

# Senate Bill 3 A-Engrossed

## House Energy and Environment Committee

May 3, 2017

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# Presentation Overview

1. Types of placer mining
2. Regulations in effect without moratorium
3. Level of mining activity in recent years
4. Senate Bill 838 [2013] and moratorium
5. Senate Bill 3 [2017]
  - Introduced
  - A-Engrossed

# Placer Mining

- In-water (within the wetted perimeter)
  - Panning
  - Motorized suction dredging
  - Non-motorized suction dredging (siphon/gravity dredge)
  - Regulated by DEQ and DSL
- Above Ordinary High Water
  - Non-motorized excavation
  - Motorized excavation
  - Regulated by DEQ and DOGAMI (only larger operations)

# Existing Regulations: In-water Suction Dredge Mining

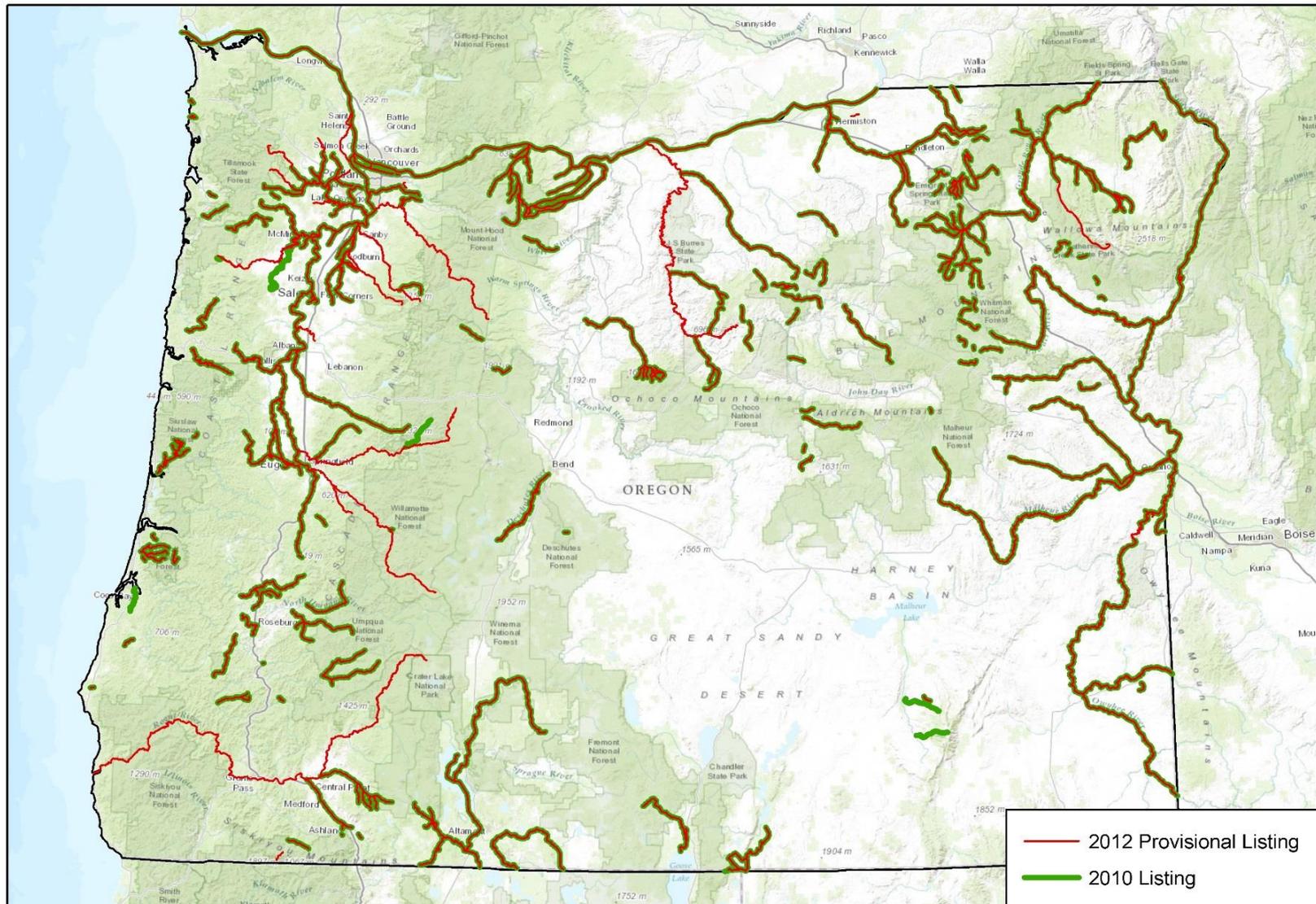
- Prohibited in state scenic waterways
- DEQ “700PM” General Permit
  - <http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/permit.pdf>
  - Federal Clean Water Act/NPDES wastewater discharge permit
  - Applies to motorized and non-motorized dredges
  - Does not authorize dredging on tribal reservations
- DSL rules limit nozzle size/amount of material moved in ESH waters
  - *“Essential Indigenous Anadromous Salmonid Habitat (ESH)” means the streams designated pursuant to ORS 196.810 that are necessary to prevent the depletion of indigenous anadromous salmonid species during their life history stages of spawning and rearing, and any adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream.*
- Individual permits available but uncommon

