

SB 1530 Public Hearing

Feb. 9, 2016

Overview of In-water Placer Mining Regulations

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Regulation of Motorized In-water Placer Mining

1. Existing regulations
2. SB 838 moratorium
3. Effect of SB 1530
4. Effect of SB 1530 -1 amendment

Motorized in-water placer mining

- DEQ “700PM” general permit

<http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/permit.pdf>

- DSL general authorization for ESH water
 - Limits on nozzle diameter
 - Limit on amount of material moved
 - Other limits to protect habitat and water quality
- Individual permits needed for larger equipment/operations

Motorized in-water placer mining

700PM General Permit:

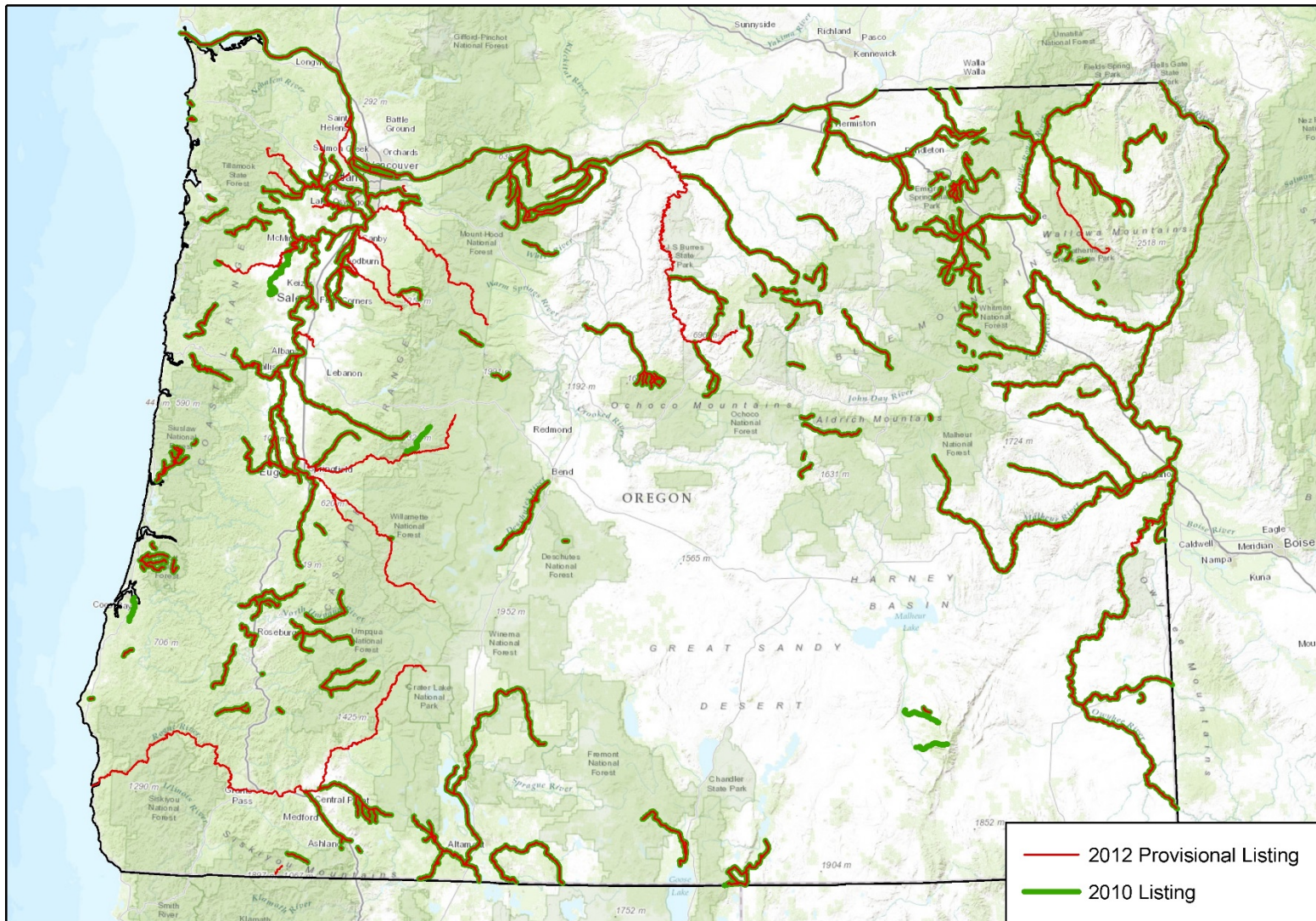
- Turbidity limit
- Best management practices
- Aquatic life
- Bank stabilization and channel structure
- Drinking water intakes
- Invasive species
- Display permit number on dredge

