

Shaich, J.A. *Wetland Regulatory Compliance in the Willamette Valley, Oregon: 1982 to 1994*. Salem, OR: Oregon Division of State Lands, 2000. (Reviewed by Kyle Walker)

The Oregon Division of State Lands (DSL) issued this report as a follow-up to its 1998 study, *Wetland and Land Use Change in the Willamette Valley, 1982 to 1994*. In that study, the DSL found that the Valley continued to experience wetland loss in spite of preventative regulations. It attributed 64% of wetland loss to agriculture. This follow-up study examines the effectiveness of Oregon's Removal-Fill Law, and whether land uses responsible for wetland loss complied with this law. The Removal-Fill law "requires that a permit be obtained from DSL for fill, removal, or alteration of material in waters of the state, including wetlands." According to the author, the Removal-Fill law is Oregon's most comprehensive regulatory program for activities that cause wetland change.

According to the study, 59% of the wetland changes cited in the 1998 report occurred due to unregulated activities. These activities escaped regulation either because they were exempt or because the wetland areas that experienced change were not regulated at the time. Thirty-five percent of the changes that occurred were subject to the requirements of the Removal-Fill Law, and the remaining 5% could not be determined. Of the changes under the jurisdiction of the Removal-Fill Law, 57% were agricultural conversions, 18% were for wetland creation and restoration, 18% were for urban and rural development, and the remainder were for pond construction and other clearing. Seventy percent of these changes, according to the DSL, appear to be violations as they were not authorized by a DSL permit. Furthermore, whereas 66% of wetland changes due to urban and rural development were authorized by the DSL, none of the changes caused by agricultural conversions were authorized. In fact, agricultural conversions made up 81% of all unauthorized wetland change in the study.

The author remarks that the study's most significant finding is the difference between urban/rural development and agricultural conversion in terms of wetlands change. He attributes this difference to a difficulty in regulation of agriculture/wetlands interaction. Many initiatives have been passed to protect Oregon's wetlands, but most of these apply only to urban/rural expansion. Furthermore, it is much easier to track and regulate urban and rural expansion; agricultural change is often much less visible.

Critique

This report provides a clear and concise analysis of whether laws designed to regulate wetland loss have been effective. I was particularly pleased to find that the Division of State Lands had issued this report, as it answers questions that I had about the effectiveness of wetland laws after having read the previous report. The author derives important conclusions from the data, and makes excellent comparisons between the different types of land use, their relationships with the Removal-Fill Law, and wetland loss. Because this report was not designed as a stand-alone document, as it uses information gathered in the DSL's 1998 study, I would recommend reading both documents to gain a more complete understanding of wetland loss in the Willamette Valley.

However, answers for the problems that agriculture pose to Willamette Valley wetlands cannot be found in this report. The DSL issued this report merely as a statement of a problem; although it draws conclusions from the data, it does not propose any solutions. The report concludes with a call for an improvement in the effectiveness of regulatory programs that protect the state's wetlands; I believe that a third report, which would provide proposals about how regulatory programs could be improved in order to protect Oregon's wetland resources, would expand upon the two preceding reports quite well.

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