

SB 3 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 2/6

WHAT THE MEASURE DOES:

Adds habitat essential to recovery and conservation of Pacific lamprey to areas covered by moratorium on motorized placer mining in effect until January 1, 2021. Removes cap on permit issuance in areas not affected by moratorium. Changes violation of moratorium from Class A misdemeanor to Class A violation.

Effective January 2, 2019 removes upland areas from moratorium and establishes permit requirement for upland motorized placer mining. Authorizes Department of Geology and Mineral Industries (DOGAMI) to limit reclamation requirements or financial assurances applicable to such upland permits. Restricts use of motorized equipment to between hours of 9 a.m. and 5 p.m. Establishes as Class A violation upland placer mining without permit or violation of equipment use hours.

Effective January 3, 2021 requires permit under removal/fill laws for motorized instream placer mining and permit under water quality laws for discharge to waters of state from motorized instream placer mining operation or activity. Requires Directors of Department of Environmental Quality (DEQ) and Department of State Lands (DSL) to enter into memorandum of understanding providing for DEQ to issue permits under removal fill laws. Authorizes issuance of consolidated permit under specified circumstances. Lists areas where motorized instream placer mining is not allowed in beds or banks of waters of the state, including areas designated as biological resource habitat and areas listed as water quality impaired. Defines "biological resource habitat" to include essential indigenous anadromous salmonid habitat and habitat essential to recovery and conservation of Pacific lamprey, bull trout and freshwater mollusks. Authorizes DEQ, DSL and Department of Fish and Wildlife to further define biological resource habitat by rule. Allows waiver of mining prohibition in permit issued to holder of federal mining claim to extent applicant demonstrates exercise of prohibition will violate federal law or result in regulatory taking. Requires applicant seeking waiver to submit substantial evidence specific to mining claim. Establishes permit requirements including but not limited to movement of rock or large woody debris, prevention or mitigation of social conflict due to noise, and protection of cultural and high value natural resources. Establishes penalties.

Applies invasive species check station law to person transporting motorized equipment used for motorized instream placer mining. Directs DEQ, DOGAMI and DSL to coordinate with United States Forest Service and Bureau of Land Management to determine if state and federal mining programs can be better coordinated. Declares emergency, effective upon passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

Senate Bill 838 (2013) imposed a moratorium from January 2, 2016 until January 2, 2021 on motorized mining for precious metals instream and upland of rivers and tributaries with essential indigenous salmon habitat or naturally reproducing populations of bull trout. In areas where the moratorium did not apply, the measure capped the issuance of permits for such mining at 850 during this time period. Senate Bill 838 also directed the Governor's Office

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to work with state agencies and other interested parties to conduct a study and make recommendations for a revised regulatory framework for suction dredge mining.

Senate Bill 3 would extend the application of the moratorium on motorized mining for precious metals to areas instream and upland of rivers and tributaries with habitat essential to the recovery and conservation of Pacific lamprey. As of January 2, 2019, the moratorium applicable to upland mining would end and be replaced by a permit system administered by the Department of Geology and Mineral Industries. The instream moratorium would continue until January 3, 2021 when a new permitting process governed by a memorandum of understanding between the Departments of Environmental Quality and State Lands would begin. In addition to this permit system, the measure would prohibit instream motorized mining in the beds or banks of specified waters of the state, including those areas designated as biological resource habitat. Such habitat is defined to include essential indigenous anadromous salmonid habitat and habitat that is essential to the recovery and conservation of Pacific lamprey, bull trout and freshwater mollusks. Senate Bill 3 would also apply to instream motorized mining equipment to laws governing invasive species check station requirements.