Motorized in-water placer mining

Existing restrictions

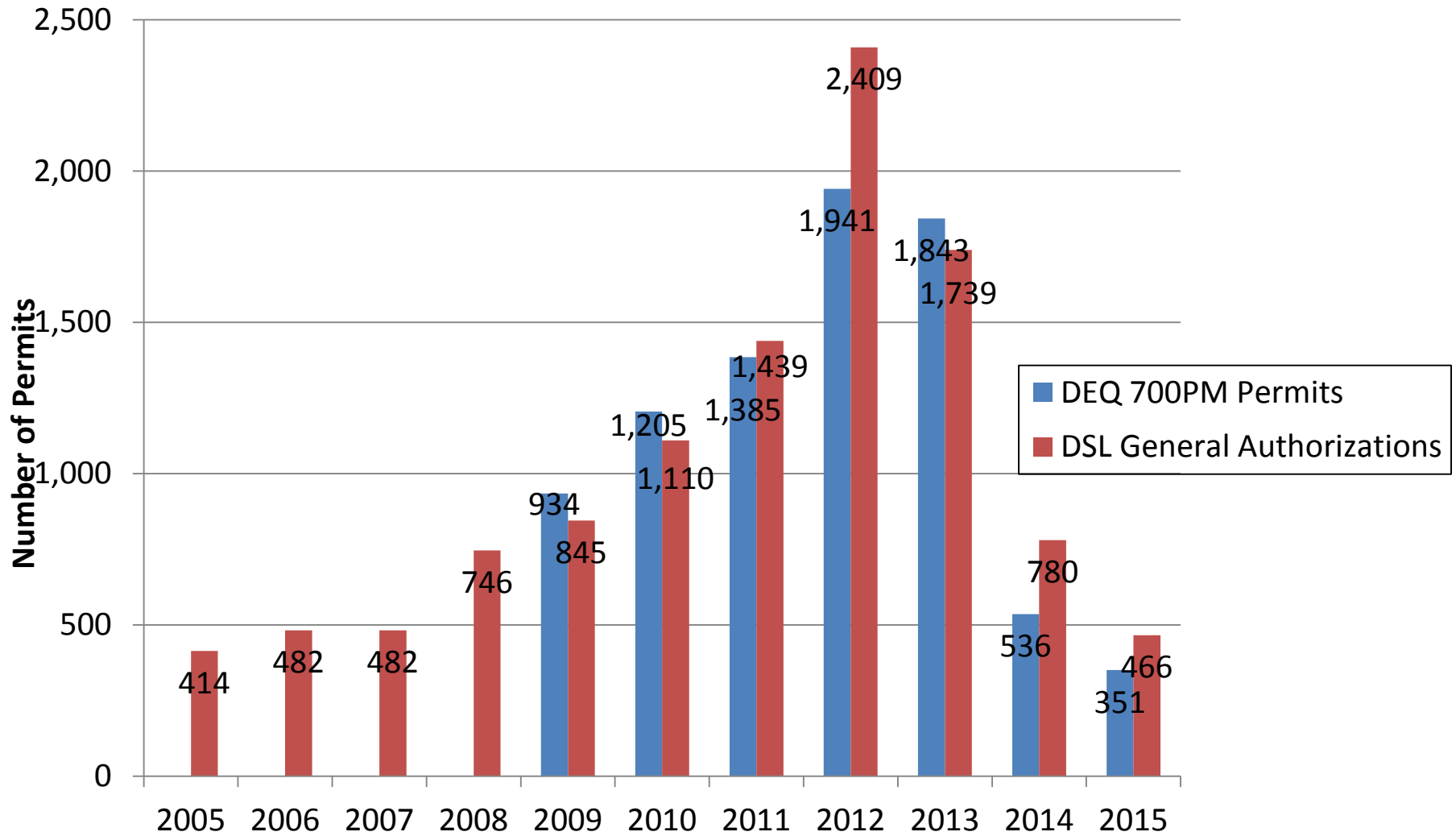
- State scenic waterways
- Tribal reservations
- Individual permit required for impaired waters (sediment, turbidity, toxics)

Streams Impaired for Turbidity, Sedimentation, and Toxics



Streams shown are both category 4 (TMDL approved or otherwise not needed) and category 5 (TMDL needed – 303d list). Streams listed for all toxics shown except for chlorine.

DSL and DEQ Placer Mining Permits Per Year



Proportion of permits from OR, CA, WA

	700PM permit registrants				
	2011	2012	2013	2014	2015
OR	78%	76%	79%	84%	82%
CA	12%	13%	10%	6%	7%
WA	10%	11%	11%	10%	11%

SB 838 [2013]

Restrictions (2014 and 2015 only)

- Limit of 850 DSL permits and general authorizations
- Restrictions apply in-water and up to 100 yards perpendicular to ordinary high water line
 - 500' between dredging operations
 - 9 AM to 5 PM
 - Unattended dredges pulled out of water

