

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure and Be Referred to the Committee on Rules
Vote:	3 - 2 - 0
Yeas:	Bates, Hass, Dingfelder
Nays:	Hansell, Olsen
Exc.:	0
Prepared By:	Beth Reiley, Administrator
Meeting Dates:	5/20, 5/29

WHAT THE MEASURE DOES: Requires agencies who adopt rules or issue orders relating to recreational or small scale mining to appoint advisory committee described in ORS 183.333. Requires at least 30 days before agencies give notice of intended action to adopt, amend or repeal rules pertaining to recreational or small scale mining, agencies perform consultation with specified persons and consider all reasonably available and relevant scientific studies. Provides that rules are not valid if agency has not performed consultation and considered studies. Requires at least 30 days before agencies issue order pertaining to recreational or small scale mining, agencies shall make reasonable efforts to notify persons likely to be subject to order to discuss terms and conditions of order and consider all reasonably available and relevant scientific studies. Provides that orders are not valid if agency has not performed consultation or considered studies. Stipulates requirements do not apply to rules or orders issued prior to effective date of Act.

ISSUES DISCUSSED:

- Current consultation process
- Agency process for adopting rules and issuing orders

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Both the Department of Environmental Quality (DEQ) and the Department of State Lands (DSL) regulate recreational and small scale placer mining in Oregon. A general authorization from DSL is required for activities involving less than 25 cubic yards of removal and fill annually in essential salmon habitat (ESH); an individual removal fill permit is required for recreational placer mining in state scenic waterways, activities that do not qualify for the general authorization and activities that involve 50 cubic yards or more of removal and fill in non-ESH waterways. Under DEQ, a National Pollutant Discharge Elimination System (NPDES) general water quality discharge permit covers suction dredges and in-water non-motorized mining equipment such as hand sluice boxes and rocker boxes for recovering precious metals or minerals from stream bottom sediments. Operators of in-water mining equipment do not need to register and pay a fee for coverage, but must follow applicable permit conditions. An individual NPDES permit is required from DEQ for metal mining activities with wastewater discharges to Oregon waters that do not qualify for a general NPDES permit.

House Bill 2481 A would require agencies to consult with potentially affected parties at least 30 days prior to taking action to adopt or issue orders affecting recreational or small scale mining.