



HB 4084 (2026)

**Department of State
Lands Permit Catalog**

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Introduction

[House Bill 4084](#) (2026) establishes a Joint Permitting Council to administer a fast-track permitting program and requires specified state agencies to publish a comprehensive catalog of permits related to economic development.

As part of this requirement, the Department of State Lands (DSL) is publishing this Permit Catalog to provide information about permits and authorizations administered by the agency. The information in this catalog was collected through a survey of DSL staff and is intended to provide applicants and project proponents with a centralized resource for identifying applicable permits and authorizations.

This catalog includes information about DSL's Removal-Fill Permits and Proprietary Authorizations.

Removal-Fill Permits

Including: Individual Permits, General Authorizations, General Permits, Emergency Authorizations, No Permit Determinations, Voluntary Habitat Exemption Notifications, DEQ ORDER Waivers, ODOE/EFSC Waivers

The statutory authority, regulatory authority or other authority for issuing the permit:

Article VIII, Section 5 of the Oregon Constitution; ORS 196.795-196.993; ORS 273.171; ORS 273.045; ORS 274.040; 274.710; OAR Chapter 141 DIV 014, DIV 82, DIV 83, DIV 85, DIV 87, DIV 89, DIV 93, DIV 123, DIV 125, DIV 140, DIV 145

Is this permit a requirement of a federally delegated program? If yes, please provide the name of the federal program.

No. DSL's Removal-Fill Program is a state regulatory program administered under Oregon's Removal-Fill Law (ORS 196.795–196.990) that predated the federal Clean Water Act and is not a federally delegated Clean Water Act §404 program. However, projects regulated under the state program may also be subject to separate federal requirements administered by the U.S. Army Corps of Engineers under §404 of the Clean Water Act and §10 of the Rivers and Harbors Act of 1899. Where applicable, applicants may need to obtain both state and federal authorizations.

Provide a brief description and purpose for this permit:

A removal-fill permit is required for many projects that add, remove, or move material in wetlands, rivers, streams, lakes, and other protected waters of this state. Generally, a permit is required when more than 50 cubic yards of material is involved; however, projects involving any amount of material may require a permit in areas such as Essential Salmonid Habitat, Oregon State Scenic Waterways and adjacent lands within one-quarter mile of the waterway, and designated mitigation sites. Common activities requiring a permit include filling or altering wetlands and waterways for development such as housing; building or realigning infrastructure such as roads, docks, bridges, power, sewer and waterlines; installing culverts; stabilizing or restoring streambanks; building industrial or commercial projects; and some dredging. The permit process helps ensure projects are conducted in compliance with applicable state and federal regulations and supports the goal of no net

loss of wetlands from year to year by avoiding, minimizing, and mitigating impacts to wetland, river, and stream resources. It also helps protect water quality, fish and wildlife habitat, overall watershed health, and surrounding properties, recharge groundwater and ensure storage of water during high water and flood events.

What is the standard duration of this permit?

Under the Removal-Fill Program, Individual Permits are issued for 1-5 years and may be renewed indefinitely. General Permits are issued for 1-5 years and may not be renewed beyond 5 years. General Authorizations are issued for 3 years and may not be renewed. Emergency Permits are issued for 60 days and may be extended if the situation warrants. Waivers generally do not expire unless the law or rule they were based upon changes.

What information is needed for the application to be considered complete and what is the source of the info?

Individual Permits are complete when they meet the requirements listed in OAR 141-085-0550. General Permits are complete when they meet the requirements listed in OAR 141-093-0105. General Authorizations are complete when they meet the requirements listed in OAR 141-089.

Please describe the process for how your agency handles incomplete applications for this permit:

Staff documents incompleteness issues using an application completeness checklist and by detailing items that need to be addressed. The checklist is sent to the applicant with an explanatory notice and request to respond within 120 days. After 120 days, the agency may administratively close the application.

If readily available, please provide the number of incomplete applications the agency receives annually:

In FY 2026, 70% of new removal-fill applications were incomplete when initially submitted. From FY 2016–FY 2026, an average of 59% of new removal-fill applications were incomplete when initially submitted.

