

A-Engrossed
Senate Bill 518

Ordered by the House June 3
Including House Amendments dated June 3

Sponsored by Senator DINGFELDER (Pre-session filed.)

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.

[Provides that certain rulemaking provisions do not apply to removal or fill general permits established by rule by Department of State Lands.]

[Modifies provisions related to payments made to comply with conditions imposed in removal or fill permits.]

Changes method by which Department of State Lands issues removal or fill permit for recurring or substantially similar activities from rule adoption to order issuance.

A BILL FOR AN ACT

1
2 Relating to Department of State Lands; creating new provisions; and amending ORS 196.817.

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

4 **SECTION 1.** ORS 196.817 is amended to read:

5 196.817. (1)(a) Notwithstanding ORS 196.810, the Department of State Lands may establish [*by*
6 *rule*] a removal or fill general permit:

7 (A) **By rule** for processing applications on a statewide or geographic basis; or

8 (B) **By order** for an applicant or group of applicants to cover activities that are substantially
9 similar in nature, are recurring or ongoing, and have predictable effects and outcomes.

10 (b) The department must find that the project is in compliance with the review standards set
11 forth in ORS 196.600 to 196.905 and would not result in long-term harm to water resources of this
12 state.

13 (c) The department shall condition any such general permit upon actions necessary to minimize
14 environmental effects.

15 (2)(a) Any person proposing to conduct an action under a general permit **specified in sub-**
16 **section (1)(a)(A) of this section** shall apply to the department in accordance with procedures set
17 forth by the department by rule.

18 (b) **Any person proposing to conduct an action under a general permit specified in sub-**
19 **section (1)(a)(B) of this section shall apply to the department in accordance with procedures**
20 **set forth by the department by order.**

21 (3) The department shall amend or rescind any general permit upon a determination that the
22 activities conducted under the permit have resulted in or would result in unacceptable individual
23 or cumulative environmental effects or long-term harm to the water resources of this state.

24 (4) Any person proposing to conduct an action under a general permit shall pay the applicable
25 fee required under ORS 196.815 for individual permit applications.

26 **SECTION 2.** **The amendments to ORS 196.817 by section 1 of this 2011 Act apply to ap-**

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 **plications for removal or fill general permits filed with the Department of State Lands on**
2 **or after the effective date of this 2011 Act.**

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