



Representative Ken Helm
Chair, House Energy and Environment Committee
900 Court St., NE H-490
Salem, OR 97301

Representative Mark Johnson
Vice-Chair, House Energy and Environment Committee
900 Court St., NE H-489
Salem, OR 97301

Representative Karin Power
Vice, Chair House Energy and Environment Committee
900 Court St., NE H-274
Salem, OR 97301

April 28, 2017

**RE: Rogue Riverkeeper Testimony on the Suction Dredge Mining Provisions in SB 3-A
Engrossed**

Dear Chair Helm, Vice-Chair Johnson, Vice-Chair Power, 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 the Suction Dredge Reform bill (SB 3-A Engrossed).

Rogue Riverkeeper supports SB 3-A because it establishes long-term regulatory reform of suction dredge mining to protect sensitive habitats and streams. This bill 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.

The Impacts of Suction Dredge Mining on Clean Water and Native Fish

Suction dredge mining is a form of recreational gold mining that involves vacuuming up riverbeds through a hose using a motorized floating dredge. This form of mining has increased in Oregon over the past several years and is generally concentrated in the Rogue and Umpqua Basins of southwest Oregon.¹ 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.² 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.³ When salmon spawn in tailing piles from suction dredges, their eggs are more likely to be scoured out by winter floods.⁴ The Rogue watershed supports habitat for the Southern Oregon/Northern California Coast (SONCC) coho salmon, listed as threatened under the Endangered Species Act in 1997.⁵ 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.⁶ Suction dredge miners may illegally excavate stream banks, damaging riparian vegetation, increasing erosion, and degrading aquatic habitat.⁷ 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.⁸ Scientific studies have found overall impacts of suction dredge mining to provide neutral or adverse impacts to aquatic species.⁹

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

² See Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9; 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>; United States Fish and Wildlife Service [USFWS]. 2012. Pacific Lamprey Fact Sheet.

³ Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9.

⁴ Harvey and Lisle. 1999. Scour of Chinook salmon redds on suction dredge tailings. North American Journal of Fisheries Management 19: 613-617.

⁵ 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.

⁶ National Marine Fisheries Service. 2014. p. 3-2.

⁷ Harvey and Lisle. 1998. Effects of Suction Dredging on Streams: A review and an evaluation strategy. Fisheries Vol. 23 (8): 9.

⁸ Marvin-DiPasquale, M., J. Agee, E. Kakouras, 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.

⁹ See Harvey and Lisle, 1998; Draft Subsequent Environmental Impact Report (DSEIR), Suction Dredge Permitting Program, California Department Fish & Game. 2011 Chapter 4 Environmental Impacts and Chapter 8 References.

Developing a Long-Term Regulatory Framework

In response to concerns from anglers, outdoor recreation businesses, and private property owners about the impacts of suction dredge mining to natural resources, the Oregon Legislature passed SB 838 in 2013. This bill established temporary regulatory reform and a limited moratorium if a long-term regulatory framework was not developed. With the passage of SB 838, the Legislature found that this type of small-scale mining is part of Oregon's cultural heritage, but that it also poses a threat to natural resources, such as clean water and native fish where those uses come into conflict.¹⁰ Rogue Riverkeeper participated in the study group convened under the bill led by state agencies to develop recommendations for regulatory reform. When the group was unable to reach a consensus, this initiated the implementation of the temporary moratorium in January 2016. In the short 2016 legislative session, efforts to pass legislation that would establish a more permanent regulatory framework were unsuccessful, but provided opportunities for additional input.

Support SB 3-A to Establish Permanent Protections for Clean Water and Native Fish

The current bill before the committee represents a multi-year effort, bringing together diverse perspectives from the mining industry to state agencies, to implement regulatory reforms that will extend beyond the temporary moratorium. Rogue Riverkeeper would like to thank the leadership of the late Senator Bates to collaboratively develop an approach that still allows suction dredge mining, while establishing protections for the most sensitive habitats for salmon and other native fish.

Thanks for your consideration of this critical issue and we urge members of the committee to vote in support of SB 3-A.

Sincerely,

Stacey Detwiler
Conservation Director
Rogue Riverkeeper

¹⁰ 13 SB 838 Enrolled, 77th Oregon Legislative Assembly -2013 Regular Session, Available online <<https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/SB838> >.