

SB 1517-3
(LC 199)
2/3/16 (MAM/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES (at the request of Oregon Farm Bureau)

**PROPOSED AMENDMENTS TO
SENATE BILL 1517**

1 On page 1 of the printed bill, line 2, delete “and amending ORS 196.816,”
2 and insert “amending ORS”.

3 In line 3, after “496.270” insert “and section 14, chapter 386, Oregon Laws
4 2015; and repealing ORS 196.816”.

5 On page 2, line 37, delete “5” and insert “6”.

6 On page 11, line 21, delete “5” and insert “6”.

7 On page 20, line 19, delete “5” and insert “6”.

8 On page 27, line 24, delete “5” and insert “6”.

9 On page 34, delete lines 11 through 20 and insert:

10 **“SECTION 5. Section 6 of this 2016 Act is added to and made a part
11 of ORS chapter 215.**

12 **“SECTION 6. (1) As used in this section:**

13 **“(a) ‘Converted wetlands’ has the meaning given that term in ORS
14 196.905.**

15 **“(b) ‘Mitigation bank’ has the meaning given that term in ORS
16 196.600.**

17 **“(c) ‘Reclamation’ has the meaning given that term in ORS 517.750.**

18 **“(d) ‘Surface mining’ has the meaning given that term in ORS
19 517.750.**

20 **“(e) ‘Wetlands’ has the meaning given that term in ORS 196.800.**

21 **“(2) Wetlands may be created, restored or enhanced under ORS**

1 **215.213 (1)(o) or 215.283 (1)(m) if the local governing body or its designee**
2 **finds that the use will not:**

3 **“(a) Force a significant change in accepted farming or forest prac-**
4 **tices on surrounding lands devoted to farm or forest use;**

5 **“(b) Significantly increase the cost of accepted farming or forest**
6 **practices on surrounding lands devoted to farm or forest use; or**

7 **“(c) Materially alter the stability of the agricultural land use pat-**
8 **tern in the area or cause a significant change to farming practice,**
9 **alone or in combination with other wetlands in the area that have**
10 **been created, restored or enhanced or have been approved by the local**
11 **governing body or state or federal government to be created, restored**
12 **or enhanced.**

13 **“(3) The findings required under subsection (2) of this section are**
14 **not required for the creation, restoration or enhancement of wetlands:**

15 **“(a) For purposes related to a mitigation bank;**

16 **“(b) For reclamation of lands affected by surface mining; and**

17 **“(c) That are converted wetlands, or farmed wetlands, if commer-**
18 **cial agricultural production on the land has not been abandoned for**
19 **five or more years.”.**

20 In line 25, delete “6” and insert “7”.

21 Delete lines 36 and 37 and insert:

22 **“(3)(a) An operator or timber owner, as those terms are defined in ORS**
23 **527.620, or a landowner, may not be held liable for any damages resulting**
24 **from:”.**

25 In line 38, delete “(a)” and insert “(A)”.

26 In line 42, delete “(b)” and insert “(B)”.

27 After line 43, insert:

28 **“(b) As used in this subsection, ‘landowner’ means:**

29 **“(A) An owner of forestland subject to the Oregon Forest Practices Act**
30 **administered under ORS 527.610 to 527.770, 527.990 (1) and 527.992; or**

1 “(B) An owner of land other than forestland if the owner is not also the
2 project manager or the primary party responsible for completion of a project
3 described in this subsection.”.

4 On page 35, delete lines 11 through 17 and insert:

5 **“SECTION 8. ORS 196.816 is repealed.**

6 **“SECTION 9. Section 10 of this 2016 Act is added to and made a part
7 of ORS 196.600 to 196.905.**

8 **“SECTION 10. (1) ORS 196.810 does not apply to the following ac-
9 tivities when completed for the purpose of maintaining drainage and
10 protecting agricultural land:**

11 **“(a) The removal of no more than 100 cubic yards of material from
12 waters of this state in a calendar year, including in essential
13 indigenous anadromous salmonid habitat.**

14 **“(b) The fill of up to 100 cubic yards of material in waters of this
15 state, unless the fill activity is proposed in essential indigenous
16 anadromous salmonid habitat.**

17 **“(2) In conducting a removal or fill activity authorized under this
18 section a person must comply with the following conditions:**

19 **“(a) The removal or fill activity must not result in the conversion
20 of wetland to upland;**

21 **“(b) The removal of woody vegetation must:**

22 **“(A) Be limited to the minimum amount needed to complete the
23 activity, including gaining access to the removal site; and**

24 **“(B) Where practicable, be limited to the north and east sides of the
25 stream channel;**

26 **“(c) Equipment used to remove or fill material must operate from
27 the top of the streambank, where feasible, or otherwise from a dry
28 position below the top of the streambank;**

29 **“(d) To the extent practicable, the activity must be implemented in
30 a manner that naturally maintains inlet and outlet connections with**

1 **the main stream channel;**

2 **“(e) As necessary, erosion control measures must be installed and**
3 **maintained during the activity and after disposal of material; and**

4 **“(f) A removal activity occurring in essential indigenous**
5 **anadromous salmonid habitat must be conducted during periods that**
6 **minimize adverse effects to fish and wildlife in accordance with guid-**
7 **ance provided by the State Department of Fish and Wildlife.**

8 **“(3) As used in this section, ‘essential indigenous anadromous**
9 **salmonid habitat’ has the meaning given that term in ORS 196.810.**

10 **“SECTION 11.** Section 14, chapter 386, Oregon Laws 2015, is amended to
11 read:

12 **“Sec. 14.** (1) The Department of State Lands shall convene a committee
13 to assist the department in evaluating whether to establish by rule [*a general*
14 *permit under ORS 196.816, or grant by rule*] a general authorization under
15 ORS 196.850[,] for ocean renewable energy facilities that are used as compo-
16 nents of research projects or demonstration projects that produce ocean
17 renewable energy.

18 **“(2)** The committee required under subsection (1) of this section shall in-
19 clude, but is not limited to:

20 **“(a)** Representatives of ocean renewable energy industries;

21 **“(b)** Representatives of marine industries; and

22 **“(c)** Representatives of interests related to ocean resources.

23 **“(3)** Notwithstanding any contrary provision of ORS [*196.816 or*] 196.850,
24 the department shall, before establishing [*a general permit under ORS 196.816*
25 *or granting*] a general authorization under ORS 196.850 for the ocean
26 renewable energy facilities described in subsection (1) of this section, con-
27 vene an advisory committee in accordance with ORS 183.333 to assist the
28 department in drafting rules under ORS [*196.816 or*] 196.850 and this section.

29 **“(4)** As used in this section, ‘ocean renewable energy’ and ‘ocean
30 renewable energy facility’ have the meaning given those terms in [*section 1*

1 *of this 2015 Act*] **ORS 274.870.**”.

2 In line 18, delete “8” and insert “12”.

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