

Date: April 15, 2013

To: The Honorable Jackie Dingfelder, Chair
Senate Committee on Environment and Natural Resources

**Presented by
Curt Melcher, Deputy Director
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Testimony on Senate Bill 838**

The Oregon Department of Fish and Wildlife (Department) offers the following comments for your consideration.

Senate Bill 838 would impose a moratorium until January 2, 2018 on motorized placer mining from the beds of waters of this state, or that results in the removal or disturbance of streamside vegetation that may impact water quality. Senate Bill 838 also directs the Governor's Office to study and report back to the legislature on certain issues related to mining using motorized equipment. In addition, Senate Bill 838 proposes two statutory revisions.

The Department believes that fish can generally withstand the occasional disturbance to habitats associated with motorized placer mining if it is conducted in a manner consistent with best management practices outlined in current statute and administrative rule. However, the Department is concerned about the large increase in motorized placer mining activity observed in Oregon streams over the last few years. The current regulations regarding recreational placer mining do not restrict the number of motorized dredges at a site or in a stream reach. The potential cumulative impact from concentrations of motorized placer mining activities warrants a closer look at their effects to fish and aquatic resources.

Motorized placer mining can impact fish and aquatic resources in a number of ways. It can create barriers to fish movement or migration from the physical presence and noise of an operating suction dredge. Suction dredge operations can disturb substrate and simplify complex instream habitat necessary for healthy salmon populations. They can cause turbidity, which impairs water quality. They can shift stream flow patterns, which may affect the deposition of sand or silt that provides rearing habitat for juvenile lamprey. Impacts to aquatic resources, including salmon eggs and fry, can be minimized by following the Department's recommended timing guidelines for conducting in-water work activities. Motorized instream mining activities that occur outside the Department's recommended in-water timing guidelines pose risks to these aquatic resources.

The Department is concerned about insufficient monitoring and enforcement presence in popular motorized placer mining areas. We are aware of situations where best management practices outlined in state permits are not followed, which can result in negative impacts to aquatic resources.

The Department supports the report process identified in Senate Bill 838. The direction to study and propose a framework that streamlines the state regulatory process, evaluates monitoring, compliance, and enforcement mechanisms, and provides sufficient resources to cover administrative costs is warranted. A comprehensive look at these issues could result in a set of recommendations that would address the Department's concerns.

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