

On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and insert:

“SECTION 1. ORS 517.125 is amended to read:

*“517.125. [Any rule pertaining to recreational or small scale mining adopted after June 28, 1999, shall be adopted in consultation with affected parties.]*

“(1)(a) For purposes of this section, consultation means two or more meetings to discuss potential changes in rules or orders with persons attending the meeting(s), with a written response provided by the agency to the attendees addressing comments or questions raised in those meetings pertaining to the potential changes. The written response will be issued prior to the agency releasing the proposed rules or order for public comment.

(b) As used this section, consultation is intended to clarify issues and promote the exchange of information. Materials submitted to the agency as part of consultation process and written responses from the agency resulting from the consultation shall be entered into the record for the rulemaking or permit and given the same consideration as comments or information received during formal public comment.

“(2) In order to clarify issues and attempt to resolve disputes between agencies and parties that engage in recreational or small scale mining, an agency shall, at least 30 days before releasing for public comment and before giving notice of its intended action pursuant to ORS 183.335 to adopt, amend or repeal any rule specifically intended to regulate recreational or small scale mining:

“(A) Make reasonable efforts to notify persons likely to undertake mining subject to the rule and consult with such persons regarding the agency’s intended action. The agency shall confer with and rely in part on the voluntary assistance of prominent Pacific Northwest mining organizations to identify persons likely to be subject to the rule and inform them of the consultation process.

“(B) Consider all reasonably available and relevant scientific studies that were identified in the consultation process. The agency shall document its consideration of these scientific studies in the permitting or rulemaking record.

“(C) When providing notice as required by paragraph (A), the agency shall include draft rule language to the extent that such language has been developed by the agency by that time.

“(3) In order to clarify issues and attempt to resolve disputes between agencies and parties that engage in recreational or small scale mining, at least 30 days before releasing for public comment and before giving notice of its intended action to issue a general permit for recreational or small scale mining by order pursuant to ORS 468B.050, the department shall:

“(A) Make reasonable efforts to notify persons likely to undertake mining subject to the order to consult with such persons regarding the terms and conditions of the draft permit. The agency shall confer with and rely in part on the voluntary assistance of prominent Pacific Northwest mining organizations to identify persons likely to be subject to the rule and inform them of the consultation process.

“(B) Consider all reasonably available and relevant scientific studies that were identified in the consultation process. The agency shall document its consideration of these scientific studies in the permitting or rulemaking record.

“(C) When providing notice as required by paragraph (A), the agency shall include the draft permit language to the extent that such language has been developed by the department at that time.

On page 2 of the printed A-engrossed bill, delete lines 1 through 36.