

**A-Engrossed**  
**House Bill 2796**

Ordered by the House April 16  
Including House Amendments dated April 16

Sponsored by COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representative Brian Clem,  
Representative Bill Post)

**SUMMARY**

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

Requires Department of State Lands to develop rules to allow removal and fill of degraded wetlands for needed housing projects by general permit or authorization. **Allows department to suspend, modify or revoke rules to obtain authority to assume federal wetland permitting.**

**A BILL FOR AN ACT**

1  
2 Relating to needed housing projects in wetlands.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 196.600 to**  
5 **196.905.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **“Degraded wetlands” means wetlands in poor condition with diminished functions and**  
8 **values due to hydrologic manipulation, including diking, draining, filling, deep ripping, tiling,**  
9 **moling and other disturbances that demonstrably interfere with normal functioning of**  
10 **wetland processes.**

11 (b) **“Needed housing project” means a project for the development of needed housing, as**  
12 **defined in ORS 197.303.**

13 (2) **On or before January 1, 2021, the Department of State Lands shall evaluate and es-**  
14 **tablish rules, consistent with the requirements of ORS 196.600 to 196.905, to allow for re-**  
15 **moval and fill activities affecting degraded wetlands for the purposes of developing needed**  
16 **housing projects by:**

17 (a) **A general permit;**

18 (b) **A general authorization; or**

19 (c) **A combination of paragraphs (a) and (b) of this subsection.**

20 (3) **A condition of a permit or authorization under this section may not require**  
21 **compensatory mitigation at a ratio that exceeds one acre of restored wetlands per four acres**  
22 **of impacted degraded wetlands.**

23 (4) **The department may suspend, modify or revoke any rule established under this sec-**  
24 **tion necessary for the purpose of obtaining authority to issue or administer any permit un-**  
25 **der 33 U.S.C. 1344(g) and (h) of the Federal Water Pollution Control Act.**  
26

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