

B-Engrossed
House Bill 3382

Ordered by the House June 2
Including House Amendments dated May 23 and June 2

Sponsored by Representatives JAVADI, GOMBERG, Senator SMITH DB; Representatives BOICE, EVANS, HELM, STOUT, WRIGHT, Senators ANDERSON, WEBER (at the request of Oregon Public Ports Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows local government to adopt land use exception to Goal 16 under certain conditions for applications for deep draft navigation channel improvements in Oregon International Port of Coos Bay.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to ports; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

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

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

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

(b) Of the location, design and minimum extent necessary for the use;

(c) Applied for by a public port or an eligible Indian tribe, as defined in ORS 285C.306;

(d) Within the jurisdiction of the Oregon International Port of Coos Bay;

(e) Not including or relying upon the commercial processing, importing or exporting of fossil fuels, other than existing facilities providing fuel storage or distribution;

(f) Applied for by an applicant that has issued a report that sets forth:

(A) The identification of anticipated financing sources for the deep draft navigation channel improvements; and

(B) An estimate of the number of jobs that will be created as a result of the improvements; and

(g) Conducted in accordance with a plan that:

(A) Is developed, in consultation with local Indian tribes, for:

(i) Archaeological objects, human remains, funerary objects and sites of archaeological significance, as those terms are defined in ORS 358.905; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (ii) Archaeological sites identified on an inventory of the State Parks and Recreation
2 Department, a tribal historic preservation officer or local government;

3 (B) Avoids or, if avoidance is not practicable, mitigates adverse impacts to such remains,
4 sites or objects, including by preservation in situ or recovery with permanent protection; and

5 (C) Identifies procedures and requirements to occur should an inadvertent discovery of
6 such remains, sites or objects occur.

7 (2) As used in this section:

8 (a) "Deep draft navigation channel improvements" means dredging for the purposes of:

9 (A) Deepening or widening the existing federal navigation channel as necessary to ac-
10 commodate vessels that would use the proposed water-dependent uses;

11 (B) Establishing a new access channel, or modifying an existing access channel, that is
12 directly between the federal navigational channel and any of the following structures identi-
13 fied in the application for which the exception is adopted under this section:

14 (i) Navigation support structures; or

15 (ii) Docks, wharfs or similar ship berthing structures;

16 (C) Establishing a turning basin necessary for the safe navigation of vessels utilizing the
17 federal navigation channel or access channel; or

18 (D) Enabling the construction or maintenance of necessary structural support for docks,
19 wharfs or similar ship berthing facilities or navigation aids.

20 (b) "Deep draft navigation channel improvements" does not include:

21 (A) Dredge material disposal; and

22 (B) Fill to create new upland areas.

23 **SECTION 3.** Nothing in section 2 of this 2023 Act affects the rules or permitting au-
24 thority of the Department of State Lands, the Department of Transportation, the State
25 Parks and Recreation Department, the State Department of Fish and Wildlife or the De-
26 partment of Environmental Quality.

27 **SECTION 4.** This 2023 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
29 on its passage.

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