

# House Bill 2738

Sponsored by Representative NEARMAN; Representatives BARRETO, LEIF, RESCHKE, SMITH DB

## 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 **as introduced**.

Modifies intake conditions for motorized suction dredge in motorized in-stream placer mining.

## A BILL FOR AN ACT

1  
2 Relating to mining; amending ORS 468B.116.

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

4 **SECTION 1.** ORS 468B.116 is amended to read:

5 468B.116. (1) An application for a permit under ORS 468B.050 to engage in motorized in-stream  
6 placer mining must include:

7 (a) The name and address of the operator;

8 (b) Information on how the proposed motorized in-stream placer mining location will be accessed  
9 by the operator;

10 (c) A written affirmation furnished by the operator stating that the operator has reviewed in-  
11 formation that is available as part of an application process and that is related to cultural resource  
12 preservation and best management practices for motorized in-stream placer mining;

13 (d) The geographic coordinates for the proposed motorized in-stream placer mining operation;  
14 and

15 (e) Any other information required to be included in the application.

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

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

20 (b) Involve the operation of a motorized suction dredge having a suction [*hose*] **nozzle** with an  
21 inside diameter exceeding four inches; or

22 (c) To the extent feasible and as may be further specified in the permit, involve the operation  
23 of motorized equipment in a manner deleterious to freshwater mollusks, essential indigenous  
24 anadromous salmonid habitat or habitat essential to the recovery and conservation of Pacific  
25 lamprey.

26 (3) The condition under subsection (2)(a) of this section may be waived in a permit or permit  
27 coverage issued to the owner of a federal mining claim, but only to the extent that the permit or  
28 permit coverage applicant demonstrates that the exercise of the prohibition will violate federal law  
29 or constitute a regulatory taking requiring compensation under the United States Constitution or  
30 the Oregon Constitution. An applicant seeking a waiver must provide substantial evidence specific  
31 to the mining claim in question that establishes the potential violation or regulatory taking. The  
32 Department of Environmental Quality shall review and make a determination regarding the request

**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 for a waiver as part of the permit or permit coverage decision.

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