorboat certificate.
- HB 2734 ✗ Would have directed Oregon State Marine Board to study and make recommendations for legislation to impose excise tax on wake boat sales.
- HB 2777 ✓ Directs Oregon State Marine Board to provide optional licensing of boats as charter boats if boat carries fewer than seven passengers for recreational purposes.
- HB 2913 ✗ Would have repealed the sunset of the Oregon Conservation and Recreation Fund and appropriated money to the Emergency Board to release to the Oregon Department of Fish and Wildlife in increments matching deposits to the Fund from sources other than the state government.
- HB 3162 ✓ Designates May 22 of each year as Crater Lake National Park Day.
- HB 3281 A ✗ Would have appropriated moneys from General Fund to Oregon Parks and Recreation Department (OPRD) for continued development of Oregon Coast Trail and directed OPRD to not allocate more than \$1 million of lottery funding toward completion of the trail.

Water

- SB 130 ✓ Extends the pilot program allowing participating irrigation districts to change the place of use for water within district boundaries without applying to the Water Resources Department for a temporary transfer.
- HB 2018 ✓ Directs Water Resources Department to enter a cost-matching agreement with U.S. Geological Survey to conduct assessment of ground water resources and produce ground water budgets for all major hydrologic basins in the state.
- HB 2142 ✓ Increases water right transactions fees charged by Water Resources Department.
- HB 2143 ✓ Changes annual fees for all power claimants to match annual fees for other hydroelectric projects.
- HB 2144 ✗ Would have directed Water Resources Department to study laws related to water right transfers for water storage.
- HB 2145 ✓ Establishes Water Well Abandonment, Repair, and Replacement Fund.

Water, cont'd

- HB 2244 ✓ Requires court to hold a hearing not more than 21 days after request is made for a hearing on the denial of a stay of a final order by Water Resources Commission or Water Resources Department and establishes denial of the stay remains in effect until hearing has been held.
- HB 2251 A ✗ Would have appropriated funds to Water Resources Department, Office of the Governor, and State Department of Administrative Services for purposes related to establishing Regional Water Planning and Management Task Force.
- HB 2257 A ✗ Would have appropriated funds to Water Resources Department to support enrollment of lands in the Harney Basin in the Conservation Reserve Enhancement Program.
- HB 2298 ✓ Requires Oregon Department of Fish and Wildlife to administer program for voluntary stream restoration and habitat improvement projects through construction of environmental restoration weirs.
- HB 2310 ✗ Would have prohibited restriction of piping materials for use in a publicly funded drinking water or wastewater project if piping materials met certain performance standards.
- HB 2344 ✓ Requires disposable wipes manufacturers to label such products as “non-flushable.”
- HB 2470 ✗ Would have required Water Resources Commission to conduct technical review of each well log submitted to the Commission.
- HB 2594 ✗ Would have required a private landowner to agree or decline to negotiate with a water utility’s request to acquire a conservation easement over the landowner’s property and authorized Oregon Health Authority to exercise eminent domain to acquire conservation easement.
- HB 2615 ✗ Would have directed Water Resources Department to review water measurement data collection, retention, use, and reporting.
- HB 2616 ✗ Would have authorized private property owner in Jackson County to register existing reservoir with Water Resources Department.
- HB 2821 ✗ Would have declared harmful algal blooms (HABs) a menace to public health and welfare and directed Oregon Health Authority and Department of Environmental Quality to coordinate in addressing HABs.
- HB 3089 A ✗ Would have established a Public Drinking Water and Sewer Ratepayer Assistance Fund.

Water, cont'd

- HB 3090 ✗ Would have appropriated funds to Department of Environmental Quality for the repair, replacement, upgrade, or evaluation of on-site septic systems.
- HB 3091 A ✗ Would have authorized water right holder to petition Water Resources Department (WRD) for declaratory ruling on water right transfer and conferred jurisdiction on Supreme Court to determine WRD's authority to approve the transfer.
- HB 3092 ✓ Establishes cost-sharing grant program for remediating personal use wells in the Greater Harney Valley Groundwater Area of Concern.
- HB 3093 A ✗ Would have directed Oregon Health Authority and Department of Environmental Quality to develop and implement strategies for monitoring harmful algal blooms in freshwater environments.
- HB 3102 A ✗ Would have directed Department of Environmental Quality to purchase one cyanotoxin autoanalyzer instrument and one nutrient analyzer instrument for harmful algal blooms monitoring.
- HB 3103 ✓ Allows holder of water right certificate authorizing water storage to change the type of use of the water and directs Water Resources Commission to engage professional facilitation services in finding a path forward for transfers of stored water and related legislation.
- HB 3105 A ✗ Would have appropriated funds to Water Resources Department to assist with development of a place-based integrated water resources strategy.
- HB 3166 A ✗ Would have directed Water Resources Department and Water Resources Commission to implement water use measurement and reporting requirements in priority basins in order to develop water budgets.
- HB 3228 ✗ Would have authorized persons holding water rights to develop, and Water Resources Department to approve, cooperative water management plans.
- HB 3242 ✗ Would have appropriated funds to Water Resources Department to conduct ground water studies in priority basins within the state and report back to the legislature.
- HB 3293 ✓ Authorizes state agencies identified as water project support providers to provide funding to local organizations and governments to develop local community engagement plans for water projects.