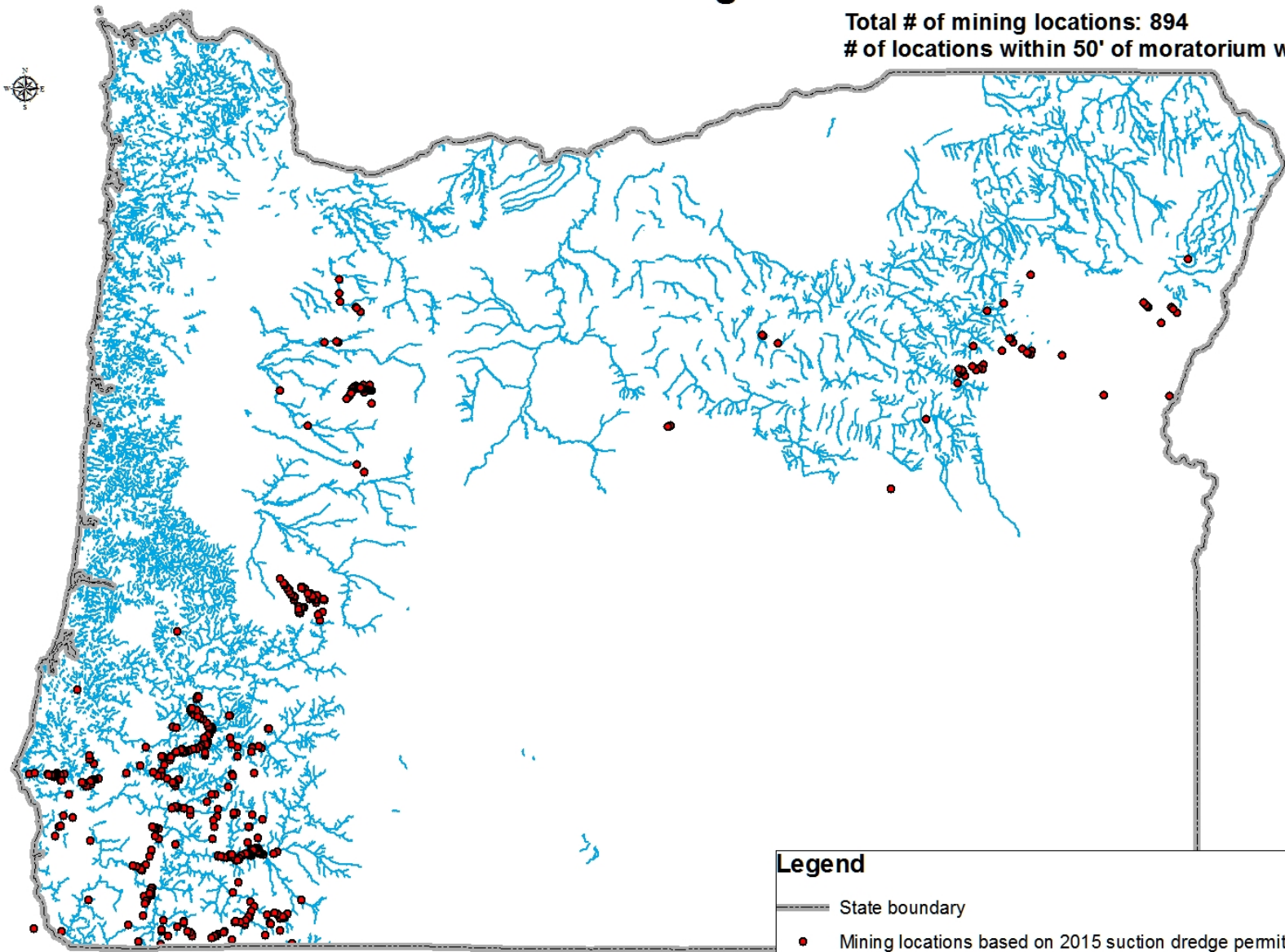
SB 838

Moratorium (Jan 2, 2016 – Jan 2, 2021)

- Applies in rivers above lowest extent of spawning habitat
 - In rivers containing ESH or bull trout spawning habitat
 - Except where populations not found due to natural or lawfully placed barrier
 - Estimated to apply to 15% - 30% of waters
- Applies up to 100 yards perpendicular to ordinary high water line, if activity will disturb vegetation in a manner that may impact water quality

SB838 Moratorium Waters & Mining Locations

Total # of mining locations: 894
of locations within 50' of moratorium waters: 287



Legend

- State boundary
- Mining locations based on 2015 suction dredge permit applications
- Moratorium water, Essential Salmon Habitat & Bulltrout

How does SB 1530 affect in-water mining?

- New regulatory process in 2021
- Applies to state waters (includes intermittent streams but not ephemeral)
- Consolidated DEQ permit
- Application review process
- Authority for OSP to write citations
- Invasive species check stations

How does SB 1530 affect in-water mining?