# Existing Regulations: In-water Suction Dredge Mining

## DEQ's "700PM" General Permit:

- Limits dredging to ODFW in-water work periods
- Limits turbid discharges
- Protects banks and channel structure
- Oil/gas spill prevention measures
- Avoid fish eggs, mussels and lamprey
- Display DEQ permit number on dredge
- 700PM General Permit not available for impaired waters (sediment, turbidity, toxics)

# Streams Impaired for Turbidity, Sedimentation, and Toxics



Streams shown are both category 4 (TMDL approved or otherwise not needed) and category 5 (TMDL needed – 303d list). Streams listed for all toxics shown except for chlorine.

# Suction Dredge Mining Activity

	<b># of 700PM Permit Registrants</b>
<b>2009</b>	934
<b>2010</b>	1,205
<b>2011</b>	1,385
<b>2012</b>	1,941
<b>2013</b>	1,843
<b>2014</b>	536
<b>2015</b>	351
<b>2016</b>	156

# Existing Regulations: Motorized Upland Placer Mining

- DEQ Water Pollution Control Facility (WPCF) permit required for wastewater disposal/sedimentation pond
  - No traceable discharge to groundwater or surface water
  - Don't disturb vegetation unless unavoidable; restore if disturbed
  - Approx. 350-400 individuals currently registered to permit
  - DEQ needs to renew/update permit
- DOGAMI permit required if more than 5000 cubic yards of material or one acre of disturbance

# Senate Bill 838 [2013]

- Established Governor's task force to propose a revised regulatory framework; final report Nov 2014
  - Consolidated regulatory process
  - Effective compliance, monitoring and enforcement
  - Adequate fee structures
  - Conditions to protect water quality and recover species
  - Address social concerns (e.g., noise, navigation)
  - Prohibitions in federal designated areas, scenic waters, state parks, habitat essential to recovery and conservation of salmon, steelhead, lamprey and mussels

