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I Oppose Senate bill 838. Please accept the attached documents as my testimony for SB 838

**IT'S NOT THE ISSUE IT'S BEING MADE OUT TO BE.**

There is an attack on small-scale mining and hard working citizens of Oregon it's Not the issue its made out to be, there are Not throngs of protesters pushing this, someone is just stirring the pot, who has the most to gain the Lawyers. these extremist are coming from out of state pushing their agenda to stop small-scale mining. I know in California the Center for Biological diversity has followed this pattern and won millions. In Oregon we have 3 agencies involved in the permit process it provides checks and balances. The DEQ, DSL and ODFW. Restrictions established by these agencies are sufficient to protect our rivers.

- DEQ's 700pm permit protects water quality and gets its authority from the EPA and vests that authority to DSL.
- DSL permits uphold regulations and conditions set in OAR 114-089-0650 and have authority over the waterways of Oregon.
- ODFW biologists establish time periods to avoid vulnerable life stages for migration, spawning and rearing of anadromous and other game fish and threatened, endangered, or other sensitive species are considered.

Best management practices are included in both permits to protect water quality and beneficial uses including riparian vegetation, juvenile fish, and disrupting the food web.

Existing regulations in Oregon have stood up to several lawsuits. Do not turn Oregon into California with lawsuit after lawsuit or one over stretched agency depending on a judge to tell scientists and biologists how to do their job.

As Oregonians we value the environment and diversity this great state has to offer.

Gold is only found in less than 1/3 of 1% of the rivers in Oregon.

Don't rely on hype think for yourself, go out and see that the small-scale miner has little effect on the environment and is regulated to just 2 months out of the year,

Restrictions established by the State of Oregon do protect fish and wildlife.

Our rivers and wild spaces should be for the enjoyment of all citizens of this great land.

**ITS NOT THE ISSUE ITS BEING MADE OUT TO BE.**

There are 3,056 active placer mining claims in Oregon. California has over 31,000 placer claims we are not California. Gold is only found in less than 1/3 of 1% of the rivers in Oregon.

Most recreational and people coming from other states are in the 50-75 age range and only stay a couple of weeks or just weekends in the 2 months a year that dredging is allowed.

A suction dredge is the size of a 3 man rubber raft and powered by a lawnmower engine, they target hardpan and cracks in the bedrock it takes days to work through even 1 yard of material.

We have Permits from DSL that adhere to ORS Statutes & Laws and DEQ permits to protect water quality and best practices with ODFW Biologist setting the in-water-work-timings to protect fish and wildlife resources.

Comments from DEQ Public comments and response july30,2010

(comment) Prohibit suction dredging in streams that are critical habitat for endangered and threatened fish, including Coho and Chinook and bull trout.

DEQ disagrees with this comment. 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.

To protect fish and fish habitat beneficial use, DEQ requires permit holders to follow the *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* by the Oregon Department of Fish and Wildlife (ODFW) that are based on recommendations by ODFW fish biologists. Anadromous and other game fish and threatened, endangered, or sensitive species are considered. Time periods were established to avoid the vulnerable life stages of these fish including migration, spawning and rearing. DEQ's 700PM permit prohibits suction dredging outside the given ODFW in-water timing periods.

(comment) The placer miner is only allowed to be in the water approximately two months of the year when the fish are not there.

DEQ agrees with this comment. 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.

The best management practices in the permit are there to protect water quality and beneficial uses including riparian vegetation, juvenile fish, and disrupting the food web.

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