

SB 3 A STAFF MEASURE SUMMARY

Carrier: Sen. Baertschiger Jr, Sen. Olsen

Senate Committee On Environment and Natural Resources

Minority Report

Action Date: 03/29/17

Action: Do pass with different amendments. (Printed A-Eng.) Minority

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Report Signers: Sen. Herman Baertschiger Jr., Sen. Alan Olsen

Prepared By: Beth Patrino, LPRO Analyst

WHAT THE MEASURE DOES:

Repeals moratorium on mining using motorized equipment. Defines terms, including “motorized in-stream placer mining.” Limits the issuance of permits to no more than 200 and requires permit coverage by the Department of Environmental Quality (DEQ) for motorized in-stream placer mining up to the ordinary high water line in any river containing essential indigenous anadromous salmonid habitat from the lowest to highest extent of that habitat. Directs DEQ to give priority for permit issuance to Oregon residents to the extent practicable. Exempts owner of federal mining claim from the limitation on the number of permits and permit application requirements and conditions. Sets permit application requirements. In addition to any other permit condition, prohibits the operation of motorized equipment: (1) Between the hours of the earlier of 8:00 PM or sunset and 8:00 AM within 1000 feet of a residence or campground and (2) with a suction hose with an inside diameter exceeding 4 inches.

Establishes \$250 fee for general permit application or renewal and \$250 annual fee.

Establishes person commits offense of unlawful motorized in-stream placer mining if person knowingly engages in mining without a permit or in violation of any rule, permit, order, or any applicable requirement. Establishes unlawful motorized in-stream mining as a Class A violation.

Repeals Suction Dredge Study statutes and transfers any funds remaining in study fund to DEQ.

ISSUES DISCUSSED:

- Areas where moratorium currently applies
- Proposed regulatory system
- Resources intended to be protected under proposal
- Federal mining claims

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

Senate Bill 838 (2013) imposed a moratorium from January 2, 2016 until January 2, 2021 on motorized mining for precious metals instream and upland of rivers and tributaries with essential indigenous salmon habitat or naturally reproducing populations of bull trout. The measure capped the issuance of permits at 850 during this time period in areas where the moratorium did not apply. Senate Bill 838 also directed the Governor’s Office to work with state agencies and other interested parties to conduct a study and make recommendations for a revised regulatory framework for suction dredge mining.

Senate Bill 3 MRA would repeal the current moratorium and limit to 200 the issuance of permits for motorized in-stream placer mining up to the ordinary high water line in any river containing essential indigenous anadromous salmonid habitat. The permit requirement would not apply to an operator on a federal mining claim who is also the claim owner.