



Senator Dembrow  
Chair, Senate Committee on  
Environment and Natural Resources  
900 Court St. NW, S-407  
Salem, Oregon 97301

Senator Olsen  
Vice-Chair, Senate Committee on  
Environment and Natural Resources  
900 Court St. NE, S-425  
Salem, Oregon 97301

March 29, 2017

**RE: Rogue Riverkeeper Testimony on the Suction Dredge Mining Provisions in SB 644**

Dear Chair Dembrow, Vice-Chair Olsen, and members of the Committee:

My name is Stacey Detwiler and I am the Conservation Director of Rogue Riverkeeper based in Ashland, Oregon. On behalf of our more than 3,500 members and supporters, Rogue Riverkeeper works to protect and restore clean water and native fish in the Rogue watershed. We work to safeguard the health of the Rogue River to improve water quality across the 3.3 million acres of the Rogue Basin. Thank you for the opportunity to provide comment on SB 644.

SB 644 includes two provisions related to suction dredge mining, which is a form of recreational gold mining that involves vacuuming up riverbeds through a hose using a motorized floating dredge. Suction dredge mining has increased in Oregon over the past several years and is generally concentrated in the Rogue and Umpqua Basins of southwest Oregon.<sup>1</sup> Rogue Riverkeeper, on behalf of our members and supporters across the watershed, remains significantly concerned about the impacts of suction dredge mining to natural resources in the Rogue Basin and across the state.

Suction dredge mining can trap and kill aquatic insects, fish eggs, and juvenile fish, including lamprey and freshwater mollusks.<sup>2,3,4</sup> Additionally, suction dredge mining can smother critical spawning gravel for threatened salmon. Suction dredges discharge plumes of fine sediment that may extend hundreds of feet downstream, coating the

riverbed and spawning gravel.<sup>5</sup> When salmon spawn in tailing piles from suction dredges, their eggs are more likely to be scoured out by winter floods.<sup>6</sup>

The Rogue watershed supports habitat for the Southern Oregon/Northern California Coast (SONCC) coho salmon, listed as threatened under the Endangered Species Act in 1997.<sup>7</sup> Under the SONCC 2014 recovery plan, NOAA Fisheries identifies mining as a threat to SONCC coho recovery and points to inadequate regulatory mechanisms and habitat destruction or curtailment from mining as factors in the listing that continue to stress the species.<sup>8</sup> Suction dredge miners may illegally excavate stream banks, damaging riparian vegetation, increasing erosion, and degrading aquatic habitat.<sup>9</sup> Suction dredge mining can also mobilize legacy mercury left by historic mining operations that can become re-suspended in the water column and introduced into the food web, exposing fish and humans to the toxic substance.<sup>10</sup> Scientific studies have found overall impacts of suction dredge mining to provide neutral or adverse impacts to aquatic species.<sup>11,12</sup>

On behalf of our members and supporters, we are concerned about the provisions in SB 644 related to suction dredge mining. Specifically:

**1. SB 644 does not go far enough to protect clean water and native fish.**

Unlike the dedicated suction dredge mining reform legislation already under consideration in the Senate (SB 3-8), the suction dredge mining provisions in SB 644 have not had the benefit of multiple years of discussion and review among representatives from the mining industry, state agencies, recreation, scientists, and others. The provisions in this omnibus mining bill related to suction dredge mining are much more narrow in scope and significantly less protective of clean water, native fish, and sensitive habitats than current suction dredge mining reform legislation under consideration in the Senate, SB 3-8.

In summary, SB 644 is less protective of threatened and endangered salmonids and lamprey than SB 3-8. It would allow federal mining claimants to continue to suction dredge mine in critical salmon habitat. Additionally, SB 644 does not address the enforcement challenges raised by the agencies and addressed in SB 3-8. SB 644 does not place use restrictions on when suction dredges can be operated, as SB 3-8 does in response to landowner concerns.

**2. SB 3-8 is the appropriate legislative vehicle to reform suction dredge mining.**

Although we appreciate the committee addressing the issue of suction dredge mining reform, we believe that the substantive policy questions around this issue are best addressed and debated under SB 3-8. This bill represents a multi-year effort, bringing together multiple stakeholders, to still allow suction dredge mining while protecting the most vulnerable and sensitive habitats for salmonid species, bull trout, and lamprey. SB 3-8 has been considered in previous legislative sessions and represents the recommendations of diverse stakeholders,

from the mining industry to state agencies, through a collaborative process championed by the late Senator Alan Bates. Additionally, SB 3-8 works to find a balance between the unique cultural heritage of Oregon mining, as recognized by the Legislature in passing SB 838, and the significant risks it poses to the health of streams and native fish. Based on the long legislative history of SB 3-8, the collaborative processes used to refine it over multiple legislative sessions, and the commitment of Senator Bates to developing a long-term regulatory approach to reform suction dredge mining, we believe that SB 3-8 is the appropriate legislative vehicle to reform suction dredge mining.

In conclusion, the suction dredge mining provisions in SB 644 are not adequate to address concerns related to water quality or sensitive fish habitat. We ask the Committee to strike these provisions from the current bill and address suction dredge mining reform using SB 3-8 as the legislative vehicle. Thanks for your consideration of this critical issue.

Sincerely,

Stacey Detwiler  
Conservation Director  
Rogue Riverkeeper  
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Ashland, Oregon

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<sup>1</sup> Whitman, Richard. Oregon Governor's Office. Testimony. 15 April 2013. Available online < <https://olis.leg.state.or.us/liz/2013R1/Downloads/CommitteeMeetingDocument/17865> >.

<sup>2</sup> Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9.

<sup>3</sup> Horizon Water and Environment [HWE]. 2009. Suction Dredge Permitting Program. Literature review on the impacts of suction dredge mining in California. <http://www.dfg.ca.gov/suctiondredge/Luzier>

<sup>4</sup> United States Fish and Wildlife Service [USFWS]. 2012. Pacific Lamprey Fact Sheet.

<sup>5</sup> Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9.

<sup>6</sup> Harvey and Lisle. 1999. Scour of Chinook salmon redds on suction dredge tailings. North American Journal of Fisheries Management 19: 613-617.

<sup>7</sup> National Marine Fisheries Service. 2014. Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, CA, p. 3-1.

<sup>8</sup> National Marine Fisheries Service. 2014. p. 3-2.

<sup>9</sup> Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9.

<sup>10</sup> Marvin-DiPasquale, M., J. Agee, E. Kakouros, L.H. Kieu, J.A. Fleck, and C.N. Alpers. 2011. The Effects of Sediment and Mercury Mobilization in the South Yuba River and Humbug Creek Confluence Area, Nevada County, California: Concentrations, Speciation and Environmental Fate. Part 2: Laboratory Experiments. U.S. Geological Survey Open File Report 2010-1325B

<sup>11</sup> Harvey and Lisle. 1998.

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<sup>12</sup> Draft Subsequent Environmental Impact Report (DSEIR), Suction Dredge Permitting Program, California Department Fish & Game. 2011 Chapter 4 Environmental Impacts and Chapter 8 References.