



February 6, 2017

**RE: Cascadia Wildlands testimony on SB 3; a bill to enact a regulatory framework for suction dredge mining in Oregon**

Chair Dembrow and Committee Members,

For the record my name is Nick Cady. I am the legal director for Cascadia Wildlands. I live in Eugene, where our principal office is located. Cascadia Wildlands is a regional non-profit conservation organization representing 10,000 members and supporters. Cascadia Wildlands educates, agitates, and inspires a movement to protect and restore Cascadia's wild ecosystems. We envision vast old-growth forests, rivers full of wild salmon, wolves howling in the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion. Cascadia Wildlands and our members are concerned about the harmful impacts of suction-dredge mining to our state's iconic rivers and aquatic species.

**Cascadia Wildlands supports SB 3**, a bill that enacts a reasonable regulatory regime for suction dredge mining and brings the state into compliance with federal environmental laws. Specifically, SB 3 prevents dredging in endangered species habitat, thereby removing the state from potential liability under the federal Endangered Species Act as these mining activities negatively impact the habitat of numerous different threatened and endangered species.

I was also asked to update the Committee on the legal status of the partial dredging moratorium that will be replaced by the regulatory framework within SB 3. Suction dredgers sued the state in federal court in Oregon arguing that the state does not have the authority to regulate these mining activities. The state prevailed and the dredgers have appealed to the Ninth Circuit where the case is fully briefed and awaiting argument. Conservation groups, commercial fishing groups, the U.S. Department of Interior, the state of California, and the state of Washington have filed briefing in support of Oregon's position that it has the authority to regulate mining activities in its rivers.

I would finally add that there has been discussion of grandfathering in existing suction dredge claims that otherwise would not be permitted under SB 3's framework. This approach is problematic because existing claims in endangered species habitat will leave the state exposed to liability under the federal Endangered Species Act, the very reason the state has taken up regulating this activity.

I am happy to answer any questions, and thank you for your time today.

Nick Cady  
Cascadia Wildlands