

## SENATE AMENDMENTS TO SENATE BILL 401

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 22

1 On page 1 of the printed bill, line 2, delete “390.805 and 390.826;” and insert “390.835; repealing  
2 sections 3 and 4, chapter 499, Oregon Laws 2001;”.

3 Delete lines 5 through 31 and delete pages 2 through 5 and insert:

4 “**SECTION 1.** ORS 390.835 is amended to read:

5 “390.835. (1) It is declared that the highest and best uses of the waters within scenic waterways  
6 are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained  
7 in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water  
8 impoundment facility shall be constructed on waters within scenic waterways. No water diversion  
9 facility shall be constructed or used except by right previously established or as permitted by the  
10 Water Resources Commission, upon a finding that such diversion is necessary to uses designated in  
11 ORS 536.310 (12), and in a manner consistent with the policies set forth under ORS 390.805 to  
12 390.925. The Water Resources Commission shall administer and enforce the provisions of this sub-  
13 section.

14 “(2) Filling of the beds or removal of material from or other alteration of the beds or banks of  
15 scenic waterways for purposes other than recreational prospecting not requiring a permit shall be  
16 prohibited, except as permitted by the Director of the Department of State Lands upon a finding that  
17 such activity would be consistent with the policies set forth under ORS 390.805 to 390.925 for scenic  
18 waterways and in a manner consistent with the policies set forth under ORS 196.800 to 196.825 and  
19 196.845 to 196.870 for removal of material from the beds and banks and filling of any waters of this  
20 state. The Director of the Department of State Lands shall administer and enforce the provisions  
21 of this subsection.

22 “(3)(a) Upon a finding of emergency circumstances, the Director of the Department of State  
23 Lands may issue a temporary permit for the removal, filling or alteration of the beds or banks within  
24 a scenic waterway. The temporary permit shall include conditions developed after consultation with  
25 the State Department of Fish and Wildlife and the State Parks and Recreation Department.

26 “(b) As used in this subsection, ‘emergency circumstances’ exist if prompt action is necessary  
27 to prevent irreparable harm, injury or damage to persons or property.

28 “(4) Any person adversely affected or aggrieved by the grant or denial of a permit under sub-  
29 section (2) or (3) of this section may appeal in accordance with the procedure set forth in ORS  
30 196.835.

31 “(5) Nothing in ORS 390.805 to 390.925 affects the authority of the State Fish and Wildlife  
32 Commission to construct facilities or make improvements to facilitate the passage or propagation  
33 of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in ORS  
34 390.805 to 390.925 affects the authority of the Water Resources Commission to construct and main-  
35 tain stream gauge stations and other facilities related to the commission’s duties in administration

1 of the water laws.

2 “(6) Upon a finding of necessity under subsection (1) of this section, the Water Resources Com-  
3 mission may issue a water right for human consumption not to exceed 0.005 cubic feet per second  
4 per household, or livestock consumption uses not to exceed one-tenth of one cubic foot per second  
5 per 1,000 head of livestock, as designated in ORS 536.310 (12) within or above a scenic waterway if  
6 the Water Resources Commission makes the following findings:

7 “(a) That issuing the water right does not significantly impair the free-flowing character of these  
8 waters in quantities necessary for recreation, fish and wildlife.

9 “(b) That issuing the water right is consistent with provisions pertaining to water appropriation  
10 and water rights under ORS chapters 536 and 537 and rules adopted thereunder.

11 “(c) That construction, operation and maintenance of the diversion system will be carried out  
12 in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

13 “(d) If the water right is for human consumption, an additional finding that:

14 “(A) The applicant cannot reasonably obtain water from any other source;

15 “(B) Denial of the water right would result in loss of reasonable expectations for use of the  
16 property; and

17 “(C) The system installed to divert water shall include monitoring equipment to permit water  
18 use measurement and reporting.

19 “(e) If the water right is for livestock consumption, an additional finding that:

20 “(A) The right is necessary to prevent the livestock from watering in or along the stream bed;

21 “(B) The applicant cannot reasonably obtain water from any other source; and

22 “(C) The applicant has excluded livestock from the stream and its adjacent riparian zone.

23 “(7) In making the findings required under subsection (6) of this section, the Water Resources  
24 Commission shall consider the existing or potential cumulative impacts of issuing the water right.

