

Joint Committee on Ways and Means

Carrier – House: Rep. Dingfelder  
Carrier – Senate: Sen. Avakian

Revenue: Revenue statement issued

Fiscal: Fiscal statement issued

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Action: Do Pass the A-Engrossed Measure

Vote: 15 – 6 – 0

House – Yeas: D. Edwards, Galizio, Jenson, Nathanson, Nolan, Shields  
– Nays: Garrard, Hanna, Morgan  
– Exc:

Senate – Yeas: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson, Schrader, Westlund  
– Nays: Verger, Whitsett, Winters  
– Exc:

Prepared By: Dawn Farr, Legislative Fiscal Office

Meeting Date: 6/15/07

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**WHAT THE MEASURE DOES:** Increases fees for removal-fill permits issued by the Department of State Lands (DSL). Provides for annual fee increase beginning January 1, 2009, by order of the director, based on the Consumer Price Index, rounded to the nearest dollar with the revised fee effective January 1 and applicable to that calendar year. Allows DSL to waive permit fees for voluntary habitat restoration projects. Creates a general permit for removal-fill activities that are substantially similar in nature and ongoing. Declares emergency, effective July 1, 2007.

**ISSUES DISCUSSED:**

- Proposed amendment to remove references to “or removal” and reinstates bracketed material in Section 4
- Program shared funding history

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Oregon’s Removal-Fill Law (ORS 196.795-990), enacted in 1967, requires people who plan to remove or fill material in waters of the state to obtain a permit from DSL. The purpose of the law is to protect public navigation, fishery and recreational uses of the state’s waters, defined as "natural waterways including all tidal and nontidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and nonnavigable, including that portion of the Pacific Ocean that is in the boundaries of this state." The law applies to all landowners, whether private or public. HB 2105 changes fees in the following amounts:

**Removal application fees:**

Private operators and their contractors      ~~\$85~~ \$50

Public and commercial operators      ~~\$250~~ \$150

**Fill application fees:**

Private operators and their contractors      ~~\$250~~ \$150

Public and commercial operators      ~~\$620~~ \$375

**Removal volume fees:**

Less than 500 cubic yards      None

500 to 4,999 cubic yards      ~~\$125~~ \$75

5,000 to 50,000 cubic yards      ~~\$250~~ \$150

Over 50,000 cubic yards      ~~\$375~~ \$225

**Fill volume fees:**

Less than 500 cubic yards      None

500 to 2,999 cubic yards      ~~\$125~~ \$75

3,000 to 10,000 cubic yards      ~~\$250~~ \$150

Over 10,000 cubic yards      ~~\$375~~ \$225