



Aquatic Resource Management

Aquatic Resources Mitigation Framework – a new approach

Oregon protects wetlands and waterways for their environmental and societal benefits (known as *functions and values*)

- Controlling flood waters
- Cleaning and storing water for public uses
- Providing natural habitats for Oregon's fish and wildlife
- Offering scenic, recreational and educational opportunities

Oregon's removal-fill permit program is administered by the Department of State Lands

The removal-fill law was first enacted in 1967 to protect wetlands and waterways, and to ensure the actions of one landowner don't adversely affect an upstream or downstream neighbor.

It requires mitigation actions for filling and removing material from wetlands and waterways.

Mitigation may be on the project site or at a larger site (buying credits at a mitigation bank for example) where ecological success is more likely.

Currently, mitigation requirements focus on replacement of area (acres) using a ratio-based formula.

What is changing?

Studies show that acreage-based mitigation is leading to an overall loss of functions and values.

As a result, the federal government adopted a mitigation rule in 2008 that changes mitigation standards from acreage-based to function-based – i.e., requiring the replacement of functions and values of wetlands and waterways.

Oregon is working with the U.S. Army Corps of Engineers and the Environmental Protection Agency on coordinating efforts to implement the 2008 federal rule to ensure that Oregonians will have a coordinated, timely and transparent process. Funds that help support the multi-agency work have come from an EPA Wetland Program Development Grant.

In addition, stream mitigation has been lagging behind wetland mitigation; new tools, rules and guidance for streams is being developed as part of state and federal coordination efforts.

Why we're doing it:

Function-based mitigation has proven to be better for the environment, creating more successful, sustainable results.

Taking a watershed approach will benefit entire drainage basins.

Aligning state and federal programs will benefit the public.



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State and federal agencies are conducting stakeholder outreach, rulemaking

Starting in 2015, agency staff held informational meetings with mitigation bankers, consultants, conservation groups, local governments and natural resource agencies to explain the program and get input from those that will be affected.

DSL convened a Rulemaking Advisory Committee in spring 2018. Meetings will be conducted from June – September; public comment period, October – December 2018; formal adoption of rules by early 2019.

More information:

Eric Metz
Planning and Policy Manager
Aquatic Resource Management Program
Department of State Lands
503-986-5266
eric.metz@state.or.us

Dana Hicks
Mitigation Specialist
Aquatic Resource Management Program
Department of State Lands
503-986-5229
dana.hicks@state.or.us



Oregon Department of State Lands
775 Summer St. NE • Suite 100
Salem, OR 97301-1279
(503) 986-5200
www.oregon.gov/dsl