In FY 2026, 75% of initially incomplete removal-fill applications were deemed complete after being resubmitted with changes. 17% required two or more additional applications/resubmissions before being deemed complete.

Over FY 2016–FY 2026, an average of 72% of initially incomplete applications were deemed complete after one resubmission with changes, meaning an average of approximately 28% required two or more applications/resubmissions.

Is there a statutory or regulatory requirement governing the time within which the agency must process applications for the permit? If yes, please describe the timeframe.

Yes, under ORS 196.825, DSL must determine whether an application is complete within 30 days of receiving it and issue a permit decision within 90 days after the application is complete, unless extended. Under rule, the applicable processing timeline is up to 40 days for complete General Permit (GP) applications, and up to 30 days for complete General Authorization (GA) and other exemption applications, subject to applicable extensions and requirements. Timelines for individual and general permits include external review, with the public, public bodies, federal agencies, and tribal governments having 30 days to submit comments, while DEQ has up to 75 days when federal Clean Water Act certification is required.

In addition, under ORS 196.825(7), an applicant whose application has been deemed incomplete, denied, or issued may request a hearing within 21 days of the agency decision. The hearing is conducted as a contested case, after which the director issues an order that may rescind, affirm, or modify the initial decision. A final order may be appealed to the Oregon Court of Appeals.

What is the application fee for the permit?

The fees for removal-fill permits vary by type and tier of permit required according to OAR 141-85-0545. [See our current fees here.](#)

Is there a statutory, regulatory or other authority for the permit application fee?

ORS 196.806 (Adoption of Fees By Rule) and ORS 196.815 “A person who is required to have a permit to remove material from the bed or banks or fill any waters of this state shall file a written application with the Director of the Department of State Lands and pay a fee established by the director by rule under ORS 196.806 for each individual project before performing any removal or fill.”

When was the application fee last changed? Please provide the date of the last change and how much the application fee increased or decreased.

Removal-fill permit fees were updated on January 1, 2026. Rulemaking in 2026 established new fees for the program to better cover program costs. Fees adjust annually on January 1 through 2030. See the [RemovalFillFees_FiveYearSchedule.pdf](#).

Has your agency evaluated or identified opportunities to streamline the decision making process such as, eliminating unnecessary steps or barriers, reducing the number of incomplete applications, or eliminating any obsolete or unnecessary approval processes (without changing existing rules or statutes). If so, please summarize the opportunities identified and their implementation status.

DSL is endeavoring to reduce the incidence of incomplete removal-fill applications by encouraging pre-application meetings, providing examples of complete work, improving guidance, and through QC functions of our new online web portal, DSL Connect, for processing applications which is being activated in December 2026.

For projects that only require access to Oregon-owned waterways, DSL may waive the requirement to obtain a Short-Term Access Agreement under OAR 141-125 for all projects that receive or will receive a Removal-fill permit from the Department, excepting projects within the Lower Willamette River and projects subject to OAR 141-145.

Does the agency have an application backlog for this permit?

Yes.

Approximately how many applications for this permit are currently pending at the agency?

As of September 2026, There are 66 Removal-Fill applications in either the application review or technical review stages.

Provide any other information you feel is relevant to understanding the permit requirement:

Currently there is limited alignment between agencies' permit intake IT platforms which make efficiencies between agencies dependent on work arounds and other solutions. DSL has an example of how to do this through the Joint Permit Application (JPA) with the Army Corps of Engineers Clean Water Act 404 permit process.

Proprietary authorizations to use state-owned tidal and title-navigable waters

Including: easements, leases, licenses, registrations and access agreements over submerged and submersible lands

The statutory authority, regulatory authority or other authority for issuing the permit:

Article VIII, Section 5 of the Oregon Constitution; ORS 273.171; ORS 273.045; ORS 274.040; ORS 274.710; OAR 141, DIV 014, DIV 82, DIV 83, DIV 87, DIV 123, DIV 125, DIV 140, DIV 145

Is this permit a requirement of a federally delegated program? If yes, please provide the name of the federal program.

Proprietary authorizations are not a requirement of a federally delegated program.

