



NORTHWEST ENVIROMENTAL DEFENSE CENTER
10015 SW Terwilliger Blvd, Portland, OR 97219
PHONE: 503.768.6673 WEB: nedc.org

April 14, 2015

Senate Committee on Environment and Natural Resources

Re: Testimony from Marla Nelson, Northwest Environmental Defense Center, before the Oregon Senate Environmental and Natural Resources Committee in support of Senate Bill 830 related to mining for precious metals in and near Oregon streams

To Chair Edwards and members of the Committee:

My name is Marla Nelson, and I am a Staff Attorney at the Northwest Environmental Defense Center (NEDC). NEDC is an independent, environmental non-profit organization dedicated to protecting the environment and natural resources of the Pacific Northwest. NEDC has invested considerable resources over the last decade to solving pollution problems caused by discharges to Oregon's waters.

In particular, NEDC has spent many years working to address the impacts of suction dredge mining, which threatens the quality of Oregon's waters and the aquatic life and recreational pursuits that depend on clean water. The primary tool NEDC uses in this effort is ensuring protective conditions in, and compliance with, Oregon's water quality permits. The state's current permit system, however, is lacking in several respects.

For example, Oregon is home to many sensitive species including salmon, lamprey, bull trout, and mollusks, all of which are negatively impacted by suction dredge mining activities. Balancing protection of these species against continued suction dredge mining activities in the state has proven to be a formidable task for the state's regulating agencies. In addition, a common frustration among many of the stakeholder groups, including the regulating agencies, miners, and environmental groups, is the dual permitting scheme that exists between the Oregon Department of Environmental Quality (DEQ) and Oregon Department of State Lands (DSL). Distinct, yet sometimes overlapping permit requirements create uncertainty and raise the risk of non-compliance.

SB 830, including Senator Bates' amendments thereto, will address these concerns by:

- **Prohibiting mining in sensitive areas** will provide necessary protection for populations of salmon, bull trout, lamprey, and mollusk habitat. Many of these species are important to Oregon's economy and our state's cultural identity. Protection of the most valuable habitat for these species is critica.

- **Capping the total number of permits** issued in the state at 850, which will be the first step to addressing the cumulative impacts of these activities. On a permit-by-permit basis, DEQ and DSL are unable to take a big picture approach to identify and prevent unsustainable levels of damage to our rivers. The cap provides this authority.
- **Regulating near stream mining** recognizes that this type of activity can and does have real, adverse impacts on water quality and water quantity.
- **Establishing a viable fee structure** to support the administrative and enforcement costs of implementing the streamlined permit program. There is no reason to require the public to pay for a permit scheme that benefits a minority of individuals.

At bottom, it is essential to recognize that SB 830 is not just about improved regulation of suction dredge and near stream mining activities within the state. It is about creating an effective permitting system that will allow future mining activity in Oregon in a responsible manner, which ultimately protects the state's natural resources for future generations. Please join NEDC in supporting SB 830. Vote in favor of SB 830 with the amendments proposed by Senator Bates.

Sincerely,

A handwritten signature in black ink, appearing to read "Marla Nelson", written in a cursive style.

Marla Nelson
Staff Attorney