

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler
Nays:	0
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	2/9, 2/11

WHAT THE MEASURE DOES: Removes the current statutory criteria for a person to apply for a permit for purposes of the state’s removal-fill permitting program. Establishes applicability of these provisions to permits filed with the Department of State Lands on or after the measure’s effective date. Declares an emergency, effective upon passage.

ISSUES DISCUSSED:

- Types of projects that necessitate applying for a removal-fill permit
- Examples of current projects in the process of planning linear projects that would require a removal-fill permit
- Condemnation and eminent domain process
- Landowner’s rights
- Impact on permitting process
- Current permitting process and the permitting process prior to the enactment of Senate Bill 529 (2001)
- Examples of private entities that would apply for a removal-fill permit
- Other permits that must be obtained for a linear project
- Examples of conditions placed on a permit issued prior to the enactment of Senate Bill 529

EFFECT OF COMMITTEE AMENDMENT: Replaces the original 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 law is to protect public navigation, fishery, and recreational uses of the waters in Oregon, and it applies to all landowners, including private individuals and public agencies. Permits are required for projects requiring the removal or fill of at least 50 cubic yards in waters of the state, and the removal or fill of any material, regardless of the number of cubic yards, in a stream designated as essential salmon habitat or from the bed and banks of scenic waterways.

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.” House Bill 2700 A deletes the definition of an “applicant,” returning the law to its status prior to the enactment of Senate Bill 529 (2001).