

**A-Engrossed**  
**Senate Bill 838**

Ordered by the Senate April 22  
Including Senate Amendments dated April 22

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**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.

Imposes moratorium on certain mining using any form of motorized equipment. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both. Sunsets January 2, 2018.  
Directs Governor's office to study certain issues related to mining using motorized equipment.  
Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to mining; creating new provisions; amending ORS 468B.052 and 517.123; and declaring an  
3 emergency.

4 Whereas mining using motorized equipment in the beds and banks of the rivers of Oregon has  
5 increased considerably in recent years; and

6 Whereas mining using motorized equipment in the beds and banks of the rivers of Oregon can  
7 pose significant risks to Oregon's natural resources, including fish and other wildlife and the in-  
8 vestments of this state in habitat enhancement; and

9 Whereas the removal or disturbance of streamside vegetation resulting from mining using mo-  
10 torized equipment in the beds and banks of the rivers of Oregon poses significant risks to Oregon's  
11 natural resources, including water quality and fisheries; and

12 Whereas the number of conflicts resulting from mining using motorized equipment in the beds  
13 and banks of the rivers of Oregon has increased; and

14 Whereas the regulatory system in Oregon related to mining using motorized equipment in the  
15 beds and banks of the rivers of Oregon involves several agencies, and the agencies are unable to  
16 determine the actual amount of mining that is occurring in this state, the locations of the mining,  
17 whether best management practices are used, whether regulatory requirements are fulfilled or  
18 whether the impacts of the mining are minimized; and

19 Whereas there is a need for an enhanced and streamlined regulatory system in Oregon related  
20 to mining using motorized equipment in the beds and banks of the rivers of Oregon; now, therefore,

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

22 **SECTION 1. (1) A moratorium is imposed until January 2, 2018, on mining that uses any**  
23 **form of motorized equipment for the purpose of extracting gold, silver or any other precious**  
24 **mineral from placer deposits of the beds of the waters of this state, as defined in ORS**  
25 **196.800, or from other placer deposits that results in the removal or disturbance of**  
26 **streamside vegetation in a manner that may impact water quality. The moratorium applies**  
27 **up to the line of ordinary high water, as defined in ORS 274.005, and the adjacent 100 yards**

**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 of streambank, of the full length of any river and tributary thereof in this state, of which  
2 any portion contains essential indigenous anadromous salmonid habitat, as defined in ORS  
3 196.810, or naturally reproducing populations of bull trout. The moratorium does not apply  
4 to any mining for which the State Department of Geology and Mineral Industries issues an  
5 operating permit under ORS 517.702 to 517.989.

6 (2) Violation of the moratorium established by subsection (1) of this section is a Class A  
7 misdemeanor.

8 **SECTION 2.** Section 1 of this 2013 Act is repealed on January 2, 2018.

9 **SECTION 3.** (1) The Governor's office, in consultation with the Department of Environ-  
10 mental Quality, the Department of State Lands, the State Parks and Recreation Department,  
11 the State Department of Fish and Wildlife, the Water Resources Department, other state  
12 agencies, the federal government, federally recognized Indian tribes and affected  
13 stakeholders shall study matters related to mining using any form of motorized equipment  
14 for the purpose of extracting gold, silver or any other precious mineral from placer deposits  
15 of the beds of the waters of this state, as defined in ORS 196.800, or from other placer de-  
16 posits and matters related to the removal or disturbance of streamside vegetation resulting  
17 from the mining activities, and shall propose a revised regulatory framework that includes  
18 but is not limited to:

19 (a) A consolidated regulatory process for mining using motorized equipment or motorized  
20 dredge, including a single permit system.

21 (b) Effective monitoring, compliance and enforcement mechanisms related to mining us-  
22 ing motorized equipment.

23 (c) Adequate fee structures to cover administration, monitoring, compliance and  
24 enforcement related to any permit, license, authorization or other form of permission re-  
25 quired by law from a state agency for mining using motorized equipment or discharges from  
26 mining using motorized equipment.

27 (d) Operating conditions and restrictions, based on the best available science and pre-  
28 cautionary principles, designed to protect and recover in-stream and riparian habitat impor-  
29 tant to achieve water quality standards and the conservation and recovery of indigenous  
30 anadromous salmonid, as defined in ORS 196.810, and naturally reproducing populations of  
31 bull trout.

32 (e) Prohibitions on mining using any form of motorized equipment in specific areas of  
33 this state, to the extent allowed by law, including:

34 (A) Bodies of water currently listed as water quality impaired under the Federal Water  
35 Pollution Control Act for sediment, turbidity, toxics or heavy metals;

36 (B) Bodies of water within wilderness areas, national monuments and national botanical  
37 areas;

38 (C) Scenic waterways in this state and bodies of water flowing through state parks; and

39 (D) Habitat that is essential to the recovery and conservation of salmon, steelhead,  
40 lamprey, freshwater mollusks or other unique habitat values, unless protection for this  
41 habitat may be otherwise achieved pursuant to paragraph (d) of this subsection.

42 (2) The Governor's office shall submit a report with the results of the proposed regula-  
43 tory framework, and include recommendations for any necessary legislation, to the interim  
44 committees of the Legislative Assembly related to environment and natural resources on or  
45 before September 1, 2015.

1       **SECTION 4. Section 3 of this 2013 Act is repealed on January 2, 2016.**

2       **SECTION 5.** ORS 517.123 is amended to read:

3       517.123. The Legislative Assembly finds that prospecting, small scale mining and recreational  
4 mining:

5       (1) Are important parts of the heritage of the State of Oregon; **and**

6       (2) Provide economic benefits to the state and local communities.[: *and*]

7       [(3) *Can be conducted in a manner that is not harmful and may be beneficial to fish habitat and*  
8 *fish propagation.*]

9       **SECTION 6.** ORS 468B.052 is amended to read:

10       468B.052. [*Notwithstanding the authority of*] **Unless** the Environmental Quality Commission, **as**  
11 provided in ORS 468.065 [*to establish a schedule of*], **establishes different** fees for permits issued  
12 under ORS 468B.050 [*and in lieu of any fee established under the schedule of fees*], a person who op-  
13 erates a suction dredge having a suction hose with an inside diameter of eight inches or less shall,  
14 upon application for or renewal of a permit issued under 468B.050, pay to the Department of Envi-  
15 ronmental Quality:

16       (1) For an individual permit:

17       (a) A one-time application fee of \$300; and

18       (b) An annual renewal fee of \$25.

19       (2) For a general permit, either:

20       (a) A \$25 annual fee for each year the person registers under the general permit; or

21       (b) A \$100 fee for a five-year registration under the general permit.

22       **SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**  
23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
24 **on its passage.**

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