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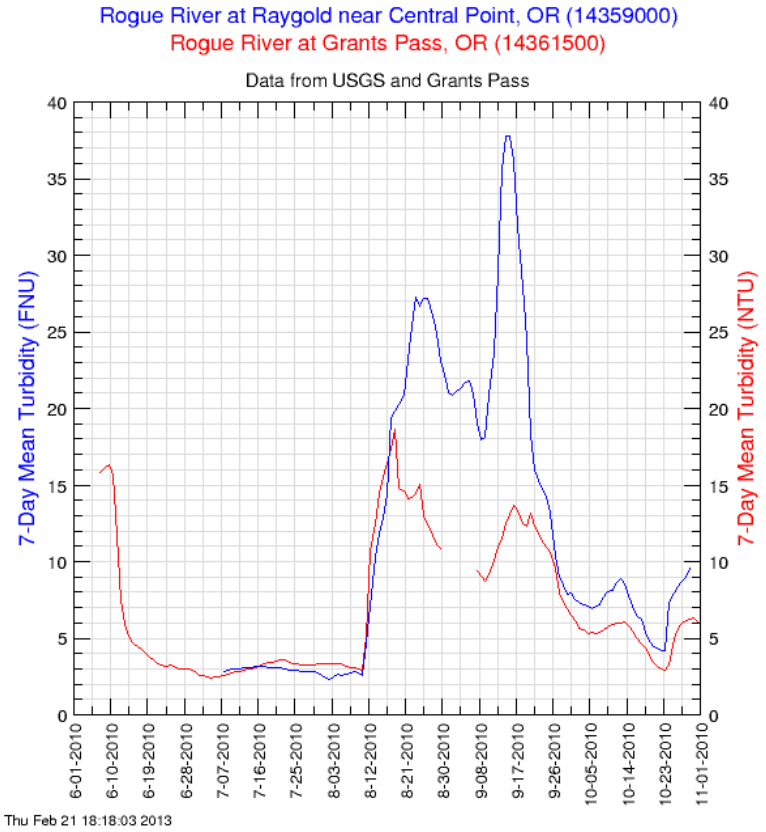
SB 401 Senate Committee On Environment and Natural Resources

Turbidity/Pollutants

1. There is no need to change the current laws/requirements:
   A) From the National Pollutant Discharge Elimination System (NPDES) 700PM-General Permit FACT SHEET[1] "Based on DEQ's review of the studies DEQ believes that 300 feet is the distance at which there is no reasonable potential to violate the water quality standard for turbidity."
   B) From the DEQ Response to Comments 700PM General Permit Reissued July 30, 2010[2]
      1) "DEQ believes that the existing restrictions established by the Oregon Department of Fish and Wildlife and the Department of State Lands are sufficient to protect the fishing beneficial use and has incorporated these requirements into the permit."
      2) "DEQ has provided the best management practices as the guide that protects fish habitat."
      3) "There is a best management practice in schedule C of the permit that is protective of domestic water and private water supply intakes."
   C) The Suction Dredge Permitting Program Draft Subsequent Environmental Impact Report (DSEIR) California Department of Fish and Game February 2011[3] reached the following conclusions as to the detrimental effects:
      Section 4.2.5 Environmental Impacts:
      1. Impact WQ1. Effects of Contaminant Discharges from Dredge Site Development and Use ***(Less than Significant)***
      2. Impact WQ2: Effects of Contaminant Discharges of Oil or Gasoline Used in Suction Dredges ***(Less than Significant)***
      3. Impact WQ3. Effects of Turbidity/TSS Discharges from Suction Dredging ***(Less than Significant)***
   D) The Army Corps of Engineering use of intake nozzle four inches or less in diameter and operated with a 10 horsepower engine or less results in no more than incidental discharge.

An excellent example of the resiliency of aquatic life is the 11 August 2010 breach of the sand bar at the Gold Ray dam removal site. The resultant release of silt clouded the water from Gold Ray dam downstream pass Hells Gate Canyon (over 50 river miles). Below is a graph[4] of turbidity levels at Gold Ray dam and 24 river miles downstream at Grants Pass.



