

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Without Recommendation as to Passage and Be Referred to the Committee on Rules
Vote:	8 - 0 - 0
Yeas:	Bailey, Bentz, Galizio, Gilliam, Holvey, Thatcher, Witt, Read
Nays:	0
Exc.:	0
Prepared By:	Barbara Allen, Administrator
Meeting Dates:	4/9, 4/28

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.

ISSUES DISCUSSED:

- Department of State Lands’ proposal to accept applications and begin substantive review process for removal-fill activities for linear utility and transportation projects even if the applicant is not owner or authorized by owner of property upon which activity is to occur
- Length of time and expense to plan a corridor for utility siting for non-land owners
- Opposition to allowing non-landowners early application to siting utility corridors prior to landowner approval
- State’s current lawsuit against Federal Energy Regulatory Commission for issuing a conditional siting license to a utility prior to the State issuing a license
- Use of eminent domain to override individual’s property rights
- Amendment ideas to be discussed in the House Rules Committee

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 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.

“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.