



PUBLIC NOTICE

Oregon Department of State Lands

Date posted: January 6, 2025

Comment Opportunity: Fees for Oregon's Removal-Fill Program for Protecting Wetlands and Waters

The Department of State Lands (DSL) is seeking comments on proposed fee changes for Oregon's removal-fill program. The comment period is open from **January 6 – February 17, 2025**.

Oregon's Removal-Fill Program Fees

Oregon's Removal-Fill Law helps protect wetlands and waters by requiring permits to remove or add materials in wetlands, rivers, streams, lakes, and other waters of the state. For example, building bridges or boat ramps, installing culverts, or filling wetlands to develop property are common types of projects that require a removal-fill permit. When wetlands or waters are present, a delineation report is required to identify the boundaries of the protected resource.

The statutory Common School Fund heavily subsidizes [Oregon's removal-fill permitting process](#). The current fees paid by developers, property owners, and other permit applicants cover just 21%. On average, it costs \$2.8 million every year to cover the remaining removal-fill permitting costs. With 2023's House Bill 2238, the Oregon Legislature approved moving removal-fill fees from statute into administrative rule, allowing the statutory Common School Fund subsidy to be addressed with a new fee structure.

[A rulemaking advisory committee \(see RAC roster here\)](#) was convened from July 2024 – November 2024 to inform the how program costs could be covered through changes to the fees, the proposed tiers that the fees would fall under, and how much the fees would be each year.

What's Proposed

- **Fees that will cover 85 percent of program costs within five years:** Fees will increase gradually over the next five years, beginning with covering 60 percent of costs starting July 1, 2025 and increasing annually until 85 percent of costs are covered in 2030. This allows DSL to immediately begin addressing statutory Common School Fund impacts while also providing applicants with time to budget for increased fees. An annual inflation increase of 5 percent is also proposed.
- **Fees that are based on time, resources required.** DSL is proposing a tiered fee structure for wetland delineation reports and removal-fill permits that's aligned with how much staff time is required. The tiers for wetland delineation report reviews are based on the size of wetlands or waters present and the size of the study area. The tiers for removal-fill permits are based on the complexity of each permit application, and the environmental impacts of different project types on waters of the state.
- **A five-year fee schedule that clearly states the cost of removal-fill program services:** The fee schedules cover general authorizations, wetland determinations and delineation reports, and removal-fill permits (Individual, General, and Emergency).

[See the proposed removal-fill program fees here \(PDF\).](#)

These fee changes will be implemented in administrative rules OAR 141-089-0635; OAR 141-090-0032; and OAR 141-085-0545; related conforming rule changes will be implemented in administrative rules OAR 141-085-0510 and OAR 141-093-0120.

How to Comment

Visit the DSL website to see a draft of the proposed rules and program fees, all related materials from the rulemaking process, and the online comment form: www.oregon.gov/dsl/Pages/rulemaking.aspx

The comment deadline is Monday, February 17, 2025, at 5:00 p.m. (Pacific). After the comment period is concluded and comments addressed, these proposed rules are presented to the Department Director for a decision.



Public Hearings

Feedback on the proposed rulemaking can be provided during virtual public meetings. The meetings will begin with an information session with time for questions, followed by a public hearing.

Dates:

- Thursday, January 16, 2025, at 6:00 p.m.
- Monday, February 3, 2025, at 9:30 a.m.

Meeting ID: 250 886 8653

Join online: [Click here for the meeting link](#) (Passcode: w#EnJ067)

Join by phone: 1-669-444-9171 (Passcode: 87671005)



Written Comments

Comments may also be submitted in writing by [online form](#), emailed to dsl.rules@dsl.oregon.gov or mailed to DSL at 775 Summer Street NE, Suite 100, Salem, OR 97301.

Stay Updated

For the latest news on this draft rule and other proposed changes to administrative rules, subscribe to receive email updates or see the DSL website: www.oregon.gov/dsl/Pages/rulemaking.aspx

About the State Land Board and the Department of State Lands: The State Land Board consists of Governor Tina Kotek, Secretary of State Tobias Read, and State Treasurer Elizabeth Steiner. Established by the Oregon Constitution in 1859, the Land Board oversees the state's Common School Fund. The Department of State Lands is the Land Board's administrative agency, managing the lands and resources that help fund Oregon's public schools and protecting the state's waterways and wetlands for the many benefits they provide.