

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO
HOUSE BILL 3382**

1 In line 2 of the printed bill, after “ports” insert “; and declaring an
2 emergency”.

3 Delete lines 4 through 30 and insert:

4 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part
5 of ORS chapter 197.**

6 **“SECTION 2. (1) Deep draft navigational channel improvements are
7 a reason a local government may adopt an exception under ORS 197.732
8 (2)(c)(A) to a land use planning goal related to estuarine resources in
9 order to redesignate or rezone natural and conservation estuary man-
10 agement units within a deep draft development estuary, provided that
11 the improvements are:**

12 **“(a) Carried out in a manner that includes mitigation, as defined
13 in ORS 196.800, of adverse impacts to ensure no net loss of estuarine
14 resources and the affected aquatic and shore areas and habitats;**

15 **“(b) Of the location, design and minimum extent necessary for the
16 use;**

17 **“(c) Applied for by:**

18 **“(A) A public port;**

19 **“(B) An Indian tribe, as defined in ORS 97.740;**

20 **“(C) An industry in the traded sector, as defined in ORS 285A.010,
21 except for an industry importing or exporting fossil fuels;**

1 **“(D) The developer of an offshore renewable energy facility; or**
2 **“(E) An operator of fishing vessels or cruise ships;**
3 **“(d) Within the jurisdiction of the Oregon International Port of**
4 **Coos Bay, the Port of Astoria or the Port of Newport; and**
5 **“(e) Conducted in accordance with a plan that:**
6 **“(A) Is developed, in consultation with local Indian tribes, for:**
7 **“(i) Archaeological objects, human remains, funerary objects and**
8 **sites of archaeological significance, as those terms are defined in ORS**
9 **358.905; and**
10 **“(ii) Archaeological sites identified on an inventory of the State**
11 **Parks and Recreation Department, a tribal historic preservation offi-**
12 **cer or local government;**
13 **“(B) Avoids or, if avoidance is not practicable, mitigates adverse**
14 **impacts to such remains, sites or objects, including by preservation in**
15 **situ or recovery with permanent protection; and**
16 **“(C) Identifies procedures and requirements to occur should an in-**
17 **advertent discovery of such remains, sites or objects occur.**
18 **“(2) As used in this section:**
19 **“(a) ‘Deep draft navigation channel improvements’ means dredging**
20 **for the purposes of:**
21 **“(A) Deepening or widening the existing federal navigation channel**
22 **as necessary to accommodate vessels that would use the proposed**
23 **water-dependent uses;**
24 **“(B) Establishing a new access channel, or modifying an existing**
25 **access channel, that is directly between the federal navigational**
26 **channel and any of the following structures identified in the applica-**
27 **tion for which the exception is adopted under this section:**
28 **“(i) Navigation support structures; or**
29 **“(ii) Docks, wharfs or similar ship berthing structures;**
30 **“(C) Establishing a turning basin necessary for the safe navigation**

1 of vessels utilizing the federal navigation channel or access channel;
2 or

3 “(D) Enabling the construction or maintenance of necessary struc-
4 tural support for docks, wharfs or similar ship berthing facilities or
5 navigation aids.

6 “(b) ‘Deep draft navigation channel improvements’ does not in-
7 clude:

8 “(A) Dredge material disposal; and

9 “(B) Fill to create new upland areas.

10 “SECTION 3. Nothing in section 2 of this 2023 Act affects the rules
11 or permitting authority of the Department of State Lands, the De-
12 partment of Transportation, the State Parks and Recreation Depart-
13 ment, the State Department of Fish and Wildlife or the Department
14 of Environmental Quality.

15 “SECTION 4. This 2023 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2023 Act takes effect on its passage.”.

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