25 “(8) The Water Resources Commission may not allow human consumption and livestock uses  
26 authorized under subsection (6) of this section in excess of a combined cumulative total of one per-  
27 cent of the average daily flow or one cubic foot per second, whichever is less, unless:

28 “(a) The Water Resources Commission, the State Parks and Recreation Department, the State  
29 Department of Fish and Wildlife, the Department of Environmental Quality and the Department of  
30 State Lands unanimously agree to exceed that amount; and

31 “(b) Exceeding that amount will not significantly impair the free-flowing character of these wa-  
32 ters in quantities necessary for recreation, fish and wildlife.

33 “(9)(a) The provisions of this section shall not apply to a water right application for the use of  
34 ground water as defined in ORS 537.515, except upon a finding by the Water Resources Director  
35 based on a preponderance of evidence that the use of ground water will measurably reduce the  
36 surface water flows necessary to maintain the free-flowing character of a scenic waterway in quan-  
37 tities necessary for recreation, fish and wildlife.

38 “(b) The Water Resources Department shall review every application for the use of ground wa-  
39 ter to determine whether to make the finding specified in paragraph (a) of this subsection. The  
40 finding shall be based upon the application of generally accepted hydrogeologic methods using rel-  
41 evant and available field information concerning the proposed use.

42 “(c) In making the determination required by paragraph (a) of this subsection, the Water Re-  
43 sources Department shall consider the timing of projected impacts of the proposed use in relation  
44 to other factors, including but not limited to: Changing climate, recharge, incidental precipitation,  
45 out-of-stream appropriations and return flows.

1 “(d) If the Water Resources Director makes the finding specified in paragraph (a) of this sub-  
2 section, the Water Resources Director shall issue an order denying the application unless:

3 “(A) Mitigation is provided in accordance with subsection (10) of this section; or

4 “(B) The applicant submits evidence to overcome the finding under paragraph (a) of this sub-  
5 section.

6 “(e) Except as provided under subsection (13) of this section, if the Water Resources Director  
7 does not make the finding specified in paragraph (a) of this subsection, the Water Resources Direc-  
8 tor shall issue an order approving the application if the application otherwise meets the require-  
9 ments of ORS 537.505 to 537.795.

10 “(f) A protest of any order issued under this subsection may be filed in the same manner as a  
11 protest on any application for a right to appropriate ground water.

12 “(g) Each water right permit and certificate for appropriation of ground water issued after July  
13 19, 1995, for which a source of appropriation is within or above a scenic waterway shall be condi-  
14 tioned to allow the regulation of the use if analysis of data available after the permit or certificate  
15 is issued discloses that the appropriation will measurably reduce the surface water flows necessary  
16 to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation,  
17 fish and wildlife in effect as of the priority date of the right or as those quantities may be subse-  
18 quently reduced.

19 “(h) Nothing in this subsection shall limit the use of ground water for a use exempted under  
20 ORS 537.545.

21 “(10) The Water Resources Commission or Water Resources Director shall consider mitigation  
22 measures and may include mitigation measures as conditions in any water right permit or certificate  
23 to ensure the maintenance of the free-flowing character of the scenic waterway in quantities nec-  
24 essary for recreation, fish and wildlife.

25 “(11) The Water Resources Commission and the Water Resources Director shall carry out their  
26 responsibilities under ORS 536.220 to 536.590 with respect to the waters within scenic waterways  
27 in conformity with the provisions of this section.

28 “(12) As used in this section, ‘measurably reduce’ means that the use authorized under sub-  
29 section (9) of this section will individually or cumulatively reduce surface water flows within the  
30 scenic waterway in excess of a combined cumulative total of one percent of the average daily flow  
31 or one cubic foot per second, whichever is less, unless:

32 “(a) The Water Resources Department, the State Parks and Recreation Department, the State  
33 Department of Fish and Wildlife, the Department of Environmental Quality and the Department of  
34 State Lands unanimously agree to exceed that amount; and

35 “(b) Exceeding that amount will not significantly impair the free-flowing character of these wa-  
36 ters in quantities necessary for recreation, fish and wildlife.

37 “(13) Before authorizing an appropriation that will reduce streamflows within a scenic waterway  
38 in amounts up to but not exceeding the amounts described in subsection (12) of this section, the  
39 Water Resources Director shall find:

40 “(a) That the appropriation will not significantly impair the free-flowing character of these wa-  
41 ters in quantities necessary for recreation, fish and wildlife.

