

78th Oregon Legislative Assembly - 2016 Regular Session

STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Fiscal: Has minimal fiscal impact

Revenue: Revenue impact issued

Action Date: 02/09/16

Action: Do Pass With Different Amendments. Refer To Ways And Means By Prior Reference. (Printed A-Eng.) Minority

Meeting Dates: 02/04, 02/09

Signers of the Report: Sen. Alan Olsen, Sen. Doug Whitsett

Prepared By: Beth Reiley, Committee Administrator

WHAT THE MEASURE DOES:

Makes legislative findings. Removes authorization allowing Environmental Quality Commission to establish additional fee to cover cost of program for permit to operate suction dredge. Requires certain state and federal agencies to consult to determine whether state and federal mining programs could be better coordinated. Declares invalid any local government or special district ordinance or regulation that makes mining a nuisance or trespass. Stipulates no mining shall give rise to any private right or claim for relief based on nuisance or trespass, with exception of death or serious physical injury. Stipulates, with certain limitations, no mining allowed as a preexisting nonconforming use shall give rise to any private right of action or claim for relief based on nuisance or trespass, with exception of death or serious physical injury. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effect of motorized suction dredge mining on fish and Oregon's rivers
- Existing moratorium
- Federal law regulating mining
- Different types of mining activities
- Rivers and tributaries that would be affected by Act

EFFECT OF MINORITY AMENDMENT:

Replaces measure.

BACKGROUND:

In 2013, the Legislative Assembly passed Senate Bill 838 which imposed certain restrictions and conditions on placer mining between January 1, 2014 and January 2, 2016 and set a limit of 850 permits that the Department of State Lands could issue for placer mining during this period. Under the 2013 measure, these restrictions are repealed on January 2, 2016, and a moratorium is imposed until January 2, 2021 on placer mining in specified rivers containing essential indigenous anadromous salmonid habitat or naturally reproducing populations of bull trout.