

D R A F T

SUMMARY

Imposes moratorium on certain mining using any form of motorized equipment. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both. Sunsets January 2, 2018.

Directs Governor's Office to study certain issues related to mining using motorized equipment.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mining; creating new provisions; amending ORS 468B.052 and
3 517.123; and declaring an emergency.

4 Whereas mining using motorized equipment in the beds and banks of the
5 rivers of Oregon has increased considerably in recent years; and

6 Whereas mining using motorized equipment in the beds and banks of the
7 rivers of Oregon can pose significant risks to Oregon's natural resources,
8 including fish and other wildlife and the investments of this state in habitat
9 enhancement; and

10 Whereas the number of conflicts resulting from mining using motorized
11 equipment in the beds and banks of the rivers of Oregon has increased; and

12 Whereas the regulatory system in Oregon related to mining using motor-
13 ized equipment in the beds and banks of the rivers of Oregon involves several
14 agencies, and the agencies are unable to determine the actual amount of
15 mining that is occurring in this state, the locations of the mining, whether
16 best management practices are used, whether regulatory requirements are
17 fulfilled or whether the impacts of the mining are minimized; and

18 Whereas there is a need for an enhanced and streamlined regulatory sys-

1 tem in Oregon related to mining using motorized equipment in the beds and
2 banks of the rivers of Oregon; now, therefore,

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

4 **SECTION 1. (1) A moratorium is imposed until January 2, 2018, on**
5 **mining that uses any form of motorized equipment to extract gold,**
6 **silver or any other precious mineral from placer deposits of the beds**
7 **of the waters of this state, as defined in ORS 196.800, or that results**
8 **in the removal or disturbance of streamside vegetation in a manner**
9 **that may impact water quality. The moratorium applies up to the line**
10 **of ordinary high water, as defined in ORS 274.005, and the adjacent 100**
11 **yards of streambank, in the full length of any river and tributary**
12 **thereof in this state, of which any portion contains essential**
13 **indigenous anadromous salmonid habitat, as defined in ORS 196.810,**
14 **or naturally reproducing populations of bull trout.**

15 **(2) Violation of the moratorium established by subsection (1) of this**
16 **section is a Class A misdemeanor.**

17 **SECTION 2. Section 1 of this 2013 Act is repealed on January 2, 2018.**

18 **SECTION 3. (1) The Governor's office, in consultation with the De-**
19 **partment of Environmental Quality, the Department of State Lands,**
20 **the State Parks and Recreation Department, the State Department of**
21 **Fish and Wildlife, the Water Resources Department, other state**
22 **agencies, the federal government, federally recognized Indian tribes**
23 **and affected stakeholders shall study matters related to mining using**
24 **any form of motorized equipment to extract gold, silver or any other**
25 **precious mineral from placer deposits of the beds of the rivers of this**
26 **state, and propose a revised regulatory framework that includes but**
27 **is not limited to:**

28 **(a) A consolidated regulatory process for mining using motorized**
29 **equipment or motorized dredge, including a single permit system.**

30 **(b) Effective monitoring, compliance and enforcement mechanisms**
31 **related to mining using motorized equipment.**

1 (c) Adequate fee structures to cover administration, monitoring,
2 compliance and enforcement related to any permit, license, authori-
3 zation or other form of permission required by law from a state agency
4 for mining using motorized equipment or discharges from mining us-
5 ing motorized equipment.

6 (d) Operating conditions and restrictions, based on the best avail-
7 able science and precautionary principles, designed to protect and re-
8 cover in-stream and riparian habitat important to achieve water
9 quality standards and the conservation and recovery of indigenous
10 anadromous salmonid, as defined in ORS 196.810, and naturally re-
11 producing populations of bull trout.

12 (e) Prohibitions on mining using any form of motorized equipment
13 in specific areas of this state, to the extent allowed by law, including:

14 (A) Bodies of water currently listed as water quality impaired under
15 the Federal Water Pollution Control Act for sediment, turbidity, toxics
16 or heavy metals;

17 (B) Bodies of water within wilderness areas, national monuments
18 and national botanical areas;

19 (C) Scenic waterways in this state and bodies of water flowing
20 through state parks; and

21 (D) Habitat that is essential to the recovery and conservation of
22 salmon, steelhead, lamprey, freshwater mollusks or other unique
23 habitat values, unless protection for this habitat may be otherwise
24 achieved pursuant to paragraph (d) of this subsection.

25 (2) The Governor's office shall submit a report with the results of
26 the proposed regulatory framework, and include recommendations for
27 any necessary legislation, to the interim committees of the Legislative
28 Assembly related to environment and natural resources on or
29 before September 1, 2015.

30 SECTION 4. Section 3 of this 2013 Act is repealed on January 2, 2016.

31 SECTION 5. ORS 517.123 is amended to read:

1 517.123. The Legislative Assembly finds that prospecting, small scale
2 mining and recreational mining:

- 3 (1) Are important parts of the heritage of the State of Oregon; **and**
4 (2) Provide economic benefits to the state and local communities.[: *and*]
5 [(3) *Can be conducted in a manner that is not harmful and may be benefi-*
6 *cial to fish habitat and fish propagation.*]

7 **SECTION 6.** ORS 468B.052 is amended to read:

8 468B.052. Notwithstanding the authority of the Environmental Quality
9 Commission provided in ORS 468.065 to establish a schedule of fees for per-
10 mits issued under ORS 468B.050 and in lieu of any fee established under the
11 schedule of fees, a person who operates a suction dredge having a suction
12 hose with an inside diameter of eight inches or less shall, upon application
13 for or renewal of a permit issued under 468B.050, pay to the Department of
14 Environmental Quality[:]

15 [(1)] for an individual permit:

16 [(a)] (1) A one-time application fee of \$300; and

17 [(b)] (2) An annual renewal fee of \$25.

18 [(2) *For a general permit, either:*]

19 [(a) *A \$25 annual fee for each year the person registers under the general*
20 *permit; or*]

21 [(b) *A \$100 fee for a five-year registration under the general permit.*]

22 **SECTION 7. This 2013 Act being necessary for the immediate pres-**
23 **ervation of the public peace, health and safety, an emergency is de-**
24 **clared to exist, and this 2013 Act takes effect on its passage.**

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