42 “(b) That the appropriation is consistent with provisions pertaining to water appropriations and  
43 water rights under ORS chapters 536 and 537 and the rules adopted thereunder.

44 “(c) That construction, operation and maintenance of the appropriation will be carried out in a  
45 manner consistent with the purposes set forth in ORS 390.805 to 390.925.

1 “(14) No placer mining shall be permitted on waters within scenic waterways other than recre-  
2 ational placer mining.

3 “(15) No person shall be required to obtain a permit for recreational prospecting resulting in the  
4 fill, removal or other alteration of less than one cubic yard of material at any one individual site  
5 and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter  
6 of any single scenic waterway in a single year. Recreational prospecting shall not occur at any site  
7 where fish eggs are present.

8 “(16) No provision of this section shall be construed to exempt recreational placer mining on a  
9 scenic waterway, other than recreational prospecting not requiring a permit, from compliance with  
10 the provisions of ORS 196.800 to 196.825 and 196.845 to 196.870 or rules adopted pursuant to ORS  
11 196.800 to 196.825 and 196.845 to 196.870.

12 “(17) Recreational placer mining, other than recreational prospecting not requiring a permit,  
13 shall not:

14 “(a) Dam or divert a waterway or obstruct fish passage;

15 “(b) Include nozzling, sluicing or digging outside the wet perimeter of the stream, nor extend the  
16 wet perimeter;

17 “(c) Include movement of boulders, logs, stumps or other woody material from the wet perimeter  
18 other than movement by hand and nonmotorized equipment;

19 “(d) Involve the disturbance of rooted or embedded woody plants, including trees and shrubs,  
20 regardless of their location;

21 “(e) Include excavation from the streambank;

22 “(f) Fail to level pits, piles, furrows or potholes outside the main channel of the waterway upon  
23 leaving the site;

24 “[(g) *Include operation of a suction dredge without a suction dredge waste discharge permit from*  
25 *the Department of Environmental Quality including, but not limited to, a prohibition against dredging*  
26 *during periods when fish eggs could be in the dredging site gravel;*]

27 “[(h) **(g)** Be conducted on federal lands except as allowed by agencies of the federal govern-  
28 ment; **or**

29 “[(i) **(h)** Impede boating.];]

30 “[(j) *Include operation of a dredge between the hours of 6 p.m. and 8 a.m. within 500 feet of a*  
31 *residence or within 500 feet of a campground except within a federally designated recreational mining*  
32 *site; or]*

33 “[(k) *Include operation of a dredge within the marked or posted swimming area of a designated*  
34 *campground or day use area except within a federally designated recreational mining site.*]

35 “(18) As used in this section:

36 “(a) ‘Bed’ means the land within the wet perimeter and any adjacent nonvegetated dry gravel  
37 bar.

38 “(b) ‘Prospecting’ means to search or explore for samples of gold, silver or other precious min-  
39 erals, using nonmotorized methods, from among small quantities of aggregate.

40 “(c)(A) ‘Recreational placer mining’ [*includes, but is not limited to, the use of*] **means mining**  
41 **using** nonmotorized equipment [*and motorized surface dredges having an intake nozzle with an inside*  
42 *diameter not exceeding four inches, a motor no larger than 16 horsepower and a muffler meeting or*  
43 *exceeding factory-installed noise reduction standards*].

44 “(B) ‘Recreational placer mining’ does not [*include*] **mean** recreational prospecting that does  
45 not require a permit.

1 “(d) ‘Wet perimeter’ means the area of the stream that is underwater, or is exposed as a non-  
2 vegetated dry gravel bar island surrounded on all sides by actively moving water at the time the  
3 activity occurs.

4 “**SECTION 2.** ORS 390.835, as amended by section 8, chapter 516, Oregon Laws 2001, is  
5 amended to read:

6 “390.835. (1) It is declared that the highest and best uses of the waters within scenic waterways  
7 are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained  
8 in quantities necessary for recreation, fish and wildlife uses. A dam, reservoir or other water  
9 impoundment facility may not be constructed on waters within scenic waterways. A water diversion  
10 facility may not be constructed or used except by right previously established or as permitted by the  
11 Water Resources Commission, upon a finding that such diversion is necessary to uses designated in  
12 ORS 536.310 (12), and in a manner consistent with the policies set forth under ORS 390.805 to  
13 390.925. The Water Resources Commission shall administer and enforce the provisions of this sub-  
14 section.

