

SENATE AMENDMENTS TO SENATE BILL 838

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 22

1 On page 1 of the printed bill, delete lines 4 through 17 and insert:

2 “Whereas mining using motorized equipment in the beds and banks of the rivers of Oregon has
3 increased considerably in recent years; and

4 “Whereas mining using motorized equipment in the beds and banks of the rivers of Oregon can
5 pose significant risks to Oregon’s natural resources, including fish and other wildlife and the in-
6 vestments of this state in habitat enhancement; and

7 “Whereas the removal or disturbance of streamside vegetation resulting from mining using mo-
8 torized equipment in the beds and banks of the rivers of Oregon poses significant risks to Oregon’s
9 natural resources, including water quality and fisheries; and

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

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

17 “Whereas there is a need for an enhanced and streamlined regulatory system in Oregon related
18 to mining using motorized equipment in the beds and banks of the rivers of Oregon; now,
19 therefore,”.

20 Delete lines 19 through 30 and delete pages 2 and 3 and insert:

21 “**SECTION 1. (1) A moratorium is imposed until January 2, 2018, on mining that uses any**
22 **form of motorized equipment for the purpose of extracting gold, silver or any other precious**
23 **mineral from placer deposits of the beds of the waters of this state, as defined in ORS**
24 **196.800, or from other placer deposits that results in the removal or disturbance of**
25 **streamside vegetation in a manner that may impact water quality. The moratorium applies**
26 **up to the line of ordinary high water, as defined in ORS 274.005, and the adjacent 100 yards**
27 **of streambank, of the full length of any river and tributary thereof in this state, of which**
28 **any portion contains essential indigenous anadromous salmonid habitat, as defined in ORS**
29 **196.810, or naturally reproducing populations of bull trout. The moratorium does not apply**
30 **to any mining for which the State Department of Geology and Mineral Industries issues an**
31 **operating permit under ORS 517.702 to 517.989.**

32 “(2) Violation of the moratorium established by subsection (1) of this section is a Class
33 A misdemeanor.

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

35 “**SECTION 3. (1) The Governor’s office, in consultation with the Department of Envi-**

1 ronmental Quality, the Department of State Lands, the State Parks and Recreation Depart-
2 ment, the State Department of Fish and Wildlife, the Water Resources Department, other
3 state agencies, the federal government, federally recognized Indian tribes and affected
4 stakeholders shall study matters related to mining using any form of motorized equipment
5 for the purpose of extracting gold, silver or any other precious mineral from placer deposits
6 of the beds of the waters of this state, as defined in ORS 196.800, or from other placer de-
7 posits and matters related to the removal or disturbance of streamside vegetation resulting
8 from the mining activities, and shall propose a revised regulatory framework that includes
9 but is not limited to:

10 “(a) A consolidated regulatory process for mining using motorized equipment or motor-
11 ized dredge, including a single permit system.

12 “(b) Effective monitoring, compliance and enforcement mechanisms related to mining
13 using motorized equipment.

14 “(c) Adequate fee structures to cover administration, monitoring, compliance and
15 enforcement related to any permit, license, authorization or other form of permission re-
16 quired by law from a state agency for mining using motorized equipment or discharges from
17 mining using motorized equipment.

18 “(d) Operating conditions and restrictions, based on the best available science and pre-
19 cautionary principles, designed to protect and recover in-stream and riparian habitat impor-
20 tant to achieve water quality standards and the conservation and recovery of indigenous
21 anadromous salmonid, as defined in ORS 196.810, and naturally reproducing populations of
22 bull trout.

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

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

27 “(B) Bodies of water within wilderness areas, national monuments and national botanical
28 areas;

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

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

33 “(2) The Governor’s office shall submit a report with the results of the proposed regula-
34 tory framework, and include recommendations for any necessary legislation, to the interim
35 committees of the Legislative Assembly related to environment and natural resources on or
36 before September 1, 2015.

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

38 “**SECTION 5.** ORS 517.123 is amended to read:

39 “517.123. The Legislative Assembly finds that prospecting, small scale mining and recreational
40 mining:

41 “(1) Are important parts of the heritage of the State of Oregon; **and**

42 “(2) Provide economic benefits to the state and local communities.[: and]

43 “[3] Can be conducted in a manner that is not harmful and may be beneficial to fish habitat and
44 fish propagation.]

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

1 “468B.052. [Notwithstanding the authority of] **Unless** the Environmental Quality Commission, **as**
2 provided in ORS 468.065 [to establish a schedule of], **establishes different** fees for permits issued
3 under ORS 468B.050 [and in lieu of any fee established under the schedule of fees], a person who op-
4 erates a suction dredge having a suction hose with an inside diameter of eight inches or less shall,
5 upon application for or renewal of a permit issued under 468B.050, pay to the Department of Envi-
6 ronmental Quality:

7 “(1) For an individual permit:

8 “(a) A one-time application fee of \$300; and

9 “(b) An annual renewal fee of \$25.

10 “(2) For a general permit, either:

11 “(a) A \$25 annual fee for each year the person registers under the general permit; or

12 “(b) A \$100 fee for a five-year registration under the general permit.

13 “**SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
15 **on its passage.”.**
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