



PUBLIC NOTICE

Oregon Department of State Lands

Date posted: October 1, 2025

Comment Opportunity: Permitting and Mitigation in Oregon's Wetlands and Waters

The Oregon Department of State Lands (DSL) is seeking comments on proposed changes to administrative rules (OAR 141-085) to improve regulatory clarity, efficiency, and transparency. This rulemaking focuses on improving stream mitigation accounting and mitigation banking, along with minor updates to removal-fill permitting.

The comment period is open from **October 1 – October 31, 2025 (closes at 5 p.m. Pacific)**.

Why are Changes Needed?

DSL permits activities that [remove or place material in state waters](#), ensuring that projects avoid, minimize, and compensate for environmental impacts while balancing conservation with responsible development. DSL also works to maintain a stable resource base of wetlands in the state by [guiding mitigation efforts](#) through clear policies and regulatory oversight.

Requirements for mitigating impacts to wetlands are well established in existing rules, but comprehensive guidance for mitigating impacts to streams and rivers is needed. After extensive collaboration with federal partners and technical experts, DSL has developed a predictable and effective compensatory framework for streams and rivers that is ready for implementation. Additionally, Oregon's mitigation banking rules primarily focus on individual sites, leaving gaps in guidance for umbrella mitigation banks—where a single sponsor manages multiple projects under one agreement—and in-lieu fee programs, which allow government or nonprofit entities to sell credits in advance of completing a restoration project. Addressing these gaps will improve the efficiency and consistency of establishing umbrella banks and in-lieu fee programs.

Other updates aim to address the loss of wetland acreage from compensatory methods that do not fully replace impacted areas, reduce barriers to voluntary habitat restoration under current permitting rules, and improve estuary and wetland mapping along Oregon's coast, which has become more difficult due to a decline in high tide measurement stations. Finally, minor updates will clarify confusing or inconsistent language and align rules with broader regulatory frameworks.

[A rulemaking advisory committee \(see RAC roster here\)](#) was convened from March 2025 – August 2025 to inform the proposed changes and a [summary of RAC input can be found here](#).

What's Proposed

- **Establish a consistent framework for evaluating stream and river mitigation**, including compensatory requirements and resource-based terminology.
- **Clarify documentation and review processes** for mitigation banks and in-lieu fee programs, including umbrella banks.
- **Encourage wetland restoration and creation in mitigation** while limiting enhancement in areas with high wetland loss.
- **Expand permitting exemptions for voluntary habitat improvements** and allow DSL to waive certain application requirements.
- **Introduce an additional scientifically recognized method to determine the extent of tidal areas.**

See the [notice of proposed rulemaking here \(PDF\)](#), and the [draft rules with tracked changes and staff notes explaining the changes here \(PDF\)](#).

How to Comment

Visit the DSL website to see a draft of the proposed rules, all related materials from the rulemaking process, and the online comment form: www.oregon.gov/dsl/Pages/rulemaking.aspx

The comment deadline is Friday, October 31, 2025, at 5:00 p.m. (Pacific).

After the comment period closes and comments are addressed, proposed rules are presented to the Director for a decision. If adopted, these updated rules are anticipated to go into effect in early 2026.



Public Hearings

Feedback on the proposed rulemaking can be provided during the following public meetings which will begin with an information session with time for questions, followed by a public hearing. Recordings and minutes will be posted online afterwards.

Virtual (online only):

- Monday, October 20 at 6:30 p.m.
- Tuesday, October 21 at 10:00 a.m.

How to access the virtual meetings:

- Meeting ID: 250 886 8653
- Join online: [Click here for the meeting link](#) (Passcode: w#EnJ067)
- Join by phone: 1-669-444-9171 (Passcode: 87671005)



Written Comments

Comments may also be submitted in writing by [online form](#), emailed to dsl.rules@dsl.oregon.gov or mailed to DSL (Attn: Rules Coordinator) at 775 Summer Street NE, Suite 100, Salem, OR 97301.

Stay Updated

For the latest news on this draft rule and other proposed changes to administrative rules, subscribe to receive email updates or see the DSL website: www.oregon.gov/dsl/Pages/rulemaking.aspx