



**Testimony of WaterWatch of Oregon
Before the Senate Environment and Natural Resources Committee
HB 2841A**

May 20, 2013

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. WaterWatch works to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's waterways. We also work for balanced water laws and policies. WaterWatch has hundreds of members across Oregon who care deeply about our waterways, fish and wildlife and the effects of water laws and policies on these resources.

WaterWatch opposes HB 2841A:

What HB 2841A does: HB 2841A sets up a special consultation privilege for parties that engage in recreational mining or small scale mining prior to agencies adopting, repealing or amending any rule pertaining to recreational mining. It sets up a similar special consultation privilege for parties subject to an agency order regarding recreational or small scale mining.

WaterWatch opposes HB 2841A for the following reasons:

- It is bad public policy to provide special pre-rulemaking and or pre-order consultation with a select group of special interests.
- It is bad public policy to move away from a wholly transparent rulemaking process. The waters of this state, by statute, belong to all people of the state. Any rulemaking regarding Oregon's waters needs to be open, inclusive and transparent.
- HB 2841A puts an unnecessary burden on state agencies. At a time when natural resource agency budgets are already strapped, the last thing the legislature should do is impose upon our state agencies onerous (and likely impossible) tasks such as notifying all parties that are likely to be affected by a rule or order.
- HB 2841A directs the agencies only to address the "rights" of parties that engage in recreational or small scale mining. This ignores the many other interests in Oregon that have an interest in mining but do not mine, including conservation interests, anglers, recreationalists, private property owners, river related businesses (outfitters, etc.).
- Mining is not a right in Oregon. HB 2841 arguably creates such a right by directing state agencies to address the rights of miners.
- HB 2841A is unnecessary. The law already calls for consultation with affected parties.

WaterWatch opposes the -1 amendments: WaterWatch also opposes the proposed -1 amendments submitted by Senator Ferrolli for the following reasons:

- The -1 amendments clearly limit the notice and consultation to those who engage in mining or are likely to be subject to a regulatory order. As noted above, a wide spectrum of Oregonians are interested in mining and could have their interests affected by any proposed rules. The proposed statutory protection of one select group of interests for a subject that touches many is bad public policy.
- The -1 amendments make a bad bill even worse. The -1 amendments delete the stakeholder group, which presumably would include a broader range of interests than just miners. The -1 amendments very clearly limit participation to those who mine.

We urge the Committee to reject HB 2841A and HB 2841A-1. This special interest bill allows one select group to unduly burden and influence our state agencies on matters that are important to a much broader range of Oregonians. Moreover, it is unnecessary. Existing law already provides miners, and others, a forum to make their concerns known to the agencies.

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