

**PROPOSED AMENDMENTS TO  
SENATE BILL 830**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and delete line 3 and insert “830.589 and 830.998 and sections 5 and 7,  
3 chapter 783, Oregon Laws 2013; repealing ORS 468B.052 and sections 2, 3, 4,  
4 12 and 13, chapter 783, Oregon Laws 2013; and declaring an emergency.”.

5 In line 14, delete “2 to 10” and insert “2 to 11”.

6 On page 2, line 13, after “mining” insert “in any location” and after  
7 “permit” insert “for that location that is”.

8 Delete lines 30 through 37 and insert “land placer mining under a general  
9 operating permit or an individual operating permit.

10 “(3) The department may refuse to issue an operating permit or grant  
11 permit coverage to an operator who:

12 “(a) Has not, in the determination of the department, substantially com-  
13 plied with the conditions of an operating permit, the provisions of this sec-  
14 tion or section 4 or 6 of this 2015 Act or the rules adopted by the department  
15 to carry out the purposes of this section or section 4 or 6 of this 2015 Act;  
16 or

17 “(b) Has been convicted of a violation of any provision of this section or  
18 section 4 or 6 of this 2015 Act or any rule, order or permit adopted or issued  
19 under this section or section 4 or 6 of this 2015 Act.”.

20 In line 38, delete “the De-”.

21 In line 39, delete “partment of Environmental Quality,”.

22 In line 42, after “state” insert “, as described in section 3 of this 2015

1 Act”.

2 On page 3, line 3, after “state” insert “and federal”.

3 In line 4, delete “time and authority” and insert “authority and no longer  
4 than 30 working days within which”.

5 In line 8, after “applicable” insert “federal,”.

6 Delete lines 9 and 10 and insert:

7 “(d) Limit the combined total number of permits of any type described in  
8 section 3 of this 2015 Act to no more than 850 annually.”.

9 After line 14, insert:

10 “(b) Prohibit the movement of rock or large woody debris, as defined in  
11 ORS 196.800, if the rock or large woody debris could not physically be moved  
12 by a person without the aid of another person or tools;”.

13 In line 15, delete “(b)” and insert “(c)”.

14 In line 17, delete “(c)” and insert “(d)”.

15 In line 20, delete “(d)” and insert “(e)”.

16 In line 23, delete “(e)” and insert “(f)”.

17 In line 24, delete “(f)” and insert “(g)”.

18 In line 25, delete “(g)” and insert “(h)”.

19 In line 26, delete “and”.

20 After line 26, insert:

21 “(i) Require operators to stop and submit to an inspection at an aquatic  
22 invasive species check station as provided under ORS 830.589 while trans-  
23 porting motorized in-stream placer mining equipment; and”.

24 In line 27, delete “(h)” and insert “(j)”.

25 Delete lines 44 and 45.

26 On page 4, delete line 1 and insert:

27 “(5) Rules adopted under this section:

28 “(a) May allow for adaptive management;

29 “(b) Must be based on the precautionary principle as informed by best  
30 available science; and

1 “(c) Must incorporate effective best management practices.”.

2 In line 3, delete “may” and insert “shall”.

3 In line 5, delete “2 to 10” and insert “2 to 11” and delete “pollution” and  
4 insert “quality”.

5 In line 22, after “(1)” insert “In order to protect important natural re-  
6 sources, and”.

7 In line 26, after “habitat” insert a period and delete the rest of the line  
8 and line 27 and insert “Biological re-”.

9 In line 35, after “(d)” delete the rest of the line.

10 In line 36, delete “the area,”.

11 In line 37, delete “national botanical area” and insert “Botanical Special  
12 Interest Area as designated by the United States Forest Service”.

13 On page 5, delete line 2 and insert:

14 “(g) Waters flowing through a waterway for which \$100,000 or more of  
15 state funds have been spent on restoration, as documented by the Oregon  
16 Watershed Enhancement Board.

17 “(2) Subject to the provisions of subsection (1)(a) and (b) of this section,  
18 motorized in-stream placer mining may be permitted only under an individual  
19 operating permit, as provided in section 3 of this 2015 Act, if the mining is  
20 to occur directly in the banks of the waters of the state or up to the line  
21 of ordinary high water in the beds of waters of the state that are within  
22 watersheds containing:

23 “(a) Designated biological resource habitat; or

24 “(b) Waters listed as water quality impaired under the Federal Water  
25 Pollution Control Act (P.L. 92-500, as amended) for sediment, turbidity, tox-  
26 ics or heavy metals that are associated with sediments.

