

# House Bill 2251

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Office of Regulatory Streamlining of Department of Consumer and Business Services and Department of State Lands)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Department of State Lands to establish removal-fill permit pilot program for processing applications for removal-fill permits and other state agency authorizations that may be necessary for projects that require removal-fill permit. Repeals program January 2, 2010.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to removal-fill permit pilot program; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "removal-fill permit" means a permit to deposit**  
5 **fill material into the waters of this state or remove material from the waters of this state,**  
6 **as defined in ORS 196.800.**

7 **(2) The Department of State Lands may establish a removal-fill permit pilot program for**  
8 **processing applications for removal-fill permits and other state agency authorizations that**  
9 **may be necessary for projects that require a removal-fill permit, including authorizations for**  
10 **fish passage approvals, state in-water blasting permits, scientific take permits, incidental**  
11 **take permits, surface mine operating permits and ocean shore permits.**

12 **(3) For the purpose of implementing a program established under this section, the De-**  
13 **partment of State Lands shall seek the participation of the Department of Environmental**  
14 **Quality, the State Department of Fish and Wildlife, the State Department of Geology and**  
15 **Mineral Industries, the State Parks and Recreation Department, the Department of Land**  
16 **Conservation and Development and the Water Resources Department. Participation by a**  
17 **state agency in the program is voluntary. The Department of State Lands shall enter into a**  
18 **memorandum of agreement with all agencies participating in the program.**

19 **(4) A program established under this section shall create and evaluate revised procedures**  
20 **for issuing removal-fill permits that, to the greatest extent possible, integrate the processing**  
21 **of applications for removal-fill permits and the processing of other state agency authori-**  
22 **zations that may be necessary for projects that require a removal-fill permit. The revised**  
23 **procedures shall provide alternatives for:**

24 **(a) The process for issuance of removal-fill permits described in ORS 196.600 to 196.905;**

25 **(b) The process for providing agency comments on projects that require a removal-fill**  
26 **permit; and**

27 **(c) The process for issuing state agency authorizations that are necessary for projects**  
28 **that require a removal-fill permit.**

29 **(5) Participation in the program by an applicant for a removal-fill permit is voluntary.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 The state agencies participating in the program may limit the number of applicants that are  
2 eligible to participate in the program.

3 (6) The Department of State Lands may adopt any rules necessary to implement a pro-  
4 gram established under this section, including rules that modify the procedural timelines set  
5 forth in ORS 196.825 (7) and (9) and other statutory provisions governing the procedure for  
6 issuance of removal-fill permits.

7 (7) Any state agency participating in a program established under this section is au-  
8 thorized to comply with rules adopted by the Department of State Lands for implementation  
9 of the program. Any agency participating in the program may adopt any other rules neces-  
10 sary for the agency to participate in the program, including rules that modify procedures  
11 established by statute for issuance of authorizations by the agency.

12 (8) Notwithstanding any other provision of law, state agencies participating in a program  
13 established under this section may:

14 (a) Use a combined application for a project requiring a removal-fill permit and one or  
15 more related state agency authorizations;

16 (b) Integrate agency review and comments on applications for removal-fill permits and  
17 other related state agency authorizations;

18 (c) Issue a single document that combines a removal-fill permit and other state agency  
19 authorizations that are necessary for a project that require a removal-fill permit; and

20 (d) Take any other action authorized under rules adopted pursuant to this section that  
21 provides a more coordinated and expeditious procedure for processing and issuing removal-  
22 fill permits and other state agency authorizations that are necessary for a project that re-  
23 quire a removal-fill permit.

24 **SECTION 2.** Section 1 of this 2007 Act is repealed January 2, 2010.

25 **SECTION 3.** The repeal of section 1 of this 2007 Act by section 2 of this 2007 Act does  
26 not affect any permit or related state agency authorization issued before January 2, 2010,  
27 under a program established pursuant to section 1 of this 2007 Act.

28 **SECTION 4.** This 2007 Act being necessary for the immediate preservation of the public  
29 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
30 on its passage.

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