

Natural Resources

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By Peggy Lynch, Natural Resources Coordinator and Natural Resources portfolio members

Budgets (Peggy Lynch)

The Land Use Board of Appeals (LUBA) budget (SB 5531) was heard on Feb. 24. The League provided verbal testimony in support.

Next week the Oregon Dept. of Energy (ODOE) budget bill will be heard. The Legislative Fiscal Office provided a [review](#), including some Policy Option Packages that ODOE had in its Agency Request Budget but did not make the Governor's Budget. The League is interested in supporting these POPs as well as asking for at least one staffer for the Oregon Global Warming Commission (per OGWC 2020 report recommendations to the Legislature: #5 "Increase funding for the Oregon Global Warming Commission to expand staff and analytic capacity. ") The League has a member on the Hanford Cleanup Board and another participated in

rulemaking on Radioactive Waste so that small division will also gain our support.

Air Quality (Susan Mates)

[HB2814](#) would direct the Environmental Quality Commission to establish and implement an indirect source review program. It is scheduled for a hearing in House Energy and Environment on March 3. An indirect source is defined as a site with many small diesel polluters that add up to make a large aggregate source of pollution, such as a construction site, trucking distribution center, or rail yard. [Indirect sources](#) do not currently fall under the jurisdiction of our Cleaner Air Oregon Program. This bill would have major impacts on human health, climate change, and environmental justice communities - and will inspire lots of push back from industry. LWVOR will provide testimony in support. Ask legislators to support this important bill.

HB 2674: Introduced by Representative Rob Nosse, this bill would provide resources for a Clean Diesel Fund to help transition older equipment to newer, cleaner models.

Arlington Radioactive Waste (Shirley Weathers)

We are now waiting for [SB 246](#)-1 Radioactive Waste Disposal Definitions and Enforcement to be brought up for debate on the Senate Floor. LWVOR [supports](#).

On the regulatory side of the issue, the Energy Facilities Siting Commission considered proposed rule changes to OAR 435.029, Notice of Violation, Civil Penalties, Revocation or Suspension at their February 26, 2021 meeting. The Commission voted unanimously to approve the proposed rules with a small number of minor changes recommended by staff in response to public comments. LWVOR participated in the rulemaking and supported the final rules.

Coastal Issues (Peggy Lynch)

LWVOR provided [testimony](#) in support of SB 126 to adjust the boundary of the South Slough. The bill passed out of committee and has been sent to the Senate floor.

The House Energy and Environment Committee heard a [presentation](#) on undersea cables, brought about by the cable disaster in Tierra Del Mar in Tillamook County. HB 2603 was also heard.

ODFW's Marine Program scientists are often at the cutting edge of marine science, and [the new Data Dashboard](#) is an easy-to-use website where users can navigate through monitoring data collected over the past 10 years. The dashboard focuses on [ecological data collected](#) by core research tools: SCUBA diving, hook and line, longline, video lander, and Remotely Operated Vehicle (ROV) surveys within the Marine Reserves and comparison areas. These surveys collect data on fish, habitat, invertebrates, and macroalgae to learn more about changes in Oregon's nearshore environment and what effects the reserves' protection of no fishing and no ocean development have over time on species and habitats.

Emergency Preparedness (Peggy Lynch)

The League is pleased to see that the earthquake early warning system known as ShakeAlert that will be capable of delivering alerts directly to wireless devices in Oregon on March 11 and to Washington state in May, completing the West Coast rollout, according to the U.S. Geological Survey. The ShakeAlert system, which warns of significant quakes, has been enabled in California since October 2019. The system uses a network of sensors that detect the start of an earthquake and calculates magnitude, location and the expected amount of shaking. It sends the information in real time to distributors that send out alerts to cellphones

and the internet. LWVOR [supported](#) funding of this project in 2020; watch our social media for enrollment information.

The League is watching discussions in the House Veterans and Emergency Management Committee around a reconfiguration of the various state agencies involved with emergency management. The [Emergency Management Reform Bill \(HB 2927\)](#) has several different elements to it, all designed to ensure Oregon is ready when the next emergency hits. It establishes the Oregon Department of Emergency Management as an independent state agency and vests in the department emergency authority regarding public health emergencies, emergency quarantines and conflagrations. It also requires the State Fire Marshal to establish guidelines for wildfire buffer zones that produce defensible spaces around lands in forestland-urban interface. And it establishes the Emergency Preparedness Advisory Council. This concept has been considered for the last three sessions. Amendments continue to be considered but this may be the year for success.