27 “(3) In order to protect important natural resources, no motorized upland  
28 placer mining may be permitted to occur on land that is between”.

29 Delete line 7 and insert “wise achieved through the issuance of an indi-  
30 vidual operating permit subject to the conditions adopted by rule under sec-

1 tion 4 of this 2015 Act.”.

2 In line 10, after “(c)” delete the rest of the line.

3 In line 11, delete “the area,”.

4 In line 12, delete “national botanical area” and insert “Botanical Special  
5 Interest Area as designated by the United States Forest Service”.

6 Delete lines 22 through 27 and insert:

7 “(f) Waters listed as water quality impaired under the Federal Water  
8 Pollution Control Act (P.L. 92-500, as amended) for sediment, turbidity, tox-  
9 ics or heavy metals that are associated with sediments.”.

10 Delete lines 44 and 45 and delete page 6 and insert:

11 **“SECTION 11. The Environmental Quality Commission may estab-**  
12 **lish by rule a schedule of fees for operating permits under sections 3**  
13 **and 4 of this 2015 Act. The fees may be set in amounts sufficient to**  
14 **recover the costs of administering the program.**

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## 16 “CONFORMING AMENDMENTS

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18 **“SECTION 12.** ORS 830.589 is amended to read:

19 “830.589. (1) The State Department of Fish and Wildlife, the State Marine  
20 Board or the State Department of Agriculture may require a person trans-  
21 porting a recreational or commercial watercraft, **or a piece of motorized**  
22 **equipment used for motorized in-stream placer mining as defined in**  
23 **section 2 of this 2015 Act,** to stop at a check station to inspect the  
24 watercraft **or piece of motorized equipment** for the presence of aquatic  
25 invasive species. The purpose of the administrative search authorized under  
26 this section is to prevent and limit the spread of aquatic invasive species  
27 within Oregon.

28 “(2) The State Department of Fish and Wildlife, the State Marine Board  
29 or the State Department of Agriculture may decontaminate, or recommend  
30 decontamination of, any recreational or commercial watercraft **or piece of**

1 **motorized equipment** that the agency inspects at a check station operated  
2 under authority of this section.

3 “(3) All check stations operated under authority of this section must be  
4 plainly marked by signs that comply with all state and federal laws and must  
5 be staffed by at least one uniformed employee of the State Department of  
6 Fish and Wildlife, the State Marine Board or the State Department of Agri-  
7 culture trained in inspection and decontamination of recreational or com-  
8 mercial watercraft **and motorized equipment**.

9 “(4) An agency that operates a check station under this section shall re-  
10 quire all persons transporting recreational or commercial watercraft **or**  
11 **pieces of motorized equipment** to stop at the check station, and the agency  
12 shall inspect every recreational or commercial watercraft **and piece of mo-**  
13 **torized equipment** that goes through the check station.

14 “(5) Notwithstanding ORS 496.992, a person transporting a recreational  
15 or commercial watercraft **or piece of motorized equipment** who stops at  
16 a check station for inspection and who cooperates in the decontamination  
17 process is not subject to criminal sanctions for possessing or transporting  
18 aquatic invasive species.

19 “(6) The State Department of Fish and Wildlife, the State Marine Board  
20 and the State Department of Agriculture may adopt rules to carry out the  
21 provisions of this section.

22 **“SECTION 13.** ORS 830.998 is amended to read:

23 “830.998. (1) A person who is transporting a recreational or commercial  
24 watercraft, **or piece of motorized equipment used for motorized in-**  
25 **stream placer mining as defined in section 2 of this 2015 Act**, and fails  
26 to stop and submit to an inspection at an aquatic invasive species check  
27 station operated by the State Department of Fish and Wildlife, the State  
28 Marine Board or the State Department of Agriculture as provided under ORS  
29 830.589 commits a Class D violation.

30 “(2) Notwithstanding ORS 153.042, an enforcement officer may issue a ci-

1 tation under subsection (1) of this section when the conduct alleged to con-  
2 stitute a violation has not taken place in the presence of the enforcement  
3 officer, if the enforcement officer has reasonable grounds to believe that the  
4 conduct constitutes a violation on the basis of information received from an  
5 employee of an agency authorized to operate an aquatic invasive species  
6 check station who observed the violation.