15 “(2) Filling of the beds or removal of material from or other alteration of the beds or banks of  
16 scenic waterways for purposes other than recreational prospecting not requiring a permit shall be  
17 prohibited, except as permitted by the Director of the Department of State Lands upon a finding that  
18 such activity would be consistent with the policies set forth under ORS 390.805 to 390.925 for scenic  
19 waterways and in a manner consistent with the policies set forth under ORS 196.800 to 196.825 and  
20 196.845 to 196.870 for removal of material from the beds and banks and filling of any waters of this  
21 state. The Director of the Department of State Lands shall administer and enforce the provisions  
22 of this subsection.

23 “(3)(a) Upon a finding of emergency circumstances, the Director of the Department of State  
24 Lands may issue a temporary permit for the removal, filling or alteration of the beds or banks within  
25 a scenic waterway. The temporary permit shall include conditions developed after consultation with  
26 the State Department of Fish and Wildlife and the State Parks and Recreation Department.

27 “(b) As used in this subsection, ‘emergency circumstances’ exist if prompt action is necessary  
28 to prevent irreparable harm, injury or damage to persons or property.

29 “(4) Any person adversely affected or aggrieved by the grant or denial of a permit under sub-  
30 section (2) or (3) of this section may appeal in accordance with the procedure set forth in ORS  
31 196.835.

32 “(5) Nothing in ORS 390.805 to 390.925 affects the authority of the State Fish and Wildlife  
33 Commission to construct facilities or make improvements to facilitate the passage or propagation  
34 of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in ORS  
35 390.805 to 390.925 affects the authority of the Water Resources Commission to construct and main-  
36 tain stream gauge stations and other facilities related to the commission’s duties in administration  
37 of the water laws.

38 “(6) Upon a finding of necessity under subsection (1) of this section, the Water Resources Com-  
39 mission may issue a water right for human consumption not to exceed 0.005 cubic feet per second  
40 per household, or livestock consumption uses not to exceed one-tenth of one cubic foot per second  
41 per 1,000 head of livestock, as designated in ORS 536.310 (12) within or above a scenic waterway if  
42 the Water Resources Commission makes the following findings:

43 “(a) That issuing the water right does not significantly impair the free-flowing character of these  
44 waters in quantities necessary for recreation, fish and wildlife.

45 “(b) That issuing the water right is consistent with provisions pertaining to water appropriation

1 and water rights under ORS chapters 536 and 537 and rules adopted thereunder.

2 “(c) That construction, operation and maintenance of the diversion system will be carried out  
3 in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

4 “(d) If the water right is for human consumption, an additional finding that:

5 “(A) The applicant cannot reasonably obtain water from any other source;

6 “(B) Denial of the water right would result in loss of reasonable expectations for use of the  
7 property; and

8 “(C) The system installed to divert water shall include monitoring equipment to permit water  
9 use measurement and reporting.

10 “(e) If the water right is for livestock consumption, an additional finding that:

11 “(A) The right is necessary to prevent the livestock from watering in or along the stream bed;

12 “(B) The applicant cannot reasonably obtain water from any other source; and

13 “(C) The applicant has excluded livestock from the stream and its adjacent riparian zone.

14 “(7) In making the findings required under subsection (6) of this section, the Water Resources  
15 Commission shall consider the existing or potential cumulative impacts of issuing the water right.

16 “(8) The Water Resources Commission may not allow human consumption and livestock uses  
17 authorized under subsection (6) of this section in excess of a combined cumulative total of one per-  
18 cent of the average daily flow or one cubic foot per second, whichever is less, unless:

19 “(a) The Water Resources Commission, the State Parks and Recreation Department, the State  
20 Department of Fish and Wildlife, the Department of Environmental Quality and the Department of  
21 State Lands unanimously agree to exceed that amount; and

22 “(b) Exceeding that amount will not significantly impair the free-flowing character of these wa-  
23 ters in quantities necessary for recreation, fish and wildlife.

24 “(9)(a) The provisions of this section do not apply to a water right application for the use of  
25 ground water as defined in ORS 537.515, except upon a finding by the Water Resources Director  
26 based on a preponderance of evidence that the use of ground water will measurably reduce the  
27 surface water flows necessary to maintain the free-flowing character of a scenic waterway in quan-  
28 tities necessary for recreation, fish and wildlife.