- Prohibitions, including
 - Biological resource habitat
 - State parks, tribal lands, federal wilderness, etc.
 - Impaired waters (sediment, turbidity, toxics)
 - Waiver process
- Restrictions
 - Social conflicts
 - Distance between operations
 - Culture resource protection

Biological Resource Habitat

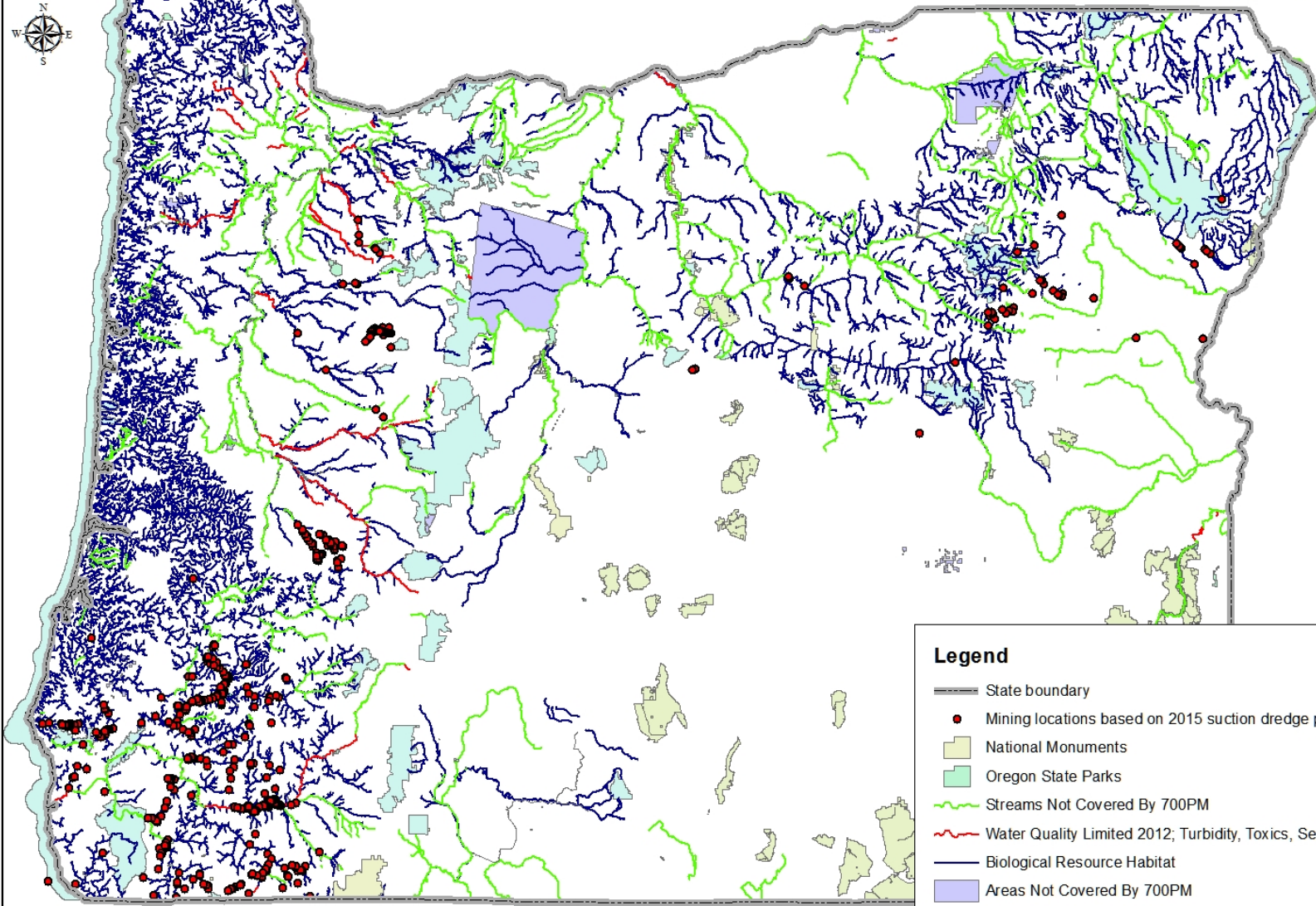
- To be established through rulemaking by DSL
- Synonymous with “Specified Biological Resource Waters” in SB 838 Study Group report from November 2014.

Waters where natural resources specifically referenced and designated in SB 838 exist or, based on best available science, are believed to exist, and where there is the highest potential for SB 838-related motorized mining activity to interfere with achievement of public values or legal objectives associated with those resource designations.

SBR waters correspond to Essential Salmonid Habitat (ESH) streams as defined by DSL combined with ODFW’s Pacific lamprey and bull trout distribution data.

