

From the desk of:



Rep. Cliff Bentz

Proposed Amendments to House Bill 2841 A-Engrossed (to be amended in the Oregon Senate)

The following language is agreed to by miners involved and Oregon Department of Environmental Quality

On page 1 of the printed bill, delete lines 4 through 28 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 one or more meetings to discuss potential changes in rules or orders with a written response provided by the agency to the affected parties addressing comments or questions raised in those meetings.

(b) Agencies, as defined in ORS 183.310, that adopt rules ~~or issue orders~~ described in this section ~~shall~~ may appoint an advisory committee as described in ORS 183.335.

“2(a) In order to clarify issues and attempt to resolve disputes between agencies and ~~and to address the rights of~~ 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 pertaining to recreational or small scale mining:

“(A) Consult with the following regarding the intended action:

“(i) Parties identified by the agency as likely to be ~~affected by~~ subject to the rule.

“(ii) Persons on the advisory committee appointed pursuant to subsection (1) of this section.

“(B) Consider all reasonably available and relevant scientific studies.

“(C) The department shall make reasonable efforts to notify persons likely to be subject to the rule to inform them of the meeting(s) and to share a copy of the draft permit prior to the meeting(s).

——“(b) A rule described in this subsection is not valid if the agency has not complied with the requirements described in paragraph (a) of this subsection prior to giving notice of its intended action under ORS 183.335.

“3(a) In order to clarify issues and attempt to resolve disputes between agencies and parties that engage in recreational or small scale mining, Aat least 30 days before releasing for

public comment and before giving notice of its intended action to issuing an order pursuant to ORS 468B.050 relating to recreational or small scale mining, the department shall:

“(A) Meet in consultation with persons likely to be subject to the order to discuss the terms and conditions of the draft permit.an agency shall:

~~“(A) Make reasonable efforts to notify persons likely to be subject to the order and provide the persons with a copy of the order prior to the meeting specified in subparagraph (B) of this paragraph.~~

~~“(B) Make reasonable efforts to meet with persons likely to be subject to the order to discuss the terms and conditions of the order.~~

“(B) Consider all reasonably available and relevant scientific studies.

“(C) Make reasonable efforts to notify persons likely to be subject to the order to inform them of the meeting(s) and to share a copy of the draft permit prior to the meeting(s).

“(b) An order described in this subsection is not valid if the agency has not complied with the requirements described in paragraph (a) of this subsection.”.