Provide a brief description and purpose for this permit:

Unless exempt by law, any structure on or use of a state-owned tidal or title-navigable waterways requires the State's prior written approval. Typical uses and structures include, but are not limited to, commercial and public marinas, access for construction purposes, bridges, roads, culverts, utility crossings, personal recreation docks and boathouses, public piers and walkways, wharves, fish and aquaculture processing plants, as well as sand and gravel removal. The proprietary authorizations for these and other uses and structures indemnifies and holds the State harmless against any claims related to the authorized use or structure. In addition, many proprietary authorizations require compensation to the public through the Common School Fund for the use and occupancy of state lands.

What is the standard duration of this permit?

There is no standard duration for proprietary authorizations. Durations range from a few days for construction access to 30 years for a typical lease or easement. Some proprietary authorizations such as public transportation authorizations are issued in perpetuity with State Land Board approval.

What information is needed for the application to be considered complete and what is the source of the info?

Proprietary applications are considered complete when the application is signed by the applicant or their authorized agent, each question or request for information on the application is answered, the attachments listed on the application are submitted, and DSL receives, when applicable, the appropriate fee.

Please describe the process for how your agency handles incomplete applications for this permit:

Staff notifies the applicant of the information needed for DSL to determine the application complete and the timeline in which the information needs to be submitted before DSL may deny the application. This timeline varies by OAR and type of authorization but is either 60, 90 or 120 days.

If readily available, please provide the number of incomplete applications the agency receives annually:

Data on incomplete proprietary authorization applications is not readily available.

Is there a statutory or regulatory requirement governing the time within which the agency must process applications for the permit? If yes, please describe the timeframe.

There is no timeline identified in rule or statute governing the time within which DSL must process applications for or issue proprietary authorizations.

What is the application fee for the permit?

The fee for a proprietary authorization varies by type of proprietary authorization required. Fees range from \$125 to \$5,000. [See our current application fees and compensation rates here.](#)

The State Land Board has directed the agency to increase fees over time to achieve full cost recovery and account for annual inflation. Currently, permit fees do not full cover the agency's administrative costs. The agency's administrative costs are supported by "other funds" namely the Common School Fund.

Is there a statutory, regulatory or other authority for the permit application fee?

ORS 274.045 authorizes the Department to “establish its administrative policies in accordance with the laws prescribing its powers and duties and the general policies formulated by the State Land Board.” ORS 273.058 specifically authorizes fees and compensation rates by rule for an easement to construct a utility line, fixture, or facility on state land, excepting Oregon’s territorial sea. ORS 274.876 identifies fees specific to ocean renewable energy facility siting.

When was the application fee last changed? Please provide the date of the last change and how much the application fee increased or decreased.

Proprietary authorization fees were recently changed through OAR 141-082 rulemaking for leasing and registration of structures on submerged and submersible land. These rules were adopted by the State Land Board on April 14, 2026, and go into effect July 1, 2027. DSL is completing rulemaking for OAR 141-083 for granting easements for undersea infrastructure on submerged and submersible land within the Territorial Sea. Those rules and associated fees are anticipated to go into effect in January 2027.

Has your agency evaluated or identified opportunities to streamline the decision making process such as, eliminating unnecessary steps or barriers, reducing the number of incomplete applications, or eliminating any obsolete or unnecessary approval processes (without changing existing rules or statutes). If so, please summarize the opportunities identified and their implementation status.

For projects that only require access to Oregon-owned waterways, DSL may waive the requirement to obtain a Short-Term Access Agreement under OAR 141-125 for all projects that receive or will receive a Removal-fill permit from the Department, excepting projects within the Lower Willamette River and projects subject to OAR 141-145.

Does the agency have an application backlog for this permit?

No.

Approximately how many applications for this permit are currently pending at the agency?

There are 34 proprietary applications in the application review phase.

Provide any other information you feel is relevant to understanding the permit requirement:

Currently there is limited alignment between agencies' permit intake IT platforms which make efficiencies between agencies dependent on work arounds and other solutions. DSL has an example of how to do this through the Joint Permit Application (JPA) with the Army Corps of Engineers Clean Water Act 404 permit process.