SB 3-MR11 (LC 1230) 4/3/17 (MAM/ps)

Requested by Senator BAERTSCHIGER JR

PROPOSED MINORITY REPORT AMENDMENTS TO SENATE BILL 3

1	On <u>page 1</u> 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
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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10	repealed.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
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14	"SECTION 2. Sections 3 to 6 of this 2017 Act are added to and made
15	a part of ORS chapter 468B.
16	" <u>SECTION 3.</u> 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.

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

"(4) 'Operator' means any person that is engaged in motorized instream placer mining operations.

"SECTION 4. (1) In order to protect indigenous anadromous 9 salmonids and habitat essential to the recovery and conservation of 10 Pacific lamprey, the Department of Environmental Quality shall limit 11 issuance of permits or permit coverage under ORS 468B.050 to no more 12than 200 successful applicants per year for motorized in-stream placer 13 mining within the area described in subsection (2) of this section. In 14 issuing permits and permit coverage subject to the limitation under 15 this subsection, the department shall give priority, to the greatest 16 extent practicable, to residents of this state. 17

"(2) The limitation on issuance of permits and permit coverage under subsection (1) of this section applies for the area up to the line of ordinary high water in any river in this state containing essential indigenous anadromous salmonid habitat, from the lowest extent of essential indigenous anadromous salmonid habitat to the highest extent of essential indigenous anadromous salmonid habitat.

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

"<u>SECTION 5.</u> (1) An application for a permit or permit coverage
 under ORS 468B.050 to engage in motorized in-stream placer mining
 must include:

SB 3-MR11 4/3/17 Proposed MRA to SB 3 1 "(a) The name and address of the operator;

"(b) Information on how the proposed motorized in-stream placer
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

"(e) Any other information required to be included in the applica tion.

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

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

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

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"FEES

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"<u>SECTION 6.</u> A person shall pay the following fees to the Depart ment of Environmental Quality for a general permit issued under ORS
 468B.050 for motorized in-stream placer mining, unless the Environ mental Quality Commission establishes a lower fee amount under ORS
 468.065:

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

1	"(2) An annual fee of \$250.
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3	"PENALTIES
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5	"SECTION 7. Section 8 of this 2017 Act is added to and made a part
6	of ORS 468.922 to 468.956.
7	"SECTION 8. (1) A person commits the offense of unlawful motor-
8	ized in-stream placer mining if the person knowingly engages in mo-
9	torized in-stream placer mining, as defined in section 3 of this 2017
10	Act, without a permit issued under ORS 468B.050 or in violation of any
11	rule, permit, order or applicable requirement adopted or issued under
12	ORS 468B.050 or sections 3 to 6 of this 2017 Act.
13	"(2) Subject to ORS 153.022, unlawful motorized in-stream placer
14	mining is a Class A violation.
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16	"SUCTION DREDGE STUDY FUND AND FEES
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18	"SECTION 9. ORS 468B.052 and sections 12 and 13, chapter 783,
19	Oregon Laws 2013, are repealed.
20	"SECTION 10. Any moneys remaining in the Suction Dredge Study
21	Fund established by section 13, chapter 783, Oregon Laws 2013, on the
22	effective date of this 2017 Act that are unexpended, unobligated and
23	not subject to any conditions shall revert to the General Fund and be
24	available for general governmental expenses.
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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

SB 3-MR11 4/3/17 Proposed MRA to SB 3 1 enactment of this 2017 Act.".

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