

141-085-0545

**Fees; Applicant Type and Project Tiers ~~Amounts and Disposition~~**

(1) Fees.

(a) All applications for authorizations must include the base application fee at the time of application submission and pay any additional fees before the Department issues an authorization.

(b) The Department may administratively close an application if the applicant does not pay the appropriate fees within 120 calendar days of tier identification.

(c) Excepted from (1)(a) and (b) are fees for an emergency authorization, which must be submitted to the Department within 45 calendar days of receiving the authorization.

(d) Fees for General Authorizations and Notifications for Voluntary Habitat Restoration are found in OAR 141-089-0635.

(2) Fee by Applicant Type. Fees for authorizations are based in part on the following:

(a) Applicant Type 1.

(A) Project proponent is, or represents, a single household owner and the project is exclusively for a purpose that is non-income-producing and nonprofit; or

(B) Project proponent is, or represents, a group or body organized for the purpose of habitat improvement and the project is exclusively for ~~habitat improvement that is non-income-producing-a purpose that is non-income-producing and nonprofit habitat improvement.~~

(b) Applicant Type 2. Project proponent does not meet the criteria for Applicant Type 1.

(3) The following base application fees apply to individual permits, general permits, and emergency authorizations:

(a) Effective July 1, 2025 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(b) Effective July 1, 2026 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(b) Effective July 1, 2027 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(d) Effective July 1, 2028 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(e) Effective July 1, 2029 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(4) Permit Tiers. During review of an application or permit modification, the Department will identify the applicable permit tier for the project. Refer to [Project Tier PDF] for the project criteria for each tier.

(5) Permit Tier Fees. The following are the project tier fees by year per applicant type as assigned under Section (2):

(a) Effective July 1, 2025:

(A) Tier 1 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(B) Tier 2 - \$X, Applicant Type 1 and \$X, Applicant Type 2

**Commented [RAC41]:** Unclear what this means; perhaps clarify by adding "nonprofit" before "group or body", and deleting "nonprofit" from before "habitat improvement".

(C) Tier 3 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(D) Tier 4 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(E) Tier 5 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(b) Effective July 1, 2026:

(A) Tier 1 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(B) Tier 2 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(C) Tier 3 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(D) Tier 4 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(E) Tier 5 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(c) Effective July 1, 2027:

(A) Tier 1 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(B) Tier 2 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(C) Tier 3 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(D) Tier 4 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(E) Tier 5 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(d) Effective July 1, 2028:

(A) Tier 1 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(B) Tier 2 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(C) Tier 3 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(D) Tier 4 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(E) Tier 5 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(e) Effective July 1, 2029:

(A) Tier 1 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(B) Tier 2 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(C) Tier 3 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(D) Tier 4 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(E) Tier 5 - \$X, Applicant Type 1 and \$X, Applicant Type 2

(6) For applications in Tiers 4 and 5 that exceed the costs outlined in Section (5), an additional hourly rate will be charged. The Department will notify the applicant of the initial cost estimate and seek approval prior to initiating work.- The hourly rate will be based on the actual costs at the time of service.

(7) Permit Renewal Fees. For individual permits, and general permits, that are renewed or valid for up to 5 years, an annual fee is assessed for each year that the permit is in effect. The annual fee is due 45 days prior to the anniversary date of issuance of the permit. The Department may assess the fee for multiyear permits or renewal as a one-time fee for up to five years.

(a) Effective July 1, 2025 - \$X per year

(b) Effective July 1, 2026 - \$X per year

(c) Effective July 1, 2027 - \$X per year

(d) Effective July 1, 2028 - \$X per year

(e) Effective July 1, 2029 - \$X per year

(8) Permit Renewal Fees After 5 Years. For individual permits that must be renewed beyond 5 years, a sixth-year fee is required. The sixth-year fee is due 45 days prior to the anniversary date of issuance of the permit. Renewals beyond the sixth year up to 4 additional years (e.g., year 10) will be assessed fees as described in Section (7) above. The Department may assess the fee for multiyear permits or renewal to include the additional years as a one-time fee for up to five years based on Section (7) above.

(a) Effective July 1, 2025 - \$X per year

(b) Effective July 1, 2026 - \$X per year

(c) Effective July 1, 2027 - \$X per year

(d) Effective July 1, 2028 - \$X per year

(e) Effective July 1, 2029 - \$X per year

(9) Fees for Request for Modification of Permit Conditions or Transfer of a Permit.