Wildfire Policy

- SB 248 ✗ Would have required the State Forestry Department to study and make recommendations to an interim committee of Legislative Assembly regarding prevention of wildfires.
- SB 287 ✗ Would have established requirements and programs related to wildfire prevention, mitigation, response, and suppression.
- SB 544 ✗ Would have required the State Forester to carry out the appraisal and sale of forest products on state-owned forestland that is damaged by wildfire.
- SB 590 ✓ Expands the definition of "rangeland" to include land used primarily for cultivating crops for purposes of organizing rangeland protection associations and providing fire protection for rangeland.
- SB 605 A ✗ Would have required a county board, upon request by a rural fire protection district, to annex into the district lands within seven road miles of a district fire station and would have authorized the district to levy certain taxes and fees only to annexed lands that are improved.
- SB 762 ✓ Establishes requirements and programs related to wildfire prevention, mitigation, response, and suppression, including: electric system plans, wildland-urban interface, a statewide map of wildfire risk, defensible space, building code requirements, land use reporting, health systems for smoke, emergency response planning, hazardous fuel reduction, establishing baseline levels of wildfire protection, increasing wildfire response capacity, and implementation oversight via a State Director and Advisory Council.
- SJM 3 ✓ Urges the federal government to reimburse state and local governments and private property owners for damage from wildfires originating on federal lands.
- HB 2722 A ✗ Would have established requirements and programs related to wildfire prevention, mitigation, response, and suppression.
- HB 2795 ✗ Would have appropriated funds to Oregon Department of Forestry to facilitate projects pursued under the Good Neighbor Authority Agreement that reduces wildfire risks.
- HB 3282 A ✗ Would have directed Oregon Department of Forestry to establish by rule a pilot grant program for the purpose of managing wildfire risks.
- HB 3308 ✗ Would have directed the State Forestry Department to develop and maintain a comprehensive statewide map of wildfire risk, including the boundaries of wildland-urban interface within Oregon and required Office of State Fire Marshal to establish minimum defensible space requirements based on that map; would have required map to be accessible to the public electronically.

2020 Wildfire Recovery

- SB 405 ✓ Allows a nonconforming use to not be considered interrupted or abandoned by a city or county while a federal, state, or local emergency order issued on or after January 1, 2020 temporarily limits or prohibits the use, or the restoration or replacement of the use.
- SB 465 ✗ Would have required counties to allow commencement of restoration or replacement of nonconforming uses damaged or destroyed by the 2020 wildfires until September 30, 2025.
- SB 745 ✓ Provides alternative criteria for a domestic water supply district to exercise the powers of a sanitary district.
- HB 2247 ✓ Authorizes a county to waive interest charges on unpaid or late property tax payments for businesses when delinquency is due to the effects of the COVID-19 pandemic or the 2020 wildfires.
- HB 2272 ✓ Requires Lane County to approve a recreational vehicle park or campground development application under specified circumstances and authorizes local government to ensure compliance with the National Flood Insurance Program for the approval or siting of a nonresidential use impacted by the 2020 wildfires.
- HB 2289 ✓ Authorizes a property owner to rebuild wildfire-impacted nonresidential uses without further application to a local government, requires local government to approve an application to rebuild wildfire-impacted dwellings, and requires the Department of Environmental Quality to approve certain permits to repair or replace a subsurface sewage disposal system that serves an approved dwelling.
- HB 2341 ✓ Authorizes a tax collector to prorate property taxes for properties damaged by wildfires or another Act of God.
- HB 2607 ✓ Exempts residential housing being constructed to replace housing damaged by wildfires or another emergency from construction taxes.
- HB 2630 ✗ Would have prohibited a decrease in weighted average daily membership calculations for school districts impacted by the 2020 wildfires for five school years.
- HB 2667 ✗ Would have appropriated moneys to State Forestry Department for distribution to Rogue Siskiyou Regional Wildfire and Emergency Training Center.
- HB 2668 ✗ Would have appropriated \$250,000 from the General Fund to the Water Resources Department, for the Nesika Beach Water District to fund fire protection infrastructure.

2020 Wildfire Recovery, cont'd

- HB 2809 ✓ Allows temporary siting of recreational vehicles on properties with dwellings that natural disasters have made uninhabitable.
- HB 3126 ✓ Allows a landowner to petition a county board to annex into a special district if the water supply has demonstrably become inadequate or contaminated by a wildfire and requires the county to immediately approve the petition if water supply is sufficient and petition conditions are met.
- HB 3127 A ✗ Would have appropriated moneys and authorized payments for water infrastructure, telecommunications and utility infrastructure, fire and public safety infrastructure, transportation infrastructure, revenue replacement, education, cost sharing, business and commercial districts, staffing capacity, housing, and natural resources needs related to the 2020 wildfires
- HB 3219 ✓ Requires local governments to approve the development of manufactured dwelling parks destroyed by a natural disaster, authorizes local governments to rezone certain areas within an urban growth boundary for park development, expands the definition of manufactured dwelling park to include certain prefabricated structures, specifies landlord and tenant responsibilities, and authorizes Department of Consumer and Business Services to exempt parks from certain building codes or to adopt temporary permitting, operating, and construction standards for rapid park redevelopment.
- HB 3367 A ✗ Would have established two funds associated with the House Bill 3127 wildfire recovery funding measure for the purpose of disbursing appropriated moneys.