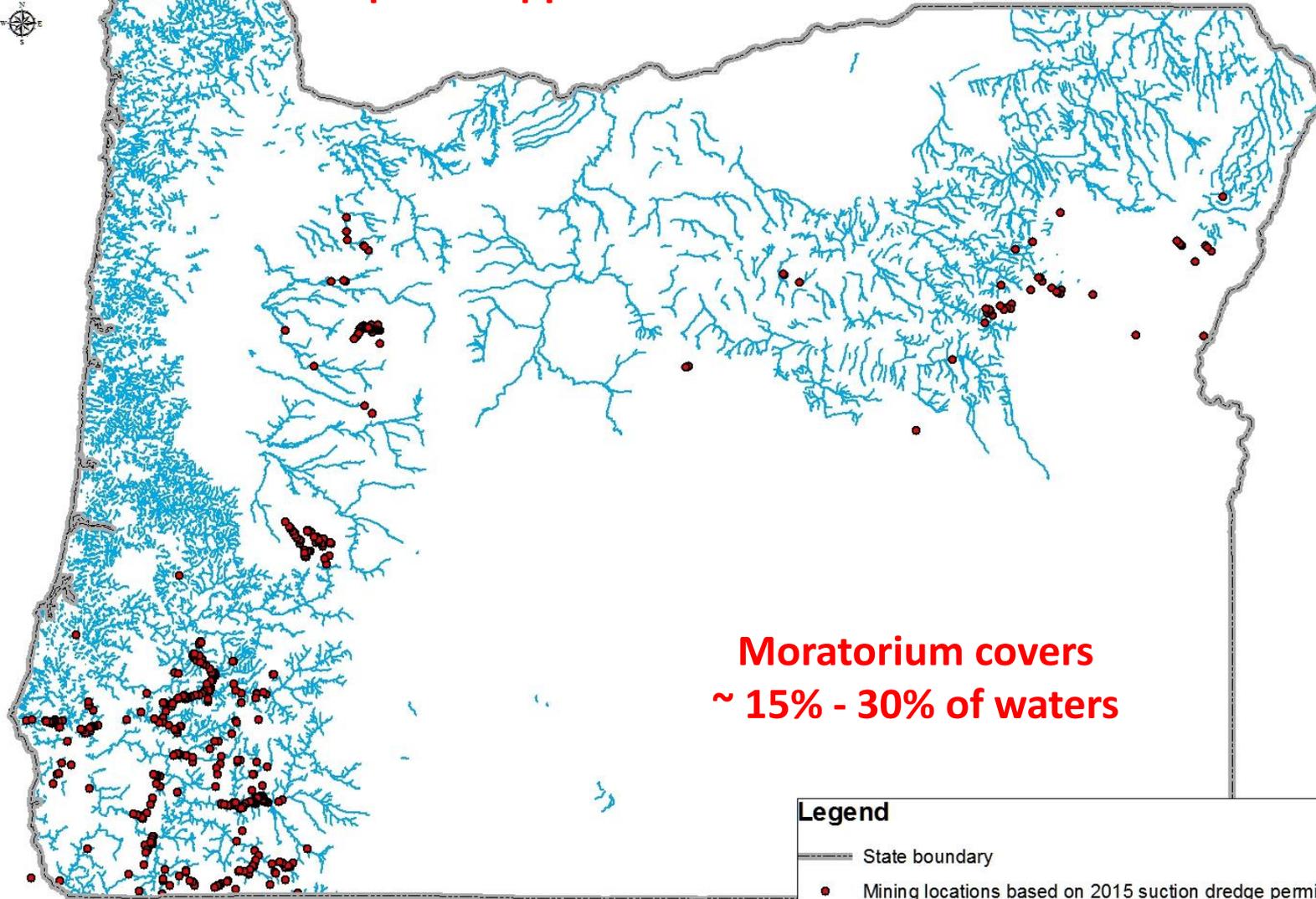
# Senate Bill 838 [2013]

- Imposed moratorium on motorized placer mining from Jan 2, 2016 – Jan 2, 2021
- Applies above lowest extent of spawning habitat
  - In rivers containing ESH or bull trout habitat
  - Except where populations not found due to natural or lawfully placed barrier
  - Estimated to apply to 15% - 30% of waters
- Applies up to 100 yards perpendicular to ordinary high water line, if activity will disturb vegetation in a manner that may impact water quality
- Does not apply if operation has DOGAMI permit

# SB838 Moratorium Waters & Mining Locations

**Map is an approximation.**

Total # of mining locations: 894  
# of locations within 50' of moratorium waters: 287



**Moratorium covers  
~ 15% - 30% of waters**

## Legend

- State boundary
- Mining locations based on 2015 suction dredge permit applications
- Moratorium water, Essential Salmon Habitat & Bulltrout

# Senate Bill 3 – As Introduced [2017]

- Motorized placer mining within 100 yards of OHW
  - Replaces moratorium in 2019 with requirement to get DOGAMI permit
- In-water motorized suction dredge mining
  - Expands moratorium by adding lamprey habitat and tributaries (80% – 90% of waters)
  - Post-moratorium prohibitions (30% – 40% of waters) and various conditions/restrictions

