

HB 2238 -1 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 3/23, 3/30

WHAT THE MEASURE DOES:

Authorizes Director of Department of State Lands (director) to adopt rules establishing fees related to removal or fill permit applications, wetland delineation reports, and general authorizations. Removes specific fee amounts from statutes. Defines “riprap” as facing of a streambank with rock or similar substance to control erosion in accordance with rules adopted by the Department of State Lands (DSL) in the context of mitigation, wetland conservation plans, and fill and removal activities. Becomes operative on the effective date of rules first adopted by the director. Requires director to adopt rules by July 1, 2025. Allows DSL to take action before operative date to ensure department’s ability to exercise removal and fill permitting as described in the measure on and after rulemaking. Authorizes DSL to adopt rules associated with personal property left on state lands without authorization as determined by DSL or by law. Specifies notice requirements prior to removal. Specifies storage requirements of removed personal property. Specifies permitted methods of disposal. Exempts DSL from liability for conversion of removed, stored, returned, donated, or disposed of personal property and authorizes DSL to collect costs associated with these processes. Authorizes DSL to immediately, and without providing notice, remove and dispose of property that: is not personal property; creates an exceptional emergency; or if the property presents an immediate danger to human life or safety. Operative January 1, 2024. Allows DSL to take action before operative date to ensure department’s ability to exercise removal of personal property as described in the measure on and after rulemaking. Takes effect on 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes all provisions related to establishing fees for removal or fill permit applications, wetland delineation reports, and general authorizations. from the measure.

BACKGROUND:

Oregon's removal-fill law requires people who plan to remove or fill material in wetlands or waterways to obtain a removal-fill permit from the Department of State Lands. The law applies to all landowners, whether private individuals or public agencies. In most cases, a permit is required if an activity will involve filling or removing 50 cubic yards or more of material in a wetland or waterway. For activities in state-designated Essential Salmonid Habitat, State Scenic Waterways, and compensatory mitigation sites, a permit is required for any amount of removal or fill. Under current law the fees associated with these permits are determined by statute.

House Bill 2238 would authorize the Director of the Department of State Lands (DSL) to adopt rules establishing fees related to removal or fill permit applications, wetland delineation reports, and general authorization. The measure would also authorize DSL to adopt rules associated with personal property left on state lands without authorization as determined by DSL or by law.