SB1530 Restrictions & Mining Locations

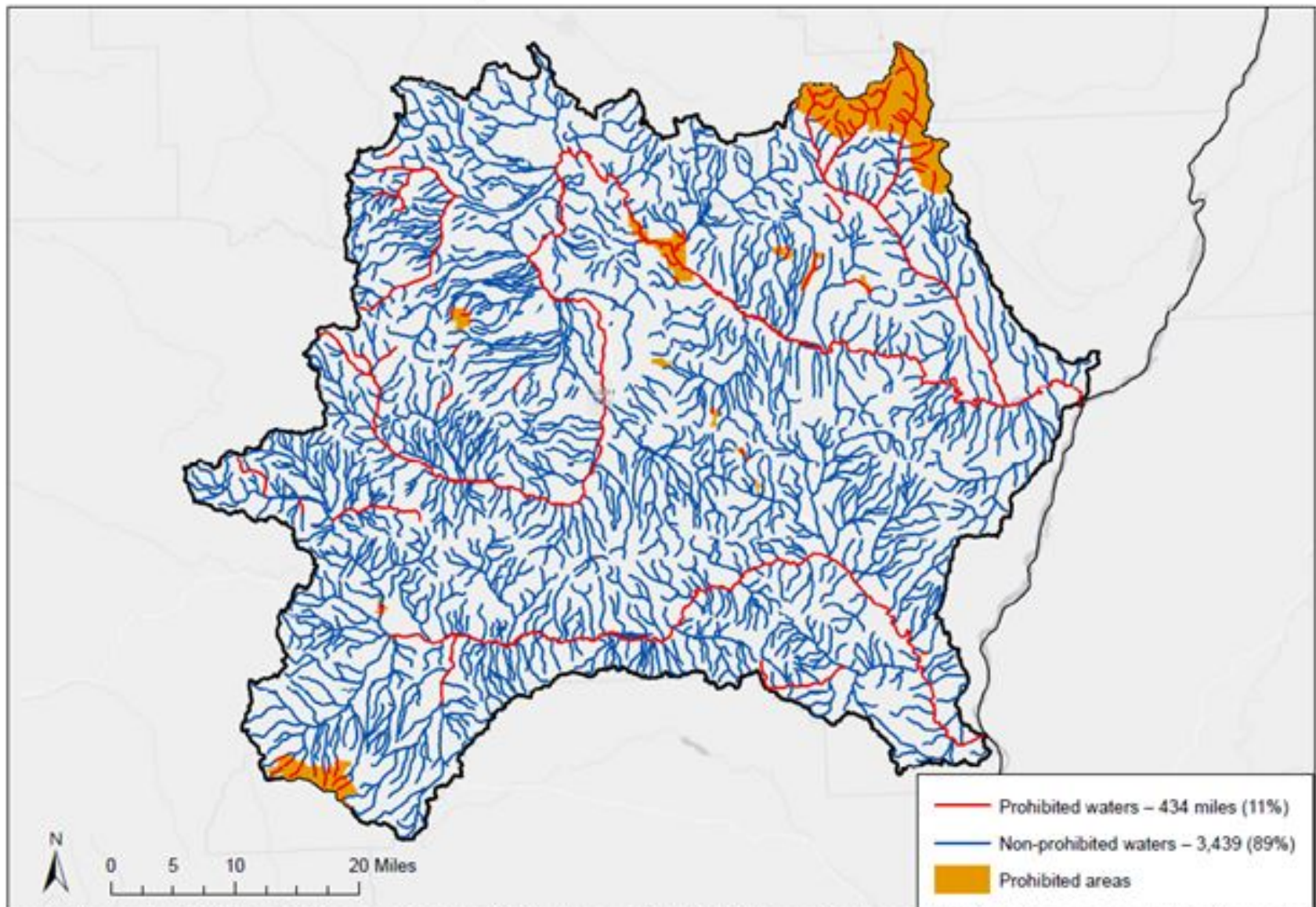
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of locations within 50' of restricted area: 296