Normal turbidity levels are 3-4 NTU but from 12 August until 21 September (40 days total), levels were above 20 NTU or five to six times daily norm. Turbidity levels never returned to their normal levels in 2010. Keep in mind that this is bank-to-bank 24 hour turbidity, not just a three (3) to six (6) foot wide flume from a dredge, a dredging flume that would be less than 300 feet in total length and is only present during dredge operation which is usually less than six hours per day. Despite the high turbidity levels over such a large area and long time there have been **NO REPORTS OF AQUATIC DEGRADATION**.

There are studies that suggest that the impacts are insignificant from suction dredging as long as the regulations in place are followed. In the Institute for Natural Resources Policy Paper 2003-01, prepared by Oregon State University, entitled ―Recreational Placer Mining in the Oregon Scenic Waterway System[5]. It states that miners and their representative organizations make a strong claim, backed by a number of studies done by government and academic institutions, that recreational placer mining does not have a harmful impact on the natural environment if certain practices are followed.

Proposal: All dredging operations should be held to the 300 ft rule regardless of the substrates being worked

Heavy Metals Concerns

DEQ has a fact sheet that informs miners about the recovery of mercury and DEQ has worked with miners to collect mercury for disposal. DEQ noted that recreational mining can actually produce a benefit to water quality when miners remove mercury from rivers left behind by old commercial mining operations. (INR Policy Paper 2003-01, prepared by Oregon State University[9]). This paper also mentions the removal of all the litter in the form of lead fishing weights, nails and trash from the streams. There is no scientific data that shows a rise in mercury in fish after dredging has occurred.

Proposal: Maintain the current rules

Recreational Impact

1. There is no need to change existing policies:
    A. The Suction Dredge Permitting Program DSEIR California Department of Fish and Game February 2011[3] conclusions as to the detrimental effects:
    Section 4.8.5 Environmental Impacts
        1. Impact REC1: Effects on the Quality of Recreational Resources or Experience ***(Less than Significant)***
        2. Impact REC2: Changes in Recreational Facility Use or Availability ***(Less than Significant)***

Economic Impact of Restrictions

1. Dredgers bring in money --- Money that aids the economy.
    A. Draft Subsequent Environmental Impact Report California Department of Fish and Game February 2011_3 Appendix H conclusions:
        1. SOCIOECONOMIC REPORT ON REGULATORY AMENDMENTS

Persons participating in suction dredging make expenditures on trip-related items, such as gasoline, food and beverages, restaurants, and miscellaneous supplies and services, and on the purchase and maintenance of equipment used for suction dredging.

Table 3. 2008 Base Period Conditions: Average annual spending per dredger and total spending related to suction dredging activity

Type of Expenditure	Average Annual Spending per Dredger[1]		Total Annual Spending by All Dredgers[1]	
	Residents	Nonresidents	Residents	Nonresidents
Trip-related expenditures				
Gasoline	$ 2,788	$ 1,566	$ 6,981,104	$ 792,742
Food and beverages	$ 1,509	$ 1,162	$ 3,334,123	$ 556,784
Restaurants	$ 627	$ 496	$ 1,117,692	$ 229,065
Misc. trip supplies	$ 837	$ 702	$ 1,816,219	$ 365,008
Misc. services	$ 410	$ 604	$ 985,365	$ 322,668
Total trip-related	$ 6,170	$ 4,530	$ 14,234,503	$ 2,266,267
Expenditures on equipment purchase and maintenance	$ 2,112	$ 2,893	$ 5,850,634	$ 1,481,198

Notes:
[1] Estimates of trip-related spending and equipment purchase and maintenance were derived from the 2008 Suction Dredge survey data.

The DSL issued 2409 general authorizations (GAs) in the 2012 for recreational placer mining. No break down of residency but conservatively at $5,000 per dredger for trips and $2,200 for equipment and maintenance results in:

$17.34 <u>million</u> into the Oregon economy.

Limiting Lateral Edges

1. A 3-foot band on stream edges and in-stream gravel bars is overly restrictive
    A. Not all stream/creek edges are comprised of material that could erode into the stream, but are solid bedrock.
    B. Many creeks are less than 6 feet wide.