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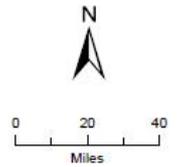
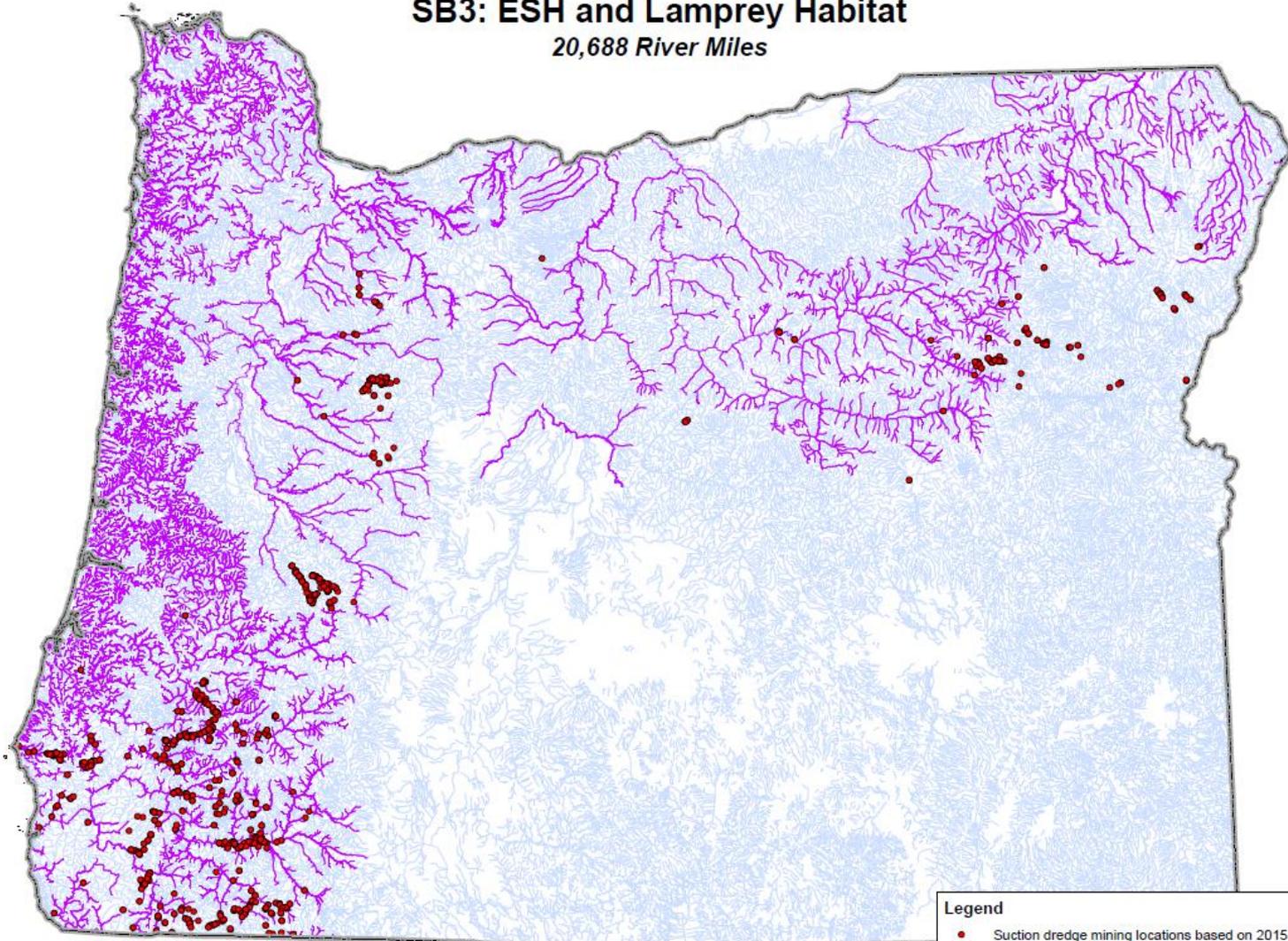
- Prohibits motorized suction dredge mining in ESH waters and lamprey habitat (ESH is surrogate for lamprey habitat)
- Conditions/restrictions where dredging is allowed
  - Provide info on access to mining site
  - Review cultural resource preservation materials
  - 8 AM-8 PM within 1000 feet of residence or campground
  - Maximum of 4 inch hose
  - \$250 for permit application and annual fee
  - Class A violation; citation may be based on info from DEQ

# SB3: ESH and Lamprey Habitat

20,688 River Miles



State of Oregon  
Department of  
Environmental  
Quality



**Legend**

- Suction dredge mining locations based on 2015 & 2016 permit applications
- ESH and lamprey habitat

File: /sdsb3/igw/linewk\_cw/orig/Perrito2015/Map5-ESH\_2016.mxd  
Prepared: 22Mar17 09W

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).