

HB 2925 -1 STAFF MEASURE SUMMARY

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

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 2/26, 3/17

WHAT THE MEASURE DOES:

The measure modifies permitting procedures for ocean shore permitting and emergency permits for certain ocean shore alterations. The measure further authorizes OPRD to, through rule, establish a general authorization permit for ocean shore improvements under certain conditions.

Detailed Summary

Makes the following changes to **ocean shore improvement permitting** procedures:

- Requires the Oregon Parks and Recreation Department (OPRD) to determine within 30 days of receipt whether a permit application for ocean shore properties (application) is complete and, if complete, provide written notice at or near the location of the proposed improvement, to affected federal and state agencies, local governments, and federally recognized tribes in Oregon and the public, and all landowners whose land is identified in the application or whose land is adjacent to or directly affected by the proposed improvement or associated activities, and all persons who file a written request for such notice with OPRD.
- Requires OPRD to notify the applicant in writing of the deficiencies of an application if it is determined to be incomplete.
- Requires OPRD to provide the opportunity for public hearing for 30 days to affected federal and state agencies, local governments, and federally recognized tribes in Oregon and the public.
- Specifies that if no comments are received from public bodies, federal agencies, or federally recognized Indian tribes in Oregon within 30 days, the Oregon Parks and Recreation Department (OPRD) shall consider this as an indication of no objections from these entities.
- Extends the time period during which OPRD must issue a permit decision if no public hearing is held from within 60 days of application receipt to within 90 days of the date on which the application has been deemed complete by OPRD.
- Adds additional exceptions under which a permit decision can be rendered after the 90 day deadline if a written agreement for a time extension exists between the applicant and OPRD or if OPRD determines that an extension is necessary to coordinate authorization for public land use with the permit decision.
- Replaces existing fee structure for ocean shore improvement permits with direction for OPRD to establish fees through rulemaking in consideration of specified factors.
- Cleans up language to conform with form and style requirements.

Replaces OPRD's current authorization to issue **emergency permits for ocean shore alterations** with the following :

- Authorizes OPRD to, in accordance with Oregon's public coast laws and existing standards for improvement permits, issue an emergency permit for ocean shore alterations in response to an active erosion event or natural hazard for the purpose of making repairs or providing immediate or temporary measures to prevent imminent irreparable harm, injury or damage to persons or existing infrastructure.
- Directs OPRD to implement the administration of emergency permits through rulemaking, including the process for requesting and approving emergency authorizations, relevant definitions, and requirements necessary to avoid or minimize impacts to ocean shore, ocean shore resources, and affected property.

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- Replaces existing fee structure for ocean shore emergency permits with direction for OPRD to establish fees through rulemaking in consideration of specified factors.

Establishes **general authorization permits** under the following provisions:

- Authorizes OPRD to, through rulemaking, establish a general authorization permit for ocean shore improvements if OPRD determines permit activities to be substantially similar in nature and they restore, conserve, and enhance the ocean shore's natural economic, scenic, recreational, and cultural values while improving native biological values and minimizing any impacts to the shore or its resources.
- Authorizes general authorization permits to be granted on a statewide or geographic basis.
- Requires OPRD to provide notice of and opportunity for public hearing on any proposed general authorization permit to affected federal and state agencies, local governments, and federally recognized tribes in Oregon and the public.
- Specifies application procedures for general authorization permits and authorizes OPRD to approve or deny such applications or approve them subject to additional requirements.
- Authorizes OPRD to amend or rescind a general authorization permit under certain conditions.
- Directs OPRD to establish application fees through rulemaking in consideration of specified factors.

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 The amendment narrows the scope of the Oregon Parks and Recreation Department's (OPRD) authorization to issue general authorization permits by adding the stipulation that permit activities are not just substantially similar in nature but also have predictable effects. It further authorizes OPRD to require a public notice and comment period prior to issuing a general authorization permit if the department believes such a requirement would be in the public interest and authorizes OPRD to establish the procedures for such through rulemaking.

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

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

BACKGROUND:

In 1967 the Legislative Assembly passed House Bill 1601 which established public ownership of the land along the Oregon Coast from the water up to sixteen vertical feet above the low tide mark. The ocean shore is administered as a state recreation area by the Oregon Parks and Recreation Department (OPRD). As such, ocean shore alterations such as the construction, repair, or replacement of shoreline protective structures, beach access ways, dune grading and sand alterations, pipelines and cables beneath the ocean shore require a permit administered by OPRD.