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## “MISCELLANEOUS

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10 **“SECTION 14. Sections 2 to 11 of this 2015 Act are added to and**  
11 **made a part of ORS chapter 468B.**

12 **“SECTION 15.** Section 7, chapter 783, Oregon Laws 2013, is amended to  
13 read:

14 **“Sec. 7.** (1) Sections 5 and 6, **chapter 783, Oregon Laws 2013**, [*of this*  
15 *2013 Act*] are repealed on January 2, [2016] **2017.**

16 **“(2)** The repeal of sections 5 and 6, **chapter 783, Oregon Laws 2013**, [*of*  
17 *this 2013 Act*] by subsection (1) of this section does not affect any fine im-  
18 posed under section 5, **chapter 783, Oregon Laws 2013** [*of this 2013 Act*].

19 **“SECTION 16.** Section 5, chapter 783, Oregon Laws 2013, is amended to  
20 read:

21 **“Sec. 5.** (1) On and after January 1, 2014, and before January 2, [2016]  
22 **2017**, mining that uses any form of motorized equipment for the purpose of  
23 extracting gold, silver or any other precious metal from placer deposits of  
24 the beds or banks of the waters of this state, as defined in ORS 196.800, or  
25 from other placer deposits, that results in the removal or disturbance of  
26 streamside vegetation in a manner that may impact water quality, is subject  
27 to the following:

28 **“(a)** The motorized dredge equipment must be operated at least 500 feet  
29 from other motorized dredge equipment, unless the Department of Environ-  
30 mental Quality determines that another distance is appropriate to protect

1 water quality.

2 “(b) The motorized equipment may not be left unattended within the  
3 wetted perimeter of any waters of this state.

4 “(c) The motorized equipment may be operated only between the hours  
5 of 9 a.m. and 5 p.m.

6 “(2) The provisions of subsection (1) of this section apply to mining that  
7 occurs up to the line of ordinary high water, as defined in ORS 274.005, and  
8 100 yards upland perpendicular to the line of ordinary high water of the full  
9 length of any river and tributary thereof in this state, of which any portion  
10 contains essential indigenous anadromous salmonid habitat, as defined in  
11 ORS 196.810, or naturally reproducing populations of bull trout.

12 “(3) The provisions of subsection (1) of this section do not apply to any  
13 mining for which the State Department of Geology and Mineral Industries  
14 issues an operating permit under ORS 517.702 to 517.989.

15 “(4) During the period described in this section, the Department of State  
16 Lands shall limit the individual permits issued under ORS 196.810 and the  
17 general authorizations issued under ORS 196.850 to not more than 850 per-  
18 mits and authorizations for mining described in this section at any time  
19 during the period described in this section. The Department of State Lands  
20 shall give priority, to the greatest extent practicable, to persons who held  
21 permits or authorizations for the longest period of time before January 1,  
22 2014.

23 “(5) Violation of any provision of this section is a Class A violation.

24 **“SECTION 17. ORS 468B.052 and sections 12 and 13, chapter 783,**  
25 **Oregon Laws 2013, are repealed on January 2, 2017.**

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#### “OPERATIVE DATE

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29 **“SECTION 18. (1) Sections 2 to 11 of this 2015 Act and the amend-**  
30 **ments to ORS 830.589 and 830.998 by sections 12 and 13 of this 2015 Act**

1 **become operative on January 2, 2017.**

2 **“(2) The Environmental Quality Commission shall take any actions**  
3 **before the operative date specified in subsection (1) of this section that**  
4 **are necessary for the commission to implement the requirements of,**  
5 **and to exercise all of the duties, functions and powers conferred on the**  
6 **commission by, sections 2 to 11 of this 2015 Act and the amendments**  
7 **to ORS 830.589 and 830.998 by sections 12 and 13 of this 2015 Act on and**  
8 **after the operative date specified in subsection (1) of this section.**

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### **“CAPTIONS**

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12 **“SECTION 19. The unit captions used in this 2015 Act are provided**  
13 **only for the convenience of the reader and do not become part of the**  
14 **statutory law of this state or express any legislative intent in the**  
15 **enactment of this 2015 Act.**

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### **“EMERGENCY CLAUSE**

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19 **“SECTION 20. This 2015 Act being necessary for the immediate**  
20 **preservation of the public peace, health and safety, an emergency is**  
21 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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