29 “(b) The Water Resources Department shall review every application for the use of ground wa-  
30 ter to determine whether to make the finding specified in paragraph (a) of this subsection. The  
31 finding shall be based upon the application of generally accepted hydrogeologic methods using rel-  
32 evant and available field information concerning the proposed use.

33 “(c) In making the determination required by paragraph (a) of this subsection, the Water Re-  
34 sources Department shall consider the timing of projected impacts of the proposed use in relation  
35 to other factors, including but not limited to: Changing climate, recharge, incidental precipitation,  
36 out-of-stream appropriations and return flows.

37 “(d) If the Water Resources Director makes the finding specified in paragraph (a) of this sub-  
38 section, the Water Resources Director shall issue an order denying the application unless:

39 “(A) Mitigation is provided in accordance with subsection (10) of this section; or

40 “(B) The applicant submits evidence to overcome the finding under paragraph (a) of this sub-  
41 section.

42 “(e) Except as provided under subsection (13) of this section, if the Water Resources Director  
43 does not make the finding specified in paragraph (a) of this subsection, the Water Resources Direc-  
44 tor shall issue an order approving the application if the application otherwise meets the require-  
45 ments of ORS 537.505 to 537.795.

1 “(f) A protest of any order issued under this subsection may be filed in the same manner as a  
2 protest on any application for a right to appropriate ground water.

3 “(g) Each water right permit and certificate for appropriation of ground water issued after July  
4 19, 1995, for which a source of appropriation is within or above a scenic waterway shall be condi-  
5 tioned to allow the regulation of the use if analysis of data available after the permit or certificate  
6 is issued discloses that the appropriation will measurably reduce the surface water flows necessary  
7 to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation,  
8 fish and wildlife in effect as of the priority date of the right or as those quantities may be subse-  
9 quently reduced.

10 “(h) This subsection does not limit the use of ground water for a use exempted under ORS  
11 537.545.

12 “(10) The Water Resources Commission or Water Resources Director shall consider mitigation  
13 measures and may include mitigation measures as conditions in any water right permit or certificate  
14 to ensure the maintenance of the free-flowing character of the scenic waterway in quantities nec-  
15 essary for recreation, fish and wildlife.

16 “(11) The Water Resources Commission and the Water Resources Director shall carry out their  
17 responsibilities under ORS 536.220 to 536.590 with respect to the waters within scenic waterways  
18 in conformity with the provisions of this section.

19 “(12) As used in this section, ‘measurably reduce’ means that the use authorized under sub-  
20 section (9) of this section will individually or cumulatively reduce surface water flows within the  
21 scenic waterway in excess of a combined cumulative total of one percent of the average daily flow  
22 or one cubic foot per second, whichever is less, unless:

23 “(a) The Water Resources Department, the State Parks and Recreation Department, the State  
24 Department of Fish and Wildlife, the Department of Environmental Quality and the Department of  
25 State Lands unanimously agree to exceed that amount; and

26 “(b) Exceeding that amount will not significantly impair the free-flowing character of these wa-  
27 ters in quantities necessary for recreation, fish and wildlife.

28 “(13) Before authorizing an appropriation that will reduce streamflows within a scenic waterway  
29 in amounts up to but not exceeding the amounts described in subsection (12) of this section, the  
30 Water Resources Director shall find:

31 “(a) That the appropriation will not significantly impair the free-flowing character of these wa-  
32 ters in quantities necessary for recreation, fish and wildlife.

33 “(b) That the appropriation is consistent with provisions pertaining to water appropriations and  
34 water rights under ORS chapters 536 and 537 and the rules adopted thereunder.

35 “(c) That construction, operation and maintenance of the appropriation will be carried out in a  
36 manner consistent with the purposes set forth in ORS 390.805 to 390.925.

37 “(14) Placer mining is not permitted on waters within scenic waterways, other than recreational  
38 placer mining.

39 “(15) A person may not be required to obtain a permit for recreational prospecting or other  
40 nonmotorized recreational activity resulting in the fill, removal or other alteration of less than one  
41 cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards  
42 of material from within the bed or wet perimeter of any single scenic waterway in a single year.  
43 Recreational prospecting shall not occur at any site where fish eggs are present.

