

Comparison of State Suction Dredging Regulations for Oregon, Idaho and California

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Prepared by Oregon Department of State Lands Staff

Comparison Comparison of state suction dredging regulations in Oregon, Idaho and California	Oregon DSL General Authorization (Department of State Lands)	Idaho IDWR Letter Permit (Dept. of Water Resources)	California CDFW Final Regulations (Dept. of Fish & Wildlife)
Volume threshold. Only Oregon regulates based on discharge volume, but Oregon also limits nozzle size to an intake diameter not exceeding four inches. Requirements in each state are comparable, except that CA is willing to approve a nozzle size increase based upon an on-site inspection.	25 CY annually	No volume threshold specified (see dredge equipment restrictions)	No volume threshold specified (See dredge equipment restrictions)
Work restricted to wet perimeter? Requirements are substantially the same.	Yes—Activity is limited to the area that is under water or surrounded on all sides by water.	Operation above the mean high water mark (MHWM) prohibited.	Activity restricted to “current water level.”
Dredge equipment restrictions. Very similar, but CDFW can approve nozzle sizes up to eight inches on a case-by-case basis. DSL would consider larger nozzle sizes through an Individual Permit process only.	Intake nozzle with an inside diameter not exceeding four inches.	Capable of processing no more than two (2) cubic yards per hour. Motor/engine rated at no greater than 15 HP. Intake diameter no greater than five (5) inches.	Intake nozzle normally limited to four inches, but may be increased to six or eight inches at the discretion of CDFW.
Disturbance of woody vegetation. Permitting requirements comparable. Streambank disturbance kicks permitting requirements up a notch.	Streambank disturbance prohibited, including any rooted or embedded woody plants below Ordinary High Water Line (OHWL)	An activity that alters, modifies, or changes the natural existing shape of the stream channel within or below the mean high water mark (MHWM) requires a <u>stream channel alteration permit</u> .	No woody streamside vegetation shall be removed or damaged.

Fish passage. Very similar provisions apply.	The activity may not divert a waterway or obstruct fish passage.	Contains provisions to avoid spawning areas. No specific fish passage requirements were found.	Obstruction of fish passage expressly prohibited.
Minimization of impounded water. Basic intent is the same across the board.	Minimal impounding to operate a dredge allowed; must be removed immediately upon completion of the mining activity.	Diversion of water by pumping or other methods from a stream requires a water right from the IDWR	Construction of dams or weirs prohibited.
No disturbance of stream structure. The CDFW regulations are more liberal in allowing winching under some circumstances.	Movement allowed by hand and non-motorized equipment only.	Undercutting of a stream bank or the dislodging of stream bank vegetation prohibited.	Motorized winching to move boulders, logs or other objects is conditionally allowed, but many restrictions apply.
Expiration of authorizations. OR and ID are currently authorizing suction dredging; CA is not.	Authorizations expire on December 31 of each year.	Valid April 1-March 31	The previously established date of June 30, 2016 for the current moratorium on suction dredge mining to end has been removed from law, but CA is still not issuing permits.
Renewal. OR and ID are comparable. CA is currently not issuing permits.	Applicants must reapply each year. Annual report for activity in preceding year required as a condition of Department approval for the next year.	Applicants must reapply each year.	N/A
Refueling. OR refueling standards are consistent with DEQ 700PM. The CA standards are more stringent but OR does not think that the 100 foot requirement is feasible or practical to use in steep terrain.	Fuel and oil must be stored at least 25 feet from the wet perimeter of the stream.	Refueling restrictions not found.	Fuel must be stored at least 100 feet from the current level.
Annual report. OR and CA have stringent annual report requirements. Similar requirements for ID could not be found.	Required	Report requirements not found.	Each permittee shall possess, maintain and submit a completed annual Report Card for each year that a suction dredge permit is held. Failure to timely submit the report may result in revocation, suspension or non-

			issuance of any subsequent suction dredge permit issued
Permit required for non-powered operation? OR and ID appear to be more restrictive than CA because non-power operations are also regulated, except for prospecting, which is exempt.	Yes, if it exceeds the amount allowed in the prospecting exemption (1CY/site; 5CY of any single ESH stream segment in a single year).	Yes, if more than five people are working the same area.	CDFW regulations appear to only apply to motorized suction dredging.
Special protected waters? All three states use special designations to add protection to sensitive water bodies.	Prohibited in SSW's	Prohibited in Protected Rivers	Yes, special closures may be imposed.
In-water work timing restrictions? All three states have timing restrictions to avoid impacts on spawning fish.	Limited to ODFW in-water work windows	Spawning populations of salmon, steelhead and trout streams are closed to during the periods when fish are spawning and eggs or alevins are in the gravel	Yes, most steam classifications carry timing restrictions.
Fee required? Processing steps look similar; but only OR does not require a fee.	No	Resident \$10/Non-resident \$30	Basic resident base fee: \$25 Resident on-site investigation required: \$130 Non-resident base fee are \$100 Non-resident fee with on-site investigation \$220
Density of mining sites limited? Only OR does not have restrictions for distance between mining sites or for total permits issued.	No	One mining site per one hundred (100) linear feet of stream can be worked at one time.	The Department issues a maximum of 1,500 permits annually, on a first-come, first-served basis. No person may operate a suction dredge within 500' of another operating suction dredge.