Proposal: Maintain the current rule not to undercut stream edges.

Location Requirement

1. Requiring location and time for dredging is unreasonable. Many times, they are not foreseeable. A better solution is to use the end-of-year report stating where and when dredging occurred. This is a more accurate database for determining usage.

Proposal: Maintain the current rule

Limiting Number of Dredges in an Area

1. Dredging is frequently done with a partner or groups (for safety reasons), thus limiting to a first-come first-serve basis or number of dredges in an area would jeopardize safety. Dredges maintain a certain distance from one another so as not to interfere with their dredging.

Proposal: Maintain the current rule

Restrictions on Time, Location and Amount

1. There should be no changes to current policies.
    A. There are already established In-Water-Work[8] times.
        1. There are no documented negative effects.
    B. There are already established limits (Set by DSL) on the amount of material that may be processed at one location and total amount for the season. [7]

Proposal: Maintain the current rule

Limiting Number of Permits

1. Requirement to limit number of permits issued can be problematic.

   Reasoning:

   A. Dredging is frequently done with a partner (for safety reasons), thus limiting to a first-come first-serve basis would jeopardize safety.

   B. With reduced times and reduction of streams to major waterways there is no bases for reducing the number of dredge permits.

   C. No way of determining if dredging has actually occurred. Unscrupulous individuals may apply for permits and never use them just to prevent actual dredgers from getting one.

Proposal: Include that a permit holder who fails to report their activity (To the DSL) after obtaining a permit would be prohibited from obtaining a new permit for 3 years and/or fined.

Reporting Requirements

1. There is no need for an Annual report to the DEQ:

   A. An annual report is all ready sent to Department of State Land (DSL) that list the information you wish reported. Per the Governor's Regulatory Streamlining and Simplification Project, August 2012_6, this information can be obtained from DSL, as they are one of the lead agencies.

Proposal: DEQ get this information from DSL

Fuel Storage

1. There is no need to extend the current 25-foot distance.

   A. Unless there is documented proof that this is a current problem, the limit should be maintained.

   B. That distance makes fuel storage an opportunity for thief.

   C. This proposed change singles out dredgers only and therefore is discriminatory

Proposal: Maintain the current rule

In conclusion:

Dredgers are like most outdoorsman's; we are respectful of the environment. Our prospecting demands that we be stewards of the land and helpful to those we met. Prospecting is not easy, but requires hard work and dedication to a passion.

I would like to thank the DEQ and other stakeholders for the opportunity to present my information and hope they will give my concerns serious consideration before making a final judgment. Please set aside personal bias and make your decisions based on scientific studies and documented research and not speculation and hearsay.

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Sources of Information:

1. National Pollutant Discharge Elimination System (NPDES) 700PM- General Permit FACT SHEET
http://www.deq.state.or.us/wq/pubs/factsheets/permits/700PMGPFactSheet.pdf

2. Response to Comments 700PM General Permit Reissued July 30, 2010
http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/RTCf.pdf

3. Suction Dredge Permitting Program Draft Subsequent Environmental Impact Report California Department of Fish and Game February 2011
http://www.dfg.ca.gov/suctiondredge/

4. Graphs from USGS Data Grapher,
http://or.water.usgs.gov/grapher/.

5. Recreational Placer Mining in the Oregon Scenic Waterways System.
http://www.prd.state.or.us/images/pdf/placer_draft_report.pdf

6. Governor's Regulatory Streamlining and Simplification Project
www.oregon.gov/COO/docs/.../Regulatory_Streamlining_Final_Proposal.pdf

7. Removal-Fill Report 2011-12
www.oregon.gov/DSL/PERMITS/Pages/forms.aspx

8. ODFW OREGON GUIDELINES FOR TIMING OF IN-WATER WORK TO PROTECT FISH AND WILDLIFE RESOURCES
www.dfw.state.or.us/.../Oregon_Guidelines_for_Timing_of_%20InWater_ work2008.pdf

9. RECREATIONAL PLACER MINING IN THE OREGON SCENIC WATERWAYS SYSTEM
http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/135/placer.pdf?sequence=1