44 “(16) This section does not exempt recreational placer mining on a scenic waterway, other than  
45 recreational prospecting not requiring a permit, from compliance with the provisions of ORS 196.800

1 to 196.825 and 196.845 to 196.870 or rules adopted pursuant to ORS 196.800 to 196.825 and 196.845  
2 to 196.870.

3 “(17) Recreational placer mining may not:

4 “(a) Dam or divert a waterway or obstruct fish passage;

5 “(b) Include nozzling, sluicing or digging outside the wet perimeter of the stream, nor extend the  
6 wet perimeter;

7 “(c) Include movement of boulders, logs, stumps or other woody material from the wet perimeter  
8 other than movement by hand and nonmotorized equipment;

9 “(d) Involve the disturbance of rooted or embedded woody plants, including trees and shrubs,  
10 regardless of their location;

11 “(e) Include excavation from the streambank;

12 “(f) Fail to level pits, piles, furrows or potholes outside the main channel of the waterway upon  
13 leaving the site;

14 “[g] *Include operation of a suction dredge without a suction dredge waste discharge permit from*  
15 *the Department of Environmental Quality including, but not limited to, a prohibition against dredging*  
16 *during periods when fish eggs could be in the dredging site gravel;*]

17 “[h] (g) Be conducted on federal lands except as allowed by agencies of the federal govern-  
18 ment; **or**

19 “[i] (h) Impede boating.[:]

20 “[j] *Include operation of a dredge between the hours of 6 p.m. and 8 a.m. within 500 feet of a*  
21 *residence or within 500 feet of a campground except within a federally designated recreational mining*  
22 *site; or]*

23 “[k] *Include operation of a dredge within the marked or posted swimming area of a designated*  
24 *campground or day use area except within a federally designated recreational mining site.]*

25 “(18) As used in this section:

26 “(a) ‘Bed’ means the land within the wet perimeter and any adjacent nonvegetated dry gravel  
27 bar.

28 “(b) ‘Prospecting’ means to search or explore for samples of gold, silver or other precious min-  
29 erals, using nonmotorized methods, from among small quantities of aggregate.

30 “(c)(A) ‘Recreational placer mining’ [*includes, but is not limited to, the use of*] **means mining**  
31 **using** nonmotorized equipment [*and motorized surface dredges having an intake nozzle with an inside*  
32 *diameter not exceeding four inches, a motor no larger than 16 horsepower and a muffler meeting or*  
33 *exceeding factory-installed noise reduction standards].*

34 “(B) ‘Recreational placer mining’ does not [*include*] **mean** recreational prospecting that does  
35 not require a permit.

36 “(d) ‘Wet perimeter’ means the area of the stream that is underwater, or is exposed as a non-  
37 vegetated dry gravel bar island surrounded on all sides by actively moving water at the time the  
38 activity occurs.

39 “**SECTION 3. Sections 3 and 4, chapter 499, Oregon Laws 2001, are repealed.**

40 “**SECTION 4. (1) In order to achieve compliance with ORS 390.855 related to scenic**  
41 **waterways, the State Parks and Recreation Department shall undertake a study of the fol-**  
42 **lowing waterways for consideration under the provisions of ORS 390.805 to 390.925 as scenic**  
43 **waterways:**

44 “(a) **The McKenzie River from Paradise Campground downstream to its confluence with**  
45 **Cone Creek.**



1       “(b) The Illinois River from the boundary of the Rogue River-Siskiyou National Forest in  
2 section 29, township 38 south, range 8 west, downstream to its confluence with Deer Creek.

3       “(c) The East Fork Illinois River from the Oregon border with California downstream to  
4 its confluence with the Illinois River.

5       “(d) The West Fork Illinois River from the Oregon border with California downstream  
6 to its confluence with Rough and Ready Creek.

7       “(e) The Rogue River from its confluence with Bear Creek downstream to the confluence  
8 of Bear Creek with Applegate River.

9       “(f) The Grande Ronde River from its headwaters to the boundary of Wallowa-Whitman  
10 National Forest in section 15, township 4 south, range 35 east.

11       “(g) The Middle Fork Willamette River from Timpanogas Lake downstream to Hills Creek  
12 Lake.

13       “(h) The Brice Creek Scenic Waterway, which includes Brice Creek from its headwaters  
14 to Row River.

