

Senate Bill 1585

Sponsored by Senators BOQUIST, BATES

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 requirements for mining using motorized dredge equipment in beds and banks of rivers and tributaries in this state.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to restrictions on mining using motorized dredge equipment; amending section 5, chapter
3 783, Oregon Laws 2013; and declaring an emergency.

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

5 **SECTION 1.** Section 5, chapter 783, Oregon Laws 2013, is amended to read:

6 **Sec. 5.** (1) On and after January 1, 2014, and before January 2, 2016, mining that uses any form
7 of motorized equipment for the purpose of extracting gold, silver or any other precious metal from
8 placer deposits of the beds or banks of the waters of this state, as defined in ORS 196.800, or from
9 other placer deposits, that results in the removal or disturbance of streamside vegetation in a
10 manner that may impact water quality, is subject to the following:

11 (a) The motorized dredge equipment must be operated at least [500] **200** feet from other motor-
12 ized dredge equipment[, *unless the Department of Environmental Quality determines that another dis-*
13 *tance is appropriate to protect water quality*].

14 (b) The motorized **dredge** equipment may not be left unattended within the wetted perimeter of
15 any waters of this state[.] **unless:**

16 **(A) Power to the equipment is turned off;**

17 **(B) All portable containers of hazardous or flammable material are removed from the**
18 **equipment;**

19 **(C) The equipment is tied off or secured to the bank in another manner and located such**
20 **that it does not impede boating; and**

21 **(D) A person attends to the equipment at least once every 24 hours to ensure that the**
22 **equipment is in compliance with the provisions of this paragraph.**

23 **(c) Motorized dredge equipment that is being operated within 1,000 feet of a residential**
24 **structure or campground may be operated only between the hours of 9 a.m. and 5 p.m.**

25 [*c) The motorized equipment may be operated only between the hours of 9 a.m. and 5 p.m.*]

26 (2) The provisions of subsection (1) of this section apply to mining that occurs up to the line of
27 ordinary high water, as defined in ORS 274.005, and 100 yards upland perpendicular to the line of
28 ordinary high water of the full length of any river and tributary thereof in this state, of which any
29 portion contains essential indigenous anadromous salmonid habitat, as defined in ORS 196.810, or
30 naturally reproducing populations of bull trout.

31 (3) The provisions of subsection (1) of this section do not apply to any mining for which the

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 State Department of Geology and Mineral Industries issues an operating permit under ORS 517.702
2 to 517.989.

3 **(4) The provisions of subsection (1) of this section apply in addition to, and not in lieu**
4 **of, all other restrictions or requirements applicable to motorized dredge equipment imposed**
5 **by state and federal law, including but not limited to restrictions or requirements imposed**
6 **by the Department of Environmental Quality, the State Forester, the United States Forest**
7 **Service or the Bureau of Land Management.**

8 [(4)] (5) During the period described in this section, the Department of State Lands shall limit
9 the individual permits issued under ORS 196.810 and the general authorizations issued under ORS
10 196.850 to not more than 850 permits and authorizations for mining described in this section at any
11 time during the period described in this section. The Department of State Lands shall give priority,
12 to the greatest extent practicable, to persons who held permits or authorizations for the longest
13 period of time before January 1, 2014.

14 [(5)] (6) Violation of any provision of this section is a Class A violation.

15 **SECTION 2. This 2014 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
17 **on its passage.**

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