

Requested by Senator BAERTSCHIGER JR

**PROPOSED MINORITY REPORT 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:

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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10 repealed.**

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12 **“LIMITATION 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) In order to protect indigenous anadromous**
10 **salmonids and habitat essential to the recovery and conservation of**
11 **Pacific lamprey, the Department of Environmental Quality shall limit**
12 **issuance of permits or permit coverage under ORS 468B.050 to no more**
13 **than 200 successful applicants per year for motorized in-stream placer**
14 **mining within the area described in subsection (2) of this section. In**
15 **issuing permits and permit coverage subject to the limitation under**
16 **this subsection, the department shall give priority, to the greatest**
17 **extent practicable, to residents of this state.**

18 “(2) The limitation on issuance of permits and permit coverage un-
19 der subsection (1) of this section applies for the area up to the line of
20 ordinary high water in any river in this state containing essential
21 indigenous anadromous salmonid habitat, from the lowest extent of
22 essential indigenous anadromous salmonid habitat to the highest ex-
23 tent of essential indigenous anadromous salmonid habitat.

24 “(3) This section and section 5 of this 2017 Act do not apply to a
25 permit or permit coverage under ORS 468B.050 for an operator to en-
26 gage in a motorized in-stream placer mining operation on a federal
27 mining claim that is owned by the operator.

28 **“SECTION 5. (1) An application for a permit or permit coverage**
29 **under ORS 468B.050 to engage in motorized in-stream placer mining**
30 **must include:**

- 1 “(a) The name and address of the operator;
- 2 “(b) Information on how the proposed motorized in-stream placer
3 mining location will be accessed by the operator;
- 4 “(c) A written affirmation furnished by the operator stating that
5 the operator has reviewed information that is available as part of an
6 application process and that is related to cultural resource preserva-
7 tion and best management practices for motorized in-stream placer
8 mining;
- 9 “(d) The geographic coordinates for the proposed motorized in-
10 stream placer mining operation; and
- 11 “(e) Any other information required to be included in the applica-
12 tion.

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

16 “(a) Involve the operation of motorized equipment between the
17 hours of the earlier of 8 p.m. or sunset and 8 a.m. within 1,000 feet of
18 a residence or a campground; or

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

21

22 “FEES

23

24 “SECTION 6. A person shall pay the following fees to the Depart-
25 ment of Environmental Quality for a general permit issued under ORS
26 468B.050 for motorized in-stream placer mining, unless the Environ-
27 mental Quality Commission establishes a lower fee amount under ORS
28 468.065:

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

1 **enactment of this 2017 Act.”.**

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