Legend

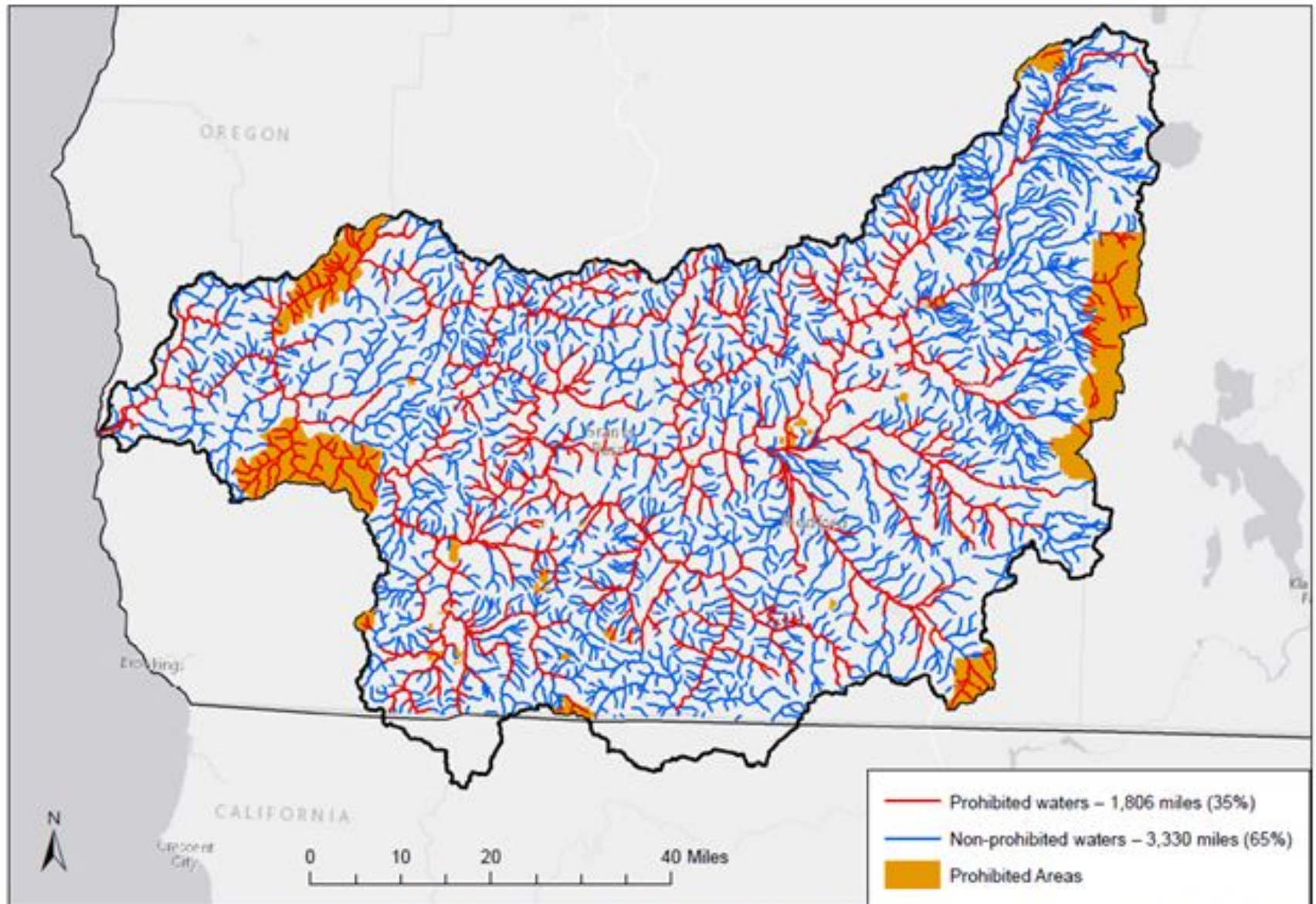
- State boundary
- Mining locations based on 2015 suction dredge permit applications
- National Monuments
- Oregon State Parks
- Streams Not Covered By 700PM
- Water Quality Limited 2012; Turbidity, Toxics, Sediment
- Biological Resource Habitat
- Areas Not Covered By 700PM
- Wilderness Areas
- Wilderness Study Areas

SB 830A Proposal – Burnt & Powder Basins