Forestry (Josie Koehne)

Many forestry tax bills were up this past week in [the House Committee on Agriculture and Environment](#). On Feb 23 an informational session was held with presentations from Tax Fairness Oregon and three other speakers supporting the reinstitution of some form of a severance tax, three speakers who represented the timber and forest industry, and four speakers representing counties and special districts. All but the first group of speakers opposed any increase, and the counties opposed any increase that did not entirely go back to the counties similar to property tax as the original severance tax was designed to offset the special assessments on forestland that lowered property taxes for designated forest owners. They also stated that forestry jobs would be harmed by tax increases on harvests and felt that it would take time to come up with a good severance tax bill—just not this session.

Then on Thursday there was a public hearing on three proposed Forest Products Harvest tax (FPHT) bills and one bill to replace that tax with a new severance tax (HB 2379).

[HB 2070](#) is the standard two-year extension of the FPHT from the Oregon Department of Forestry. This bill received the most support in the hearing by the Small Woodlands Association with a flood of testimony from its members opposing any other bill except HB 2070. These were the vast majority of 89 people who signed up to testify.

[HB 2430](#) would end the practice of the legislature setting rates for the FPHT every two years. The rates would be left to the House Revenue Committee to set and would be indexed. All the existing harvest tax recipients are funded with the exception of the Oregon Forest Research Institute (OFRI), under audit for trying to influence forest policy, which they are prevented from doing by law. A 3/5 vote is required to pass this and any other revenue raising bills.

[HB 2389](#), introduced by Rep. Pam Marsh, makes taxes levied upon taxpayers for the privilege of harvesting merchantable forest products harvested on forestlands permanent starting with current tax rates and would be indexed to inflation. It includes OFRI funding.

[HB 2379](#) is the only bill that will replace the harvest tax with a new 5% severance tax on the value of timber as in the original harvest tax, which started with a 6.5% and was gradually reduced and then eliminated in 2003. The distribution of a new severance fund is proposed to be 50% to a revamped Emergency Wildfire Fund, 25% to the counties where the timber was cut, 15% to the State Forestry Department and 10% for Forest Research. OFRI funding is omitted. It has a -2 amendment with details on wildfire allocations. Rep. Holvey has an [informative presentation](#) on the bill with great figures comparing Oregon to Washington tax collections with projections on what the bill would bring in as well as great information on wildfire costs. LWVOR [supported](#) this bill with modifications for its distribution and incentives.

A report commissioned last August (HB 4304) will be released in mid to late March on wildfire costs and funding sources and will be the basis for wildfire policy discussions and funding this session. The Oregon Board of Forestry will meet March 3, first jointly with the Environmental Quality Commission on smoke management and water quality issues (10a-noon) and then an afternoon meeting with just the Board of Forestry that includes a presentation by Catherine MacDonald, the Oregon Global Warming Commission Chair (OGWC) at 2:30-3:15 which should be worth seeing, as well as many other interesting topics. The League is concerned that no “public comment” is included in the Board’s agenda AND that the Forest Trust Land Advisory Committee is scheduled for 15 minutes to provide testimony. Although the conservation community now meets regularly with ODF staff, there is still a gap in accessing the Board related to our concerns and a gap with the general public’s access as well.

Land Use/Housing (Peggy Lynch)

LWVOR [supported](#) HB 2110, a bill that updates the Land Use Board of Appeal’s fee and deposit system. The bill was heard in House Rules on Feb. 23.

LWVOR [supported](#) SB 391, a bill that would allow accessory dwelling units to be allowed in certain rural residentially zoned lands with sideboards. LWVOR worked on this bill with a wide variety of interested parties for the last few years and believe the compromises contained in the bill are fair. We did learn at the hearing of an additional amendment which we can support.

On the other hand, the League is vehemently [opposed](#) to SB 16, a bill that would allow up to 200 acres of ranchland in Malheur County to be converted to “ranchettes”. Besides taking agricultural lands from production, the League is concerned that these 100 homes would need to drill domestic “exempt wells”—using up to 15,000 gallons of water a day. The homes would also need septic systems. In Eastern Oregon water

quantity and quality are both of grave concern. The bill is scheduled for a Work Session on March 4 in the Senate Energy and Environment Committee. Your voices against this bill would be appreciated.

