

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass  
**Vote:** 4 - 1 - 1  
**Yeas:** Atkinson, Edwards, Starr, Beyer  
**Nays:** Girod  
**Exc.:** Burdick  
**Prepared By:** Richard Berger, Administrator  
**Meeting Dates:** 3/10, 3/31

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**WHAT THE MEASURE DOES:** Provides that notice and public comment provisions of rulemaking do not apply to removal or fill general permits established by rule by the Department of State Lands. Requires that payments to the Oregon Removal-Fill Mitigation Fund be equal to the actual mitigation project costs if the actual costs are known. Requires the payment amount to the Oregon Removal-Fill Mitigation Fund, in cases where actual costs are not known, be adjusted for variables such as regional differences and mitigation type.

**ISSUES DISCUSSED:**

- Difficulty of processing removal or fill general permits through the rulemaking process
- Role of the Department of State Lands in delineating wetlands when the Army Corp of Engineers also delineates wetlands
- Making mitigation costs fair throughout the state

**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 law, enacted in 1967, 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 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 individuals or public agencies.