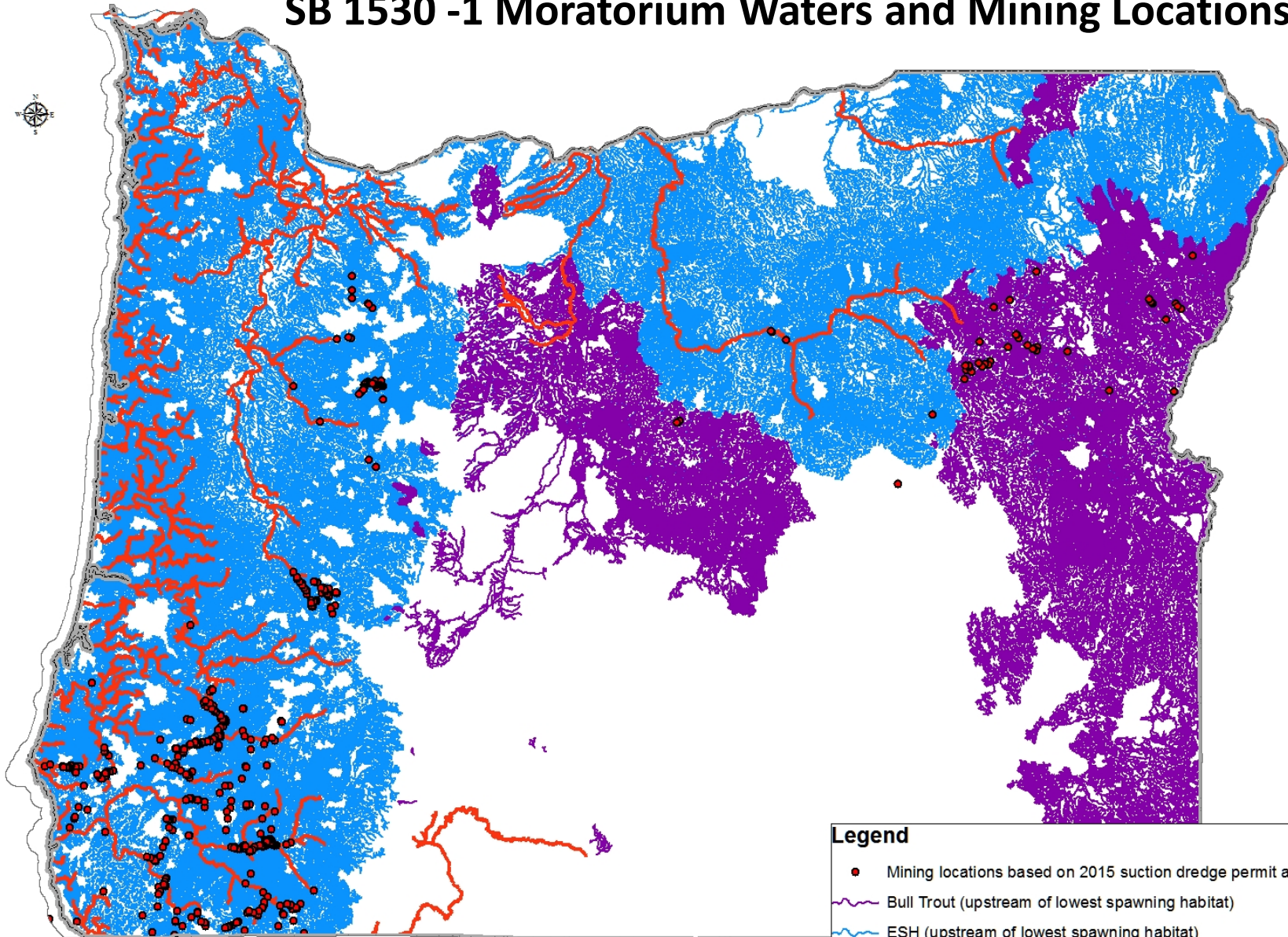
Prohibitions include: Biological Resource Habitat, 2012 water quality limited streams (category 4 & 5 listed for sediment, turbidity, and toxics except chlorine), state scenic waterways, tribal lands, wilderness areas, state parks, national monuments, and BLM managed wilderness study areas and areas of critical environmental concern. Mileage values are approximate.

