

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 2 - 0
Yeas:	Berger, Edwards C., Garrard, Jenson, Read, Roblan
Nays:	Gelser, Nolan
Exc.:	0
Prepared By:	Jerry Watson, Administrator
Meeting Dates:	5/22

WHAT THE MEASURE DOES: Changes definition of “applicant” for purposes of the removal-fill permitting program administered by the Department of State Lands to include persons other than landowners or their representatives when person proposes a removal or fill activity for construction of a linear facility. Defines a “linear facility” to include any railway, highway, road, pipeline, communication line, power line or similar facility used for the transportation of people, goods or substances or the transmission of energy. Defines circumstances when the Director of the Department of State Lands can issue permits for removal or fill activity for construction of a linear facility. Adds a process to notify certain landowners of the permit and delineates a process to protest an issued permit to the Director. Declares an emergency, takes effect on passage.

ISSUES DISCUSSED:

- Highlights of the -17 amendments language
- Definitions of “applicant” and “linear project”
- Opposition to allowing non-landowners early application to siting utility corridors prior to landowner approval
- Impact of measure on project timelines and delay
- Appeal process on permits ties up land until settled
- Possible use of eminent domain
- Lack of alternative natural gas sources (Canadian natural gas sources are diminishing)
- Measure addresses siting process of roads when the Department of Transportation seeks permits for rights-of-way for acquisition of land for new roads
- Concerns about absence of a thorough public process to determine the need of a pipeline
- Environmental concerns about siting LNG facilities and transmission pipelines
- Measure may exacerbate climate change by streamlining the permit process

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Oregon’s Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in “waters of the state” to apply for and obtain a permit from the Department of State Lands. The purpose of the 1967 law is to protect public navigation, fishery and recreational uses of the waters.

ORS 196.825 currently requires an applicant for a permit to be a “landowner or person authorized by a landowner to conduct a removal or fill activity.” “Waters of the state” are defined as natural waterways including all tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean that is in the boundaries of this state.

The law applies to all landowners, including private individuals and public agencies.

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This summary has not been adopted or officially endorsed by action of the committee.