

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage, but with Amendments and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	5 - 0 - 0
Yeas:	Hass, Olsen, Prozanski, Thomsen, Dingfelder
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	2/14

WHAT THE MEASURE DOES: Authorizes person to request independent review of determinations by Department of State Lands (DSL) after first applying for reconsideration of determination. Directs DSL, upon receipt of request, to enter into agreement with requestor, under which a panel of independent reviewers may modify determination. Allows DSL to not enter into agreement if person does not agree to make panel decision final and binding. Sets criteria and selection process for reviewers. Applies to DSL determinations made on or after effective date of Act. Repeals provisions related to independent review on January 2, 2022. Directs DSL to give priority to review of wetland delineation report that is submitted with or in advance of permit application if permit would authorize activities on land subject to report. Requires wetland delineation determinations to be made by person with expertise in wetlands hydrology, soil and vegetation. Establishes that wetland delineation determinations by DSL expire 10 years after date on which determination is made. Directs person or governmental body, within five years of determination that wetlands are present on specific land parcel, to examine for changes in wetlands hydrology, soil and vegetation. Directs submittal of evidence of change to DSL if it is determined that changes have occurred. Establishes that, if DSL determines sufficient change has taken place, person or governmental body must submit new report. Directs delineations to comport with United States Army Corps of Engineers Wetland Delineation Manual of 1987 and any subsequent federal supplements. Applies to delineations submitted to DSL after effective date of Act.

ISSUES DISCUSSED:

- Interaction of 10 year expiration of wetland delineation determinations with federal permitting requirements
- State discussion of assuming federal 404 permitting program
- Wetland delineation determination process
- Criteria for independent panel members

EFFECT OF COMMITTEE AMENDMENT: Replaces 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, as defined in statute, to apply for and obtain a permit from DSL. The purpose of the 1967 law is to protect public navigation, fishery and recreational uses of the waters. Senate Bill 1582A would authorize a landowner to request the appointment of an independent panel to review wetland delineation determinations made by DSL and establish that such determinations expire after 10 years.