SB 830A Proposal – Rogue Basin



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SB 1530 -1 Moratorium Waters and Mining Locations

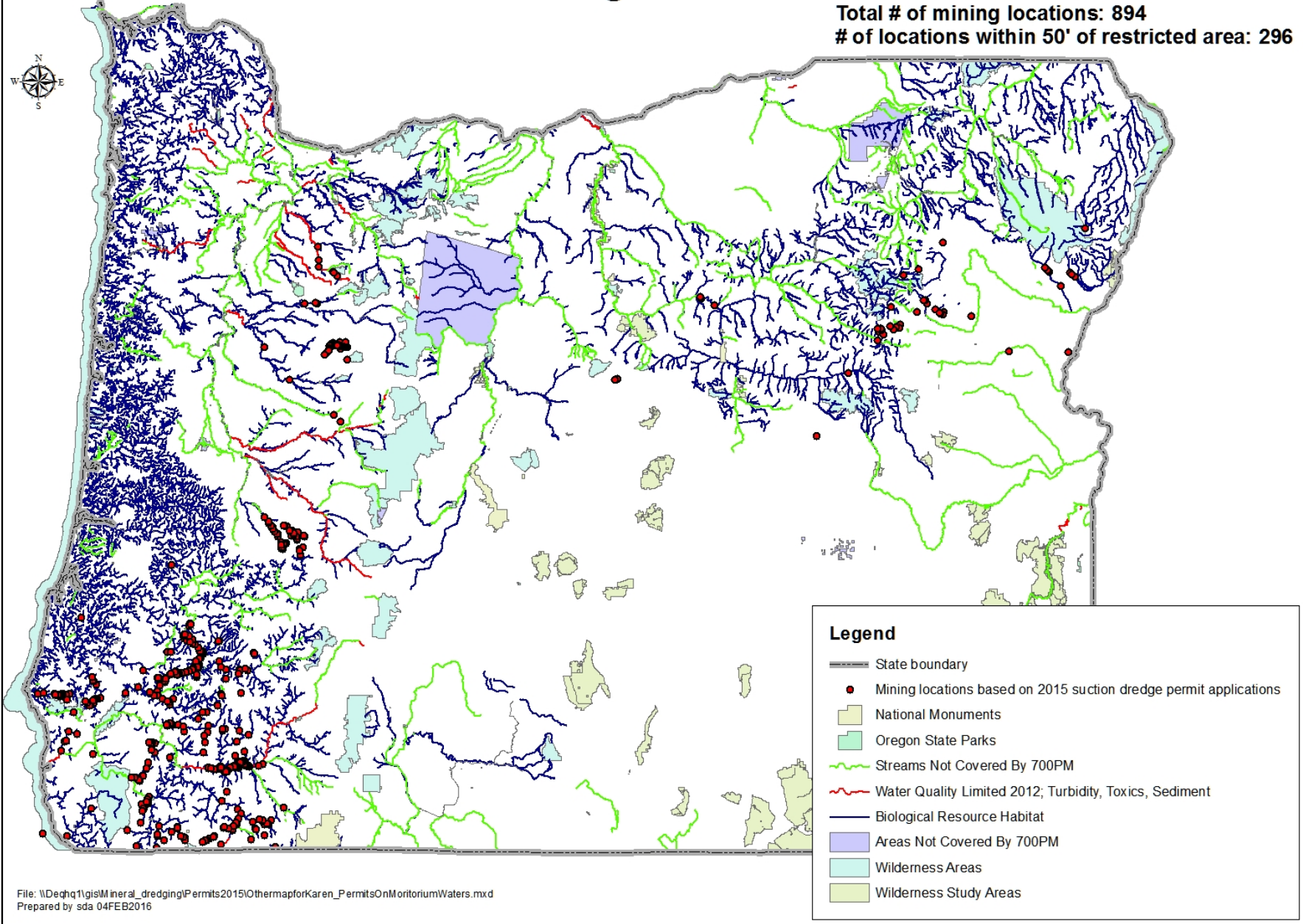


Legend

- Mining locations based on 2015 suction dredge permit applications
- Bull Trout (upstream of lowest spawning habitat)
- ESH (upstream of lowest spawning habitat)
- Pacific Lamprey
- State boundary

SB1530 Restrictions & Mining Locations

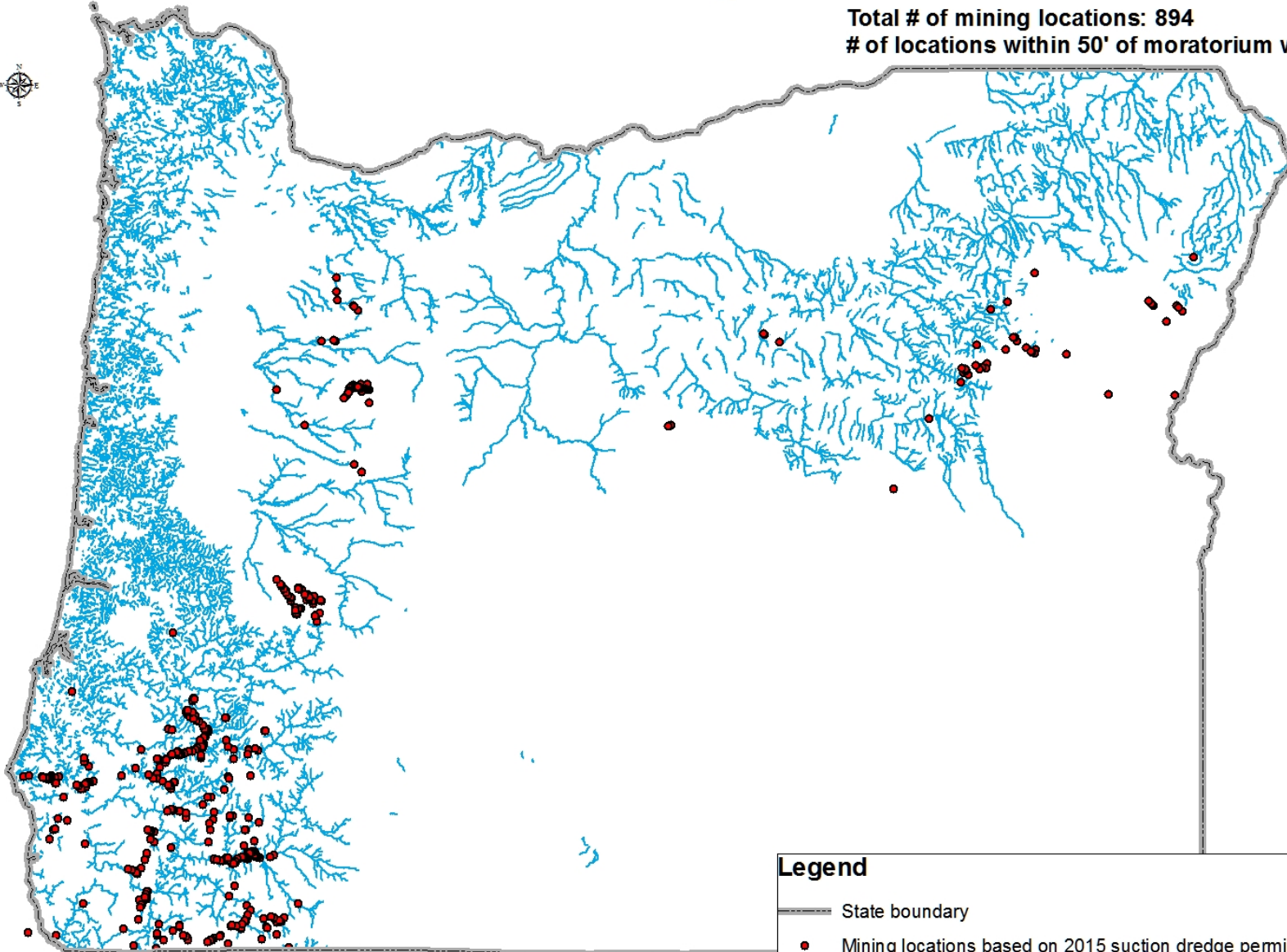
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