



February 4, 2016

## SB 1530: DOGAMI testimony

Chair Edwards, Vice-Chair Olsen and Committee members, I'm Richard Riggs, Assistant Director of the Department of Geology and Mineral Industries, Mineral Land Regulation and Reclamation program. **For the record, DOGAMI is neutral on this bill.**

Although long, SB 1530 is quite simple and can be broken into two main parts; in-stream and upland provisions. Only the upland provisions impact DOGAMI's regulatory functions and I will limit my comments to how SB 1530 impacts and does not impact DOGAMI's regulatory functions.

**Section 1** requires DOGAMI to consult with federal agencies on mining issues, a practice we already engage in, and will continue.

**Section 2** continues the in-stream suction dredge moratorium until 2021, but removes the moratorium within the 100 yard upland zone.

**Sections 3 & 4** limit the hours of operation for upland motorized mining activities, but sunsets those provisions in January 2017, to allow time for DOGAMI rule making.

**Section 5** applies to nonaggregate placer mining activities in upland areas between the lines of ordinary high water (OHW) and 100 yards perpendicular to the line of OHW. Nonaggregate placer miners using motorized excavation equipment for site preparation or excavation inside the 100 yard upland zone will be required to obtain a DOGAMI permit.

**Section 6** codifies DOGAMI's ability to condition permits based upon comments received from Oregon's Federally Recognized Indian Tribes, to ensure protection of Native American burial places and cultural or archeological sites. DOGAMI circulates all mining permit applications, transfers and amendments to the Tribes, pursuant to ORS 182.164. This section of the bill will not impact DOGAMI's current policy or practices.

**Section 7** clarifies issues related to DOGAMI's Exclusion Certificates (EC), which were created by HB 3563, during the 2015 session. Under HB 3563, small scale miners below statutory thresholds of ORS 517.750 and 517.755 must obtain an EC. Section 7 exempts miners that do not use motorized equipment for site preparation from the requirement to obtain an EC.

**Section 8** aligns DOGAMI's definition of small scale mining with federal law.

**In summary, SB 1530:**

- **Does not apply to hobby or recreational miners using gold pans**
- **Does not affect current statutes for miners using motorized excavation equipment outside of the 100 yard upland zone**
- **Exempts from DOGAMI's EC requirements, all nonmotorized miners**
- **Allows mining in upland areas under DOGAMI permits (same as SB 838)**
- **Ensures water quality and riparian vegetation are protected in critical habitat areas, through the DOGAMI permit process**

Thank you again for the opportunity to address this committee. I'd be happy to take any questions you may have.