



Oregon

Kate Brown., Governor

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**To: The Honorable Brian Clem, Chair
House Committee on Agriculture and Natural Resources**

**House Bill 2106
Shannon Hurn, Deputy Director for Fish and Wildlife Programs
Oregon Department of Fish and Wildlife**

The Department appreciates the opportunity to discuss HB 2106 with you today. As introduced, the bill revises land use review for mining in Oregon. HB 2106 also modifies the regulation of motorized instream placer mining.

Section 17 repeals the current moratorium on motorized instream placer mining within Essential Salmonid Habitat (ESH) and bull trout habitat. Section 18 prohibits motorized instream mining in ESH and Pacific lamprey habitat, but does allow the activity to occur in bull trout habitat.

HB2106 would also modify the process for certain eastern Oregon counties and allow for mining to be an outright permitted use without local review criteria. Currently, proposed mining activity is reviewed through local Conditional Use Permits, and the Department provides comments and recommendations to local government through this review to address any conflicting uses with fish or wildlife habitat resources. Many of the eastern Oregon counties listed in HB 2106 include Greater Sage Grouse habitat (Baker, Harney, Lake, Malheur and Union) and are protected under state statute and rules developed through sage grouse conservation efforts and the accompanying Executive Order 15-18.

If the mining activity is no longer viewed by the local government as a development action because it is an outright permitted use, the mining activity may be exempt from the DLCD Goal 5 rules. As a result, the ODFW Greater Sage Grouse rules would not be triggered for compensatory mitigation and there could be significant implications to conservation efforts.

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