

SENATE MINORITY REPORT AMENDMENTS TO SENATE BILL 3

By Nonconcurring Members of COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES

April 5

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

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

6 “REPEAL OF MORATORIUM ON MINING USING MOTORIZED EQUIPMENT

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 Sections 2, 3 and 4, chapter 783, Oregon Laws 2013, are repealed.

9 10 “LIMITATION ON CERTAIN PLACER MINING OPERATIONS

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

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

15 “(1) ‘Essential indigenous anadromous salmonid habitat’ has the meaning given that term
16 in ORS 196.810, as further defined and designated by rule by the Department of State Lands
17 pursuant to ORS 196.810.

18 “(2) ‘Line of ordinary high water’ has the meaning given that term in ORS 274.005.

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

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

25 “SECTION 4. (1) In order to protect indigenous anadromous salmonids and habitat es-
26 sential to the recovery and conservation of Pacific lamprey, the Department of Environ-
27 mental Quality shall limit issuance of permits or permit coverage under ORS 468B.050 to no
28 more than 200 successful applicants per year for motorized in-stream placer mining within
29 the area described in subsection (2) of this section. In issuing permits and permit coverage
30 subject to the limitation under this subsection, the department shall give priority, to the
31 greatest extent practicable, to residents of this state.

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

1 of essential indigenous anadromous salmonid habitat to the highest extent of essential
2 indigenous anadromous salmonid habitat.

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

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

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

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

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

15 “(d) The geographic coordinates for the proposed motorized in-stream placer mining op-
16 eration; and

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

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

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

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

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25 “FEES

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27 “**SECTION 6.** A person shall pay the following fees to the Department of Environmental
28 Quality for a general permit issued under ORS 468B.050 for motorized in-stream placer min-
29 ing, unless the Environmental Quality Commission establishes a lower fee amount under
30 ORS 468.065:

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

32 “(2) An annual fee of \$250.

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34 “PENALTIES

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36 “**SECTION 7.** Section 8 of this 2017 Act is added to and made a part of ORS 468.922 to
37 468.956.

38 “**SECTION 8.** (1) A person commits the offense of unlawful motorized in-stream placer
39 mining if the person knowingly engages in motorized in-stream placer mining, as defined in
40 section 3 of this 2017 Act, without a permit issued under ORS 468B.050 or in violation of any
41 rule, permit, order or applicable requirement adopted or issued under ORS 468B.050 or
42 sections 3 to 6 of this 2017 Act.

43 “(2) Subject to ORS 153.022, unlawful motorized in-stream placer mining is a Class A vi-
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“SUCTION DREDGE STUDY FUND AND FEES

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

“SECTION 10. Any moneys remaining in the Suction Dredge Study Fund established by section 13, chapter 783, Oregon Laws 2013, on the effective date of this 2017 Act that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund and be available for general governmental expenses.

“CAPTIONS

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

/s/ Herman Baertschiger Jr.
Senator

/s/ Alan Olsen
Senator
