

Senate Bill 518

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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to Department of State Lands; creating new provisions; and amending ORS 196.643 and
3 196.817.

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

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

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

8 (A) For processing applications on a statewide or geographic basis; or

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

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

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

16 (2) Any person proposing to conduct an action under a general permit shall apply to the de-
17 partment in accordance with procedures set forth by the department by rule.

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

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

23 **(5) ORS 183.335 does not apply to rules adopted by the Department of State Lands under**
24 **this section.**

25 **SECTION 2.** ORS 196.643 is amended to read:

26 196.643. A person who provides off-site compensatory mitigation in order to comply with a con-
27 dition imposed on a permit in accordance with ORS 196.825 (4), an authorization issued in accord-
28 ance with ORS 196.800 to 196.905 or a resolution of a violation of ORS 196.800 to 196.905 may make
29 a payment for credits to an approved mitigation bank with available credits, or to the Oregon
30 Removal-Fill Mitigation Fund, if credits from a mitigation bank are not available. If the person is

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 making a payment to the Oregon Removal-Fill Mitigation Fund, **the payment must equal the ac-**
2 **tual mitigation project costs, if these costs are known. If the actual mitigation project costs**
3 **are not known because a person is making a payment prior to the identification of the mit-**
4 **igation project,** the payment shall be equal to the average cost of credits available from *[all]* active
5 mitigation banks in the state, **adjusted for variables including, but not limited to, regional dif-**
6 **ferences in per capita income or land values, the type of water resource for which**
7 **compensatory mitigation is required and the applicable method of crediting the mitigation**
8 **credits.**

9 **SECTION 3. (1) The amendments to ORS 196.817 by section 1 of this 2011 Act apply to**
10 **rules adopted by the Department of State Lands under ORS 196.817 on or after the effective**
11 **date of this 2011 Act.**

12 **(2) The amendments to ORS 196.643 by section 2 of this 2011 Act apply to payments made**
13 **under ORS 196.643 on or after the effective date of this 2011 Act.**