

Joint Committee on Ways and Means

Carrier – House: Rep. G. Smith
Carrier – Senate: Sen. Morse

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

Vote: 23 – 1 – 1

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, McLane, Nathanson, Nolan, Read, Richardson, G. Smith, Whisnant

Nays: Thatcher

Exc:

Senate

Yeas: Bates, Devlin, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays:

Exc: Edwards

Prepared By: Susie Jordan, Legislative Fiscal Office

Meeting Date: March 5, 2012

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:

- Wetland delineation determination timelines

EFFECT OF COMMITTEE AMENDMENT: Changes expiration of delineation determination from 10 years to five years; Directs *landowner* to conduct review of land parcel five years after determination has been made and if baseline conditions have changed, requires *landowner* to submit a new wetland delineation report; if baseline conditions have not sufficiently changed to require a new determination, then the final determination of the department may be extended five years.

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.