

Oregon Concrete &  
Aggregate Producers  
Association, Inc.

# Memo

To: Members of the Senate Environment Committee  
From: Rich Angstrom  
CC:  
Date: February 2, 2016  
Re: SB 1530

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The Oregon Concrete and Aggregate Producers Association does not support SB 1530. SB 1530 strays significantly away from the motorized in stream placer mining conflict on the Rogue River and affects all parts of the mining community not currently party to the suction dredge debate. The expansion in scope of the bill includes the aggregate industry. SB 1530 is confusing, poorly thought through, and tries to address too many difficult mining concepts in one single bill. Where the State still needs to find a solution balancing competing river uses of instream placer mining, this bill is not ready for passage.

The gold suction dredge debate originated as a social conflict between the gold suction dredgers and property owners and other river user groups on the Rogue River. When California banned gold suction dredging on all California rivers there was a large influx of suction dredgers that relocated to Oregon's rivers. The large numbers of suction dredgers, combined with inadequate regulations in Oregon to manage the social conflicts, led for some intense river-bank discussions.

Opponents to suction dredging expanded the conflict into an outright ban of general placer mining throughout the state in SB 838 heard during the 2013 session. For definitional purposes, placer deposits are any water laid material or mineral. This necessarily included all commercial sand and gravel mining through-out the state. This was the first in a series of overreaching by opponents of in-stream placer mining. The legislature removed commercial sand and gravel placer mining from SB 838 through amendments.

The evolution of this social conflict expanded in scope two more times during the SB 838 discussions: One into small scale upland gold and silver mines within 100 yards of any water of the state, and the other to any federally permitted mining claims managed by the Forest Service or Bureau of Land Management . These mines were and continue to be far removed from the social interaction on the Rogue River caused by suction dredge operations relocated to Oregon from California.

On January 1, 2016, SB 838's moratorium went into effect banning all suction dredging operations in waters of the state designated as essential indigenous salmonid habitat and all upland small-scale gold or silver mining operations located within 100 yards of these same waters. The moratorium is currently

in effect. The overlap of the moratorium to existing state and federally permitted mine sites is approximately 70% according to the only data I have received.

SB 1530, offered this session, essentially does three things worth noting. It removes small scale upland gold and silver placer mining from the moratorium and transfers regulatory responsibilities to DOGAMI to regulate under the general operating permit conditions. It requires ALL mines, not just suction dredging operations, to conduct a very expensive cultural resource survey and gives DOGAMI unfettered discretion to approve or disapprove a proposed mine without any legislative guidance regarding standards or criteria to evaluate the cultural impacts. Finally, the bill leaves the current moratorium in effect until 2021 for in water mining activities such as suction dredging, and then after 2021 the bill bans mining in seven specific areas. Together, these seven areas significantly increase the total area banned from in-water mining activity beyond that adopted in SB 838.

Specific reasons OCAPA objects to SB 1530:

- 1) "Aggregate" and "Nonaggregate" are not defined anywhere in statute (aggregate minerals is defined in an unrelated statute).
- 2) Exempting "aggregate" and regulating "nonaggregate" expands the bill coverage to every element in the periodic table other than possibly silca (Si).
- 3) Section 5 (1): Extends operating conditions for small scale nonaggregate placer mining into the chemical mining statutes (ORS 517.702 to 517.989). ORS 517.905 to 517.989 are the chemical mining statutes.
- 4) Section 6: Expands the cultural resource review to all mines including aggregate. OCAPA believed it was the intent of the work group and Senator Bates not to include this provision because it broadened the scope of the discussion to every mine in Oregon. Moreover, this section gives unrestrained authority to DOGAMI to approve or deny any operating permit for tribal, archeological and other cultural resources. This provision has no process, and fails to notify miners in Oregon of the standards mining applications will be judged. This provision conflates jurisdiction with DOGAMI and Goal 5 land use review of "cultural resources". Cost for an archeological review on a 100 acre mine site is \$10,000 to \$15,000 provided no archeological sites are discovered. This is a very costly section.
- 5) Section 8: Some of the definitions defined are not used in statute. Deleting "plans of operation" in the definition of "small scale mining" is confusing, given how the Forest Service and Bureau of Land Management administer Federal law.
- 6) Section 9: "Biological Resource Habitat" expands essential indigenous salmonid habitat to include habitat for lamprey, bull trout, and freshwater mollusks. This new resource habitat has not been vetted through the legislative process or constituents and is a broad expansion of ESH. The concept needs to be vetted by itself before the legislature not hidden in a placer mining discussion.
- 7) Section 14: Taken altogether this section bans motorized in-stream placer mining after 2021 on a.) scenic water ways b.) biological resource habitat, c.) water quality impaired streams, d.) state parks, e.) federal wilderness areas, wilderness study areas, national monuments and Botanical Special Interest areas, e.) federal lands withdrawn from mineral entry, and f) tribal lands.

This section significantly expands areas where mining is allowed from the current law established under SB 838. To date, despite repeated requests in the work group, OCAPA still does not know what the percentage of currently permitted mines will be prohibited under SB 1530.

- 8) Section 15: Addresses the environmental effects of motorized in stream placer mining. This is what the discussion of this bill should be about.

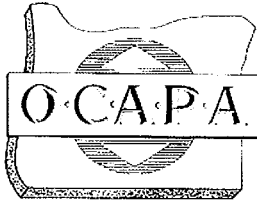
For these reason, OCAPA urges the committee to not move this bill and allow the parties to continue discussion. OCAPA further urges the committee to have the opponents of suction dredge mining separate out the upland mining discussion, the cultural resource discussion and the in-stream placer mining discussion into three separate bills.

Thank you for your consideration.



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