

SB 838-2
(LC 3772)
4/15/13 (DLT/ps)

**PROPOSED AMENDMENTS TO
SENATE BILL 838**

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
3 rivers of Oregon has increased considerably in recent years; and

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

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

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

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

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

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

2 **“SECTION 1. (1) A moratorium is imposed until January 2, 2018, on**
3 **mining that uses any form of motorized equipment to extract gold,**
4 **silver or any other precious mineral from placer deposits of the beds**
5 **of the waters of this state, as defined in ORS 196.800, or that results**
6 **in the removal or disturbance of streamside vegetation in a manner**
7 **that may impact water quality. The moratorium applies up to the line**
8 **of ordinary high water, as defined in ORS 274.005, and the adjacent 100**
9 **yards of streambank, of the full length of any river and tributary**
10 **thereof in this state, of which any portion contains essential**
11 **indigenous anadromous salmonid habitat, as defined in ORS 196.810,**
12 **or naturally reproducing populations of bull trout. The moratorium**
13 **does not apply to any mining for which the State Department of**
14 **Geology and Mineral Industries issues an operating permit under ORS**
15 **517.702 to 517.989.**

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

18 **“SECTION 2. Section 1 of this 2013 Act is repealed on January 2,**
19 **2018.**

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

1 ited to:

2 “(a) A consolidated regulatory process for mining using motorized
3 equipment or motorized dredge, including a single permit system.

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

6 “(c) Adequate fee structures to cover administration, monitoring,
7 compliance and enforcement related to any permit, license, authori-
8 zation or other form of permission required by law from a state agency
9 for mining using motorized equipment or discharges from mining us-
10 ing motorized equipment.

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

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

19 “(A) Bodies of water currently listed as water quality impaired un-
20 der the Federal Water Pollution Control Act for sediment, turbidity,
21 toxics or heavy metals;

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

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

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

30 “(2) The Governor’s office shall submit a report with the results of

1 **the proposed regulatory framework, and include recommendations for**
2 **any necessary legislation, to the interim committees of the Legislative**
3 **Assembly related to environment and natural resources on or before**
4 **September 1, 2015.**

5 **“SECTION 4. Section 3 of this 2013 Act is repealed on January 2,**
6 **2016.**

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

8 “517.123. The Legislative Assembly finds that prospecting, small scale
9 mining and recreational mining:

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

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

12 “[3] *Can be conducted in a manner that is not harmful and may be bene-*
13 *ficial to fish habitat and fish propagation.*]

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

15 “468B.052. [*Notwithstanding the authority of*] **Unless** the Environmental
16 Quality Commission, **as** provided in ORS 468.065 [*to establish a schedule*
17 *of*], **establishes different** fees for permits issued under ORS 468B.050 [*and*
18 *in lieu of any fee established under the schedule of fees*], a person who oper-
19 ates a suction dredge having a suction hose with an inside diameter of eight
20 inches or less shall, upon application for or renewal of a permit issued under
21 468B.050, pay to the Department of Environmental Quality:

22 “(1) For an individual permit:

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

24 “(b) An annual renewal fee of \$25.

25 “(2) For a general permit, either:

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

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

29 **“SECTION 7. This 2013 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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