

Requested by Senator OLSEN

**PROPOSED AMENDMENTS TO
SENATE BILL 3**

1 On page 1 of printed bill, line 2, after “provisions;” delete the rest of the
2 line and delete lines 3 and 4 and insert “and repealing ORS 468B.052 and
3 sections 2, 3, 4, 12 and 13, chapter 783, Oregon Laws 2013.”.

4 Delete lines 6 through 20 and delete pages 2 through 10 and insert:

5

6 **“REPEAL OF MORATORIUM ON MINING USING MOTORIZED
7 EQUIPMENT**

8

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10 repealed.**

11

12 **“PROHIBITION ON CERTAIN PLACER MINING OPERATIONS**

13

14 **“SECTION 2. Sections 3 to 6 of this 2017 Act are added to and made
15 a part of ORS chapter 468B.**

16 **“SECTION 3. As used in sections 3 to 6 of this 2017 Act:**

17 **“(1) ‘Essential indigenous anadromous salmonid habitat’ has the
18 meaning given that term in ORS 196.810, as further defined and des-
19 ignated by rule by the Department of State Lands pursuant to ORS
20 196.810.**

21 **“(2) ‘Line of ordinary high water’ has the meaning given that term**

1 in ORS 274.005.

2 “(3) ‘Motorized in-stream placer mining’ means mining using any
3 form of motorized equipment, including but not limited to the use of
4 a motorized suction dredge, for the purpose of extracting gold, silver
5 or any other precious metals from placer deposits of the beds or banks
6 of the waters of the state.

7 “(4) ‘Operator’ means any person that is engaged in motorized in-
8 stream placer mining operations.

9 **“SECTION 4. (1) An operator may not allow a discharge to waters
10 of the state from a motorized in-stream placer mining operation or
11 activity without having an individual permit or being covered by a
12 general permit issued under ORS 468B.050.**

13 **“(2) Except as provided in subsection (4) of this section and in order
14 to protect indigenous anadromous salmonids and habitat essential to
15 the recovery and conservation of Pacific lamprey, motorized in-stream
16 placer mining may not be permitted to occur up to the line of ordinary
17 high water in any river in this state containing essential indigenous
18 anadromous salmonid habitat, from the lowest extent of essential
19 indigenous anadromous salmonid habitat to the highest extent of es-
20 sential indigenous anadromous salmonid habitat.**

21 **“(3) The prohibition in subsection (2) of this section does not apply
22 to the use of nonmotorized mining technology, including but not lim-
23 ited to gravity dredges and syphon dredges.**

24 **“(4) An operator may be permitted to engage in motorized in-stream
25 placer mining in the area described in subsection (2) of this section if
26 an application submitted by the operator for a permit pursuant to ORS
27 468B.050 and section 5 of this 2017 Act demonstrates that the proposed
28 motorized in-stream placer mining operation will occur on a federal
29 mining claim owned by the person.**

30 **“SECTION 5. (1) An application for a permit under ORS 468B.050 to**

1 **engage in motorized in-stream placer mining must include:**

2 **“(a) The name and address of the operator;**

3 **“(b) Information on how the proposed motorized in-stream placer**
4 **mining location will be accessed by the operator;**

5 **“(c) A written affirmation furnished by the operator stating that**
6 **the operator has reviewed information that is available as part of an**
7 **application process and that is related to cultural resource preserva-**
8 **tion and best management practices for motorized in-stream placer**
9 **mining;**

10 **“(d) The geographic coordinates for the proposed motorized in-**
11 **stream placer mining operation;**

12 **“(e) If applicable, information necessary for the Department of**
13 **Environmental Quality to issue a permit pursuant to the exemption**
14 **under section 4 (4) of this 2017 Act from the prohibition on motorized**
15 **in-stream placer mining under section 4 of this 2017 Act; and**

16 **“(f) Any other information required to be included in the applica-**
17 **tion.**

18 **“(2) In addition to any other condition imposed by the permit, mo-**
19 **torized in-stream placer mining pursuant to a permit issued under**
20 **ORS 468B.050 may not:**

21 **“(a) Involve the operation of motorized equipment between the**
22 **hours of the earlier of 8 p.m. or sunset and 8 a.m. within 1000 feet of**
23 **a residence or a campground;**

24 **“(b) Involve the operation of a motorized suction dredge having a**
25 **suction hose with an inside diameter exceeding four inches; or**

26 **“(c) To the extent feasible and as may be further specified in the**
27 **permit, involve the operation of motorized equipment in a manner**
28 **deleterious to freshwater mollusks, essential indigenous anadromous**
29 **salmonid habitat or habitat essential to the recovery and conservation**
30 **of Pacific lamprey.**

1 Act, without a permit issued under ORS 468B.050 or in violation of any
2 rule, permit, order or any applicable requirement adopted or issued
3 under ORS 468B.050 or sections 3 to 6 of this 2017 Act.

4 “(2) Subject to ORS 153.022, unlawful motorized in-stream placer
5 mining is a Class A violation.

6 “(3) Notwithstanding ORS 153.042, an enforcement officer, as de-
7 fined in ORS 153.005, may issue a citation under subsection (1) of this
8 section when the conduct alleged to constitute a violation has not
9 taken place in the presence of the enforcement officer, if the enforce-
10 ment officer has reasonable grounds to believe that the conduct con-
11 stitutes a violation on the basis of information received from an
12 employee of the Department of Environmental Quality.

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14 **“SUCTION DREDGE STUDY FUND AND FEES**

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

18 **“SECTION 10. Any moneys remaining in the Suction Dredge Study**
19 **Fund established by section 13, chapter 783, Oregon Laws 2013, on the**
20 **effective date of this 2017 Act that are unexpended, unobligated and**
21 **not subject to any conditions shall be transferred by the State Treas-**
22 **urer to the credit of an account of the Department of Environmental**
23 **Quality to be used in the same manner as fees collected for permits**
24 **issued under ORS 468B.050.**

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26 **“CAPTIONS**

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28 **“SECTION 11. The unit captions used in this 2017 Act are provided**
29 **only for the convenience of the reader and do not become part of the**
30 **statutory law of this state or express any legislative intent in the**

1 **enactment of this 2017 Act.”.**

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