

Minority Report
A-Engrossed
Senate Bill 3

Ordered by the Senate April 5
Including Senate Minority Report Amendments dated April 5

Sponsored by nonconcurring members of the Senate Committee on Environment and Natural Resources: Senators BAERTSCHIGER JR., OLSEN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Modifies area where moratorium on mining using motorized equipment applies.]

[Exempts certain mining operations from exclusion certificate requirements.]

[Operative January 2, 2019, excludes certain upland placer mining operations from moratorium and requires certain upland placer mining operators to hold operating permit. Requires motorized equipment used for certain upland placer mining operations to be operated only during certain hours. Punishes upland placer mining operation outside certain hours or without permit coverage by maximum of \$2,000 fine.]

[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 certain removal fill permits. 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.]

Repeals moratorium on mining using motorized equipment.

Limits issuance of water quality permits for motorized in-stream placer mining in certain area to no more than 200 successful applicants per year in order to protect indigenous anadromous salmonids and habitat essential to recovery and conservation of Pacific lamprey.

Requires applications for water quality permits to engage in motorized in-stream placer mining to include certain information. Places certain conditions on motorized in-stream placer mining pursuant to water quality permit.

Provides that permit limitation and additional permit application requirements and conditions do not apply to water quality permits for operator to engage in motorized in-stream placer mining operation on federal mining claim owned by operator.

Establishes certain fees for water quality permits for motorized in-stream placer mining.

Punishes motorized in-stream placer mining without permit coverage 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.]*

[Provides that motorized in-stream placer mining permitting, use restriction, inspection and penalty provisions become operative January 3, 2021.]

[Requires consultation to determine whether state and federal mining programs can be better coordinated.]

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

Relating to mining; creating new provisions; and repealing ORS 468B.052 and sections 2, 3, 4, 12 and 13, chapter 783, Oregon Laws 2013.

Be It Enacted by the People of the State of Oregon:

REPEAL OF MORATORIUM ON MINING USING MOTORIZED EQUIPMENT

SECTION 1. Sections 2, 3 and 4, chapter 783, Oregon Laws 2013, are repealed.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 p.m. or sunset and 8 a.m. within 1,000 feet of a residence or a campground; or

2 (b) Involve the operation of a motorized suction dredge having a suction hose with an
3 inside diameter exceeding four inches.

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5 **FEEES**

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7 **SECTION 6.** A person shall pay the following fees to the Department of Environmental
8 Quality for a general permit issued under ORS 468B.050 for motorized in-stream placer min-
9 ing, unless the Environmental Quality Commission establishes a lower fee amount under
10 ORS 468.065:

11 (1) A fee of \$250 for the initial application for or renewal of permit coverage; and

12 (2) An annual fee of \$250.

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14 **PENALTIES**

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16 **SECTION 7.** Section 8 of this 2017 Act is added to and made a part of ORS 468.922 to
17 468.956.

18 **SECTION 8.** (1) A person commits the offense of unlawful motorized in-stream placer
19 mining if the person knowingly engages in motorized in-stream placer mining, as defined in
20 section 3 of this 2017 Act, without a permit issued under ORS 468B.050 or in violation of any
21 rule, permit, order or applicable requirement adopted or issued under ORS 468B.050 or
22 sections 3 to 6 of this 2017 Act.

23 (2) Subject to ORS 153.022, unlawful motorized in-stream placer mining is a Class A vio-
24 lation.

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26 **SUCTION DREDGE STUDY FUND AND FEES**

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28 **SECTION 9.** ORS 468B.052 and sections 12 and 13, chapter 783, Oregon Laws 2013, are
29 repealed.

30 **SECTION 10.** Any moneys remaining in the Suction Dredge Study Fund established by
31 section 13, chapter 783, Oregon Laws 2013, on the effective date of this 2017 Act that are
32 unexpended, unobligated and not subject to any conditions shall revert to the General Fund
33 and be available for general governmental expenses.

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35 **CAPTIONS**

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37 **SECTION 11.** The unit captions used in this 2017 Act are provided only for the conven-
38 ience of the reader and do not become part of the statutory law of this state or express any
39 legislative intent in the enactment of this 2017 Act.