(a) The following fees apply to a request from the authorization holder to either modify permit conditions or transfer an individual permit or general permit:

(A) Effective July 1, 2025 - \$X

(B) Effective July 1, 2026 - \$X

(C) Effective July 1, 2027 - \$X

(D) Effective July 1, 2028 - \$X

(E) Effective July 1, 2029 - \$X

(b) Transfer of an applicant or modification of permit conditions will result in the Department re-evaluating the applicant type and permit tier under Sections (2) and (4). Any additional fee under Section

(5) resulting from a change in the permit tier will be due before the permit modification or transfer is issued.

(109) In-Water Work Window Variance Fees. The following fees apply for requests to deviate from the permitted In-water Work Window. The fee is due prior to issuance of the extension.

(a) Effective July 1, 2025 - \$X per year

(b) Effective July 1, 2026 - \$X per year

(c) Effective July 1, 2027 - \$X per year

(d) Effective July 1, 2028 - \$X per year

(e) Effective July 1, 2029 - \$X per year

~~(1) Disposition of Fees. All applications that require a fee, except for an emergency authorization, must include the fee at the time of application.~~

~~(2) Project Applications that Require a Fee. Except as provided in Section (3) of this rule, the following types of projects require a fee for a complete application:~~

~~(a) Individual Permit and General Permit applications that require a fee, must be accompanied by the applicable base fee and volume fee in accordance with the current fee schedule;~~

~~(b) General Authorization notifications which require a fee under OAR 141-089-0635, must be accompanied by the flat fee when the proposed removal fill activity is 50 cubic yards or more; and~~

~~(c) Emergency Authorization holders, except for erosion or flood repair, must submit the required fee to the Department within 45 calendar days of receiving the authorization.~~

~~(3) Project Applications that Do Not Require a Fee. No application fee or renewal fee is required when submitting an application or notification for the following:~~

~~(a) An agency determination that the project does not require a permit from the Department;~~

~~(b) Erosion flood repair or stream bank stabilization projects, regardless of the authorization type;~~

~~(c) Voluntary habitat restoration projects directed at habitat improvement, regardless of the authorization type;~~

~~(d) A general authorization when the project involves less than 50 cubic yards of removal fill activity; and~~

~~(e) A general permit that does not require a fee when specified in OAR 141-093.~~

~~(4) Calculating Application Fees. For each application that involves both removal and fill activity, the application fee is calculated separately for each activity using the base and volume fees. The required fee to be submitted with the application is the greater of the two calculated fees.~~

~~(5) Base Fees. Base fees are based on the following applicant classifications:~~

~~(a) Private operator, or a person contracting to perform services for a private operator;~~

(b) Public body; or

(c) Commercial operator.

(6) Volume Fees. In addition to the base fee established under Section (5) of this rule, each applicant may be required to also pay, as part of the application, an additional fee based on the volume of material according to the following schedule:

(a) Less than 500 cubic yards;

(b) 500 to less than 5,000 cubic yards;

(c) 5,000 to less than or equal to 50,000 cubic yards; or

(d) Over 50,000 cubic yards.

(7) Annual fees. For individual permits that are renewed or valid for more than one year, an annual fee is assessed for each year that the permit is in effect. The annual fee is equal to the base fee at the time of renewal or annual billing and is due by the anniversary date of issuance of the permit.

(8) Multiyear Permits. For issuance of multiyear permits valid over a period of more than one year and up to five years, the Department may assess a one-time fee at the rate in effect at the time of the application or renewal. The one-time fee must include:

(a) The application fee; and

(b) Any applicable annual fees for the duration of the term of the permit.

(9) Adjusting Fee Amounts. Fees are adjusted annually, on January 1 of each year. By December 1 of each year the Department will consult the Portland Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor to determine the appropriate annual fee adjustment to become effective on January 1 of the following year. The Department will then revise the fees in accordance with the CPI and post the fee schedule on the Department's website (<http://oregonstatelands.us/>).

**Statutory/Other Authority:** ORS 196.825 & 196.600-196.692

**Statutes/Other Implemented:** ORS 196.600-196.692 & 196.800-196.990

**History:**

DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

DSL 1-2011, f. & cert. ef. 3-1-11

DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10

DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09