

HB 2436-1  
(LC 2678)  
3/15/19 (MAM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representative Brian Clem)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2436**

1 In line 2 of the printed bill, delete the period and insert “; and declaring  
2 an emergency.”.

3 Delete lines 4 through 13 and insert:

4 **“SECTION 1. (1) The Department of State Lands shall develop a  
5 proposal, including recommendations for legislation to be introduced  
6 during the 2020 regular session of the Legislative Assembly, for partial  
7 assumption by the department of the authority to administer permits  
8 for the discharge of dredge or fill materials under section 404 of the  
9 Federal Water Pollution Control Act (P.L. 92-500, as amended).**

10 **“(2) In developing the proposal, the Department of State Lands shall  
11 collaborate with the Department of Justice, the United States Envi-  
12 ronmental Protection Agency and representatives of any other state  
13 or federal agency as the Department of State Lands determines is  
14 necessary for developing the proposal in a manner that will satisfy  
15 federal and state legal requirements.**

16 **“(3)(a) The proposal shall include provisions necessary for the De-  
17 partment of State Lands to administer a program of partial assump-  
18 tion wherein:**

19 **“(A) The department would not issue, nor apply for the authority  
20 to issue, permits under section 404 of the Federal Water Pollution  
21 Control Act (P.L. 92-500, as amended) for activities involving the dis-**

1 charge of dredge or fill materials if the activities are related to certain  
2 farming, ranching or forestry activities to be identified and defined in  
3 the proposal; and

4 “(B) The department would issue, subject to authority granted by  
5 the United States Environmental Protection Agency, permits under  
6 section 404 of the Federal Water Pollution Control Act (P.L. 92-500, as  
7 amended) for all activities not described in subparagraph (A) of this  
8 paragraph involving the discharge of dredge or fill materials.

9 “(b) The department shall solicit and consider the feedback of  
10 stakeholders in identifying and defining activities involving the dis-  
11 charge of dredge or fill materials related to certain farming, ranching  
12 or forestry activities as required by paragraph (a) of this subsection.

13 “(4) The proposal shall include:

14 “(a) Recommendations, in both narrative form and in the form of  
15 requested draft statutory language, for the enactment of statutes, or  
16 for the amendment or repeal of ORS 196.600 to 196.905, section 2,  
17 chapter 45, Oregon Laws 1989, sections 1 to 14, chapter 516, Oregon  
18 Laws 2001, or any other statutes or session laws, as necessary to  
19 demonstrate that the statutory laws and regulations of the State of  
20 Oregon provide adequate legal authority for the state to receive a  
21 grant of authority from the United States Environmental Protection  
22 Agency to implement the program for partial assumption; and

23 “(b) Any other provisions that the department determines are nec-  
24 essary to provide the Legislative Assembly the opportunity, during the  
25 2020 regular session of the Legislative Assembly, to take all actions  
26 necessary to allow for the department to formally submit to the United  
27 States Environmental Protection Agency a complete application for  
28 partial assumption, such that the United States Environmental Pro-  
29 tection Agency may have the opportunity to review and consider ap-  
30 proval of the application before the convening of the 2021 regular

1 session of the Legislative Assembly.

2 **“SECTION 2. Section 1 of this 2019 Act is repealed on January 2,**  
3 **2021.**

4 **“SECTION 3. In addition to and not in lieu of any other appropri-**  
5 **ation, there is appropriated to the Department of State Lands, for the**  
6 **biennium beginning July 1, 2019, out of the General Fund, the amount**  
7 **of \$\_\_\_\_\_, which may be expended for the purposes of carrying out**  
8 **section 1 of this 2019 Act.**

9 **“SECTION 4. This 2019 Act being necessary for the immediate**  
10 **preservation of the public peace, health and safety, an emergency is**  
11 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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