15       “(i) The South Umpqua Scenic Waterway, which includes the South Umpqua River from  
16 Castle Rock Fork downstream to the Highway 42 bridge.

17       “(j) The Sucker Scenic Waterway, which includes Sucker Creek from its headwaters to  
18 its confluence with the East Fork Illinois River.

19       “(k) The Yachats Scenic Waterway, which includes the Yachats River from its  
20 headwaters to the Pacific Ocean.

21       “(L) The Applegate Scenic Waterway, which includes the Applegate River from imme-  
22 diately below Applegate Lake to the confluence of the Applegate River with Forest Creek.

23       “(m) The Briggs Creek Scenic Waterway, which includes Briggs Creek from its  
24 headwaters to its confluence with the Illinois River.

25       “(n) The Cedar Creek Scenic Waterway, which includes Cedar Creek from its headwaters  
26 to its confluence with the Little North Fork Santiam River.

27       “(o) The Chetco Scenic Waterway, which includes the segment of the Chetco River from  
28 the Kalmiopsis Wilderness boundary in section 5, township 38 south, range 11 west, down-  
29 stream to the United States Forest Service boundary below Wilson Creek.

30       “(p) The Cow Creek Scenic Waterway, which includes Cow Creek from Tunnel Creek  
31 downstream to the confluence of Cow Creek with the South Umpqua River.

32       “(q) The Eagle Creek Scenic Waterway, which includes Eagle Creek from its headwaters  
33 in the Eagle Cap Wilderness downstream to the United States Forest Service boundary in  
34 section 7, township 8 south, range 45 east.

35       “(r) The Elk Creek Scenic Waterway, which includes Elk Creek from its headwaters to  
36 its confluence with the South Umpqua River.

37       “(s) The Grave Creek Scenic Waterway, which includes Grave Creek from its headwaters  
38 downstream to its confluence with the Rogue River.

39       “(t) The Silver Creek Scenic Waterway, which includes:

40       “(A) Silver Creek from its headwaters to its confluence with the Illinois River;

41       “(B) The North Fork Silver Creek from its headwaters to its confluence with Silver  
42 Creek; and

43       “(C) The South Fork Silver Creek from its headwaters to its confluence with Silver  
44 Creek.

45       “(u) The Josephine Creek Scenic Waterway, which includes Josephine Creek from its

1 headwaters to its confluence with the Illinois River.

2 “(v) The Little Applegate Scenic Waterway, which includes the Little Applegate River  
3 from its headwaters to its confluence with the Applegate River.

4 “(w) The Molalla River Scenic Waterway, which includes the Molalla River from the Bu-  
5 reau of Land Management boundary in section 19, township 7 south, range 4 east, down-  
6 stream to the Bureau of Land Management boundary in section 7, township 6 south, range  
7 3 east.

8 “(x) The Quartzville Scenic Waterway, which includes Quartzville Creek from its  
9 headwaters to Green Peter Lake.

10 “(y) The Rough and Ready Scenic Waterway, which includes:

11 “(A) The Rough and Ready Creek from the confluence at the north and south forks of  
12 the Rough and Ready Creek downstream to its confluence with the West Fork Illinois River;

13 “(B) The North Fork Rough and Ready Creek from its headwaters to its confluence with  
14 the South Fork Rough and Ready Creek; and

15 “(C) The South Fork Rough and Ready Creek from its headwaters downstream to its  
16 confluence with the North Fork Rough and Ready Creek.

17 “(z) The Sandy Scenic Waterway, which includes the Sandy River from the Mount Hood  
18 Wilderness boundary downstream to its confluence with the Bull Run River.

19 “(aa) The South Fork Alsea Scenic Waterway, which includes the South Fork Alsea River  
20 from its headwaters to its confluence with the North Fork Alsea River.

21 “(2) The State Parks and Recreation Department shall report the results of the study to  
22 the Governor and the interim committees of the Legislative Assembly related to environ-  
23 ment and natural resources on or before January 1, 2015. The department shall make rec-  
24 ommendations about whether the waterways specified in subsection (1) of this section should  
25 be designated as scenic waterways and shall provide justifications for the recommendations.  
26 The department may make recommendations regarding waterways other than those specified  
27 in subsection (1) of this section.

28 “SECTION 5. Section 4 of this 2013 Act is repealed on January 2, 2015.

29 “SECTION 6. This 2013 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
31 on its passage.”.

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