

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 Amendments. Refer To Ways And Means By Prior Reference.
(Printed A-Eng.)**Meeting Dates:** 02/04, 02/09**Vote:**

Yeas: 3 - Dembrow, Edwards, Prozanski

Nays: 2 - Olsen, Whitsett

Prepared By: Beth Reiley, Committee Administrator**WHAT THE MEASURE DOES:**

Requires certain state and federal agencies to consult to determine whether state and federal mining programs could be better coordinated. Excludes nonaggregate upland placer mining from moratorium on mining using motorized equipment. Extends moratorium to habitat essential to recovery and conservation of Pacific Lamprey. Clarifies application of moratorium on tributaries. Requires, until January 1, 2017, motorized equipment used for nonaggregate upland placer mining may only operate between 9:00 am and 5:00 pm, and a violation would be a Class A violation. Requires certain nonaggregate upland placer mining to hold operating permit as of January 1, 2017. Exempts certain mining operations from exclusion certificate requirements. Establishes permitting requirements for motorized in-stream placer mining. Requires Director of Department of State Lands and Director of Department of Environmental Quality to enter memorandum of understanding allowing Department of Environmental Quality to issue removal fill permits required under motorized in-stream placer mining permitting provisions. Authorizes Department of Environmental Quality to issue consolidated water quality and removal fill permits for motorized in-stream placer mining. Places certain restrictions on motorized in-stream placer mining that becomes operative January 2, 2021. Punishes motorized in-stream placer mining without a permit by maximum of \$2,000 fine. Requires motorized equipment used for motorized in-stream placer mining to be inspected at aquatic invasive species check stations. Allows State Department of Geology and Mineral Industries, Department of State Lands and Environmental Quality Commission to take actions necessary prior to operative dates to develop permitting provisions. 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 COMMITTEE AMENDMENT:

Extends moratorium to habitat essential to recovery and conservation of Pacific Lamprey. Clarifies application of moratorium on tributaries. Places statute regulating nonaggregate upland placer mining within statute on mineral exploration and reclamation of mining lands. Removes authorization for Department of Geology and Mineral Industries to deny or condition operating permit to ensure compliance with laws protecting Native American burial places, archeological sites or other cultural resources. Restores definition of small scale mining.

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.