

Senate Bill 632

Sponsored by Senator GIROD

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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