See the Housing Report in other sections of this Legislative Report.

Recycling (Camille Freitag)

The Senate Committee on Energy and Environment heard testimony on [SB 14](#) (establishes a stewardship program for plastic packaging and food service ware), [SB 581](#) (prohibits sale of products making deceptive claims about recyclability) and [SB 582](#) (modernizes Oregon's recycling system) on February 23.

LWVOR submitted [written testimony](#) in support of SB 582 with the [-1 amendment](#) and will continue to follow the bill as well as the House version, [HB 2065](#). These bills would make substantial changes to the recycling system including making producers of packaging share responsibility for recycling through a fee system, improving access for rural and multifamily housing customers, improving sorting facilities and reducing environmental harm by requiring responsible recycling practices. They also require truth in labeling of recyclability, which is the subject of SB 581. One key difference is that SB 581 would require materials to be accepted for recycling in most markets in the state to be labeled as recyclable and SB 582 would mandate the creation of a list of items accepted throughout the state, which would be allowed to include the label. More details can be found in a [presentation](#) given to the Committee by Abby Boudouris and David Allaway of the DEQ.

Plastics: There has been no action taken yet by the House Energy and Environment Committee regarding the plastic bills: HB 2592, HB 2365, HB 2617, nor HB 2811. (Marianne Bickett)

Water (Peggy Lynch)

The League continues to discuss HB 2142, a bill that would update water permitting fees for the Water Resources Dept. (WRD). We are watching SB 22, a bill that directs the Water Resources Commission to develop and adopt by rule a regional water management pilot program that allows regions to establish voluntary water management. Although the League supports place-based planning, we are concerned about creating new regional governance of Oregon's water. It has a hearing on March 3.

We have been alerted to HB 2241, a bill that would allow DEQ water quality permittees to hire a contractor to process permits. But the permits would still need to be reviewed by DEQ, putting these permits ahead of the "regular order". The League has worked for many years to improve DEQ's Water Quality Program. With a major reorganization and the hiring of new leadership, the division is catching up on its backlog. We believe this concept is unfair to other businesses, municipalities and special districts who cannot afford to "buy" their way ahead of the line. The Environmental Quality Commission and Board of Forestry will meet on March 3. Among the issues to be [discussed](#) is their relationship and interagency collaborative effort with the objective of ensuring alignment between the two agencies' water quality responsibilities and processes. This effort seeks to create understanding and interagency processes that support achievement of state and federal water quality requirements and improved water quality outcomes. The League and others have been concerned for years that the Forest Practices Act does not address the Environmental Quality requirements in coastal streams for sediment and pesticide contaminants.

LWV Deschutes County has been actively participating in the Deschutes Basin Water Collaborative. Member Becky Powell is following bills of interest to the Collaborative and is keeping LWVOR informed of their work.

The Department of State Lands is seeking comment on an update to Oregon's essential salmonid habitat map, as well as a proposed process for more regular map updates. Public meetings were held via Zoom Feb.

16 and 17. Comment may also be submitted by [online form](#), emailed to , or mailed to DSL at 775 Summer Street NE, Suite 100, Salem, OR 97301. The comment deadline is Thursday, March 4 at 5 p.m. For more information, see the last Legislative Report.

Wildfires (Peggy Lynch)

The Senate Natural Resources and Wildfire Committee heard two bills on Feb. 24 related to nonconforming uses that burned during the September wildfires in order to address how or whether they should be allowed to rebuild. See SB 465 and SB 405.

In the meantime, the House Committee on Wildfire Recovery is working on legislation to clarify language in rule or statute to assure wildfire victims can rebuild safely. The Dept. of Land Conservation and Development has already adopted temporary rules as have other agencies. The Dept. of Consumer and Business Services has adopted rules around building codes. They are also in the process of adopting new codes in April. Some personal insurance policies might not provide money to build at new standards so consideration of a grant program to help with rebuilding might be part of a funding package recommended to the legislature. Also being considered is a grant program to assist with well and septic system replacement OR the ability to connect to new systems being constructed in some areas. Legislation may also be considered to allow a rebuild within 5 years instead of only one under current statute. Part of any funding package should also provide help to local jurisdictions with permitting and planning issues. It's important that any rebuild also meet FEMA rules so the National Flood Insurance Program can continue in these jurisdictions.

