



UPDATE

Oregon Department of State Lands

Date: June 1, 2026

Effective May 3, 2027: Updates to Permitting and Mitigation in Oregon's Wetlands and Waters

The Oregon Department of State Lands (DSL) has updated administrative rules which include changes to stream mitigation accounting and mitigation banking, along with minor updates to removal-fill permitting. These changes improve regulatory clarity, efficiency, and transparency.

When Do the Changes Apply?

Changes will be effective on Monday, May 3, 2027.

- **Complete applications received on or before May 2, 2027:** The current rules apply. Permit applicants are not required to use the new stream mitigation accounting protocols to determine their compensatory stream mitigation requirements, although compensatory stream mitigation may still be required under existing rules. [See current OAR 141-085 rules in effect now.](#)
- **Complete applications received on or after May 3, 2027:** The updated rules apply, including use of stream mitigation accounting protocols to determine compensatory stream mitigation requirements. [See updated OAR 141-085 rules \(PDF\).](#)

If the submitted application is determined to be incomplete and is later revised and resubmitted, the revised application is subject to the rules in effect at the time of resubmittal.

How to Prepare

Will you be [applying for a permit](#) on or after May 3, 2027? DSL will support applicants in preparing for these changes by providing:

- Updated tools and guidance materials (in late 2026)
- Training opportunities with DSL staff (in early 2027)

[Subscribe to "Waterways and Wetlands" to be notified when these resources are available.](#)

What Changed?

Changes adopted through this update to administrative rules:

- Established a consistent framework for evaluating compensatory mitigation for streams.
- Clarified DSL documentation and review processes for mitigation banks and in-lieu fee programs, including umbrella banks.
- Supported DSL's responsibility under state law to increase wetland resources through restoration and creation, where appropriate.
- Added a scientifically recognized model that can be used as a tool in determining the highest measured tide elevation within a tidal bay, tidal river, or estuary.

Additional Background

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 were needed. After extensive collaboration with federal partners and technical experts, DSL developed a predictable and effective compensatory framework for streams. This new framework will be effective May 3, 2027. Additionally, Oregon’s mitigation banking rules primarily focused 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, reduce barriers to voluntary habitat restoration under current permitting rules, and improve mapping of waters along Oregon’s coast. Finally, minor updates have clarified confusing or inconsistent language and aligned rules with state law.

A rulemaking advisory committee was convened from March 2025 – August 2025 to inform the proposed changes. A public comment period was held in October 2025, prior to approval by the DSL Director in May 2026.

See all rulemaking materials on the DSL website: www.oregon.gov/dsl/Pages/rulemaking.aspx

Questions?

For questions about these updates as they relate to:

- **Mitigation**

Contact Grey Wolf at Grey.Wolf@dsl.oregon.gov

Learn more at: <https://www.oregon.gov/dsl/wetlands-waters/Pages/mitigating-impacts.aspx>

- **Permitting**

Contact Charles Redon at Charles.Redon@dsl.oregon.gov

Learn more at: <https://www.oregon.gov/dsl/wetlands-waters/Pages/removal-fill.aspx>

- **Mapping of tidal bays, rivers, and estuaries**

Contact Daniel Evans at Daniel.Evans@dsl.oregon.gov

Learn more at: <https://www.oregon.gov/dsl/wetlands-waters/Pages/delineation-resources.aspx>