

I Oppose SB 3

Gold miners are not so different from the fishermen who want to kill the salmon and fill their freezer with fish the difference is the miner is subject to ESA sec. 7 take guidelines That according to the latest NMFS biologic opinion (2016) there won't be exceedances.

Quote; *“is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.”* See attached NMFS no.WCR-2015-2812

29 watersheds and 391 NOI's were evaluated in the Rogue-Siskiyou National forest The limits of a 4" or less dredge and less than 25CY the effects in each of the watersheds based on the total amount of disturbance would be just 433 feet of linear stream affected. Because mining would affect less than 2% there would be 98% of the habitat unaffected. The conclusion from the NMFS *“the actions are not likely to jeopardize the continued existence of coho salmon or result in destruction or adverse modification of their designated critical habitats or slow conservation efforts.”*

The permits we have now protect our waters and fish. There could be improved miner education or site visits to insure there is no excessive damage to streams.

In light of New information in NMFS no.WCR-2015-2812, SB3 that was SB 1530 last year, this legislation should be re-evaluated.

This section of legislation is in “bad faith” we will give you a permit if you prove you have a court case. WHAT! Have you seen anything like this?

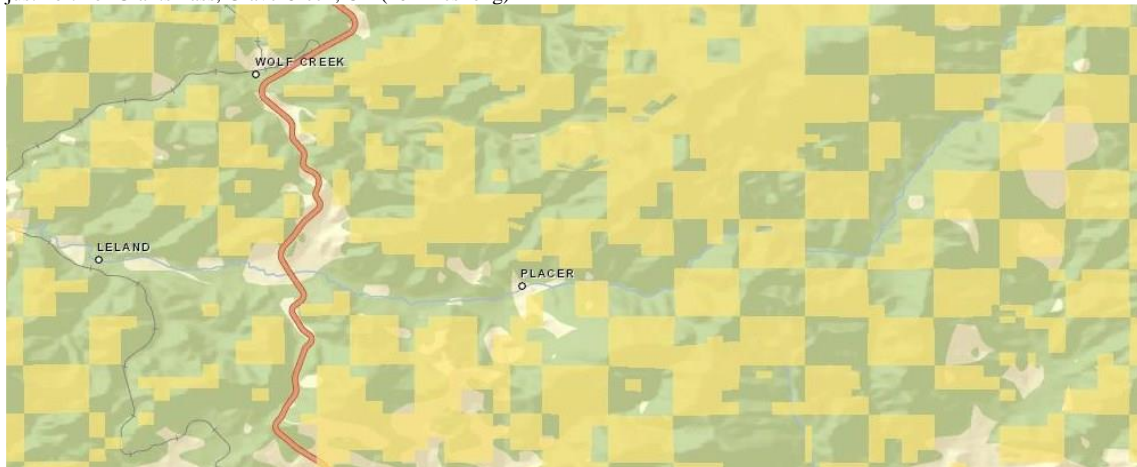
“(3) A prohibition under subsection (1) of this section may be waived in a permit issued to the owner of a federal mining claim, but only to the extent that the permit applicant demonstrates that the exercise of the prohibition will violate federal law or constitute a regulatory taking requiring compensation under the United States Constitution or the Oregon Constitution.”

How about separation of powers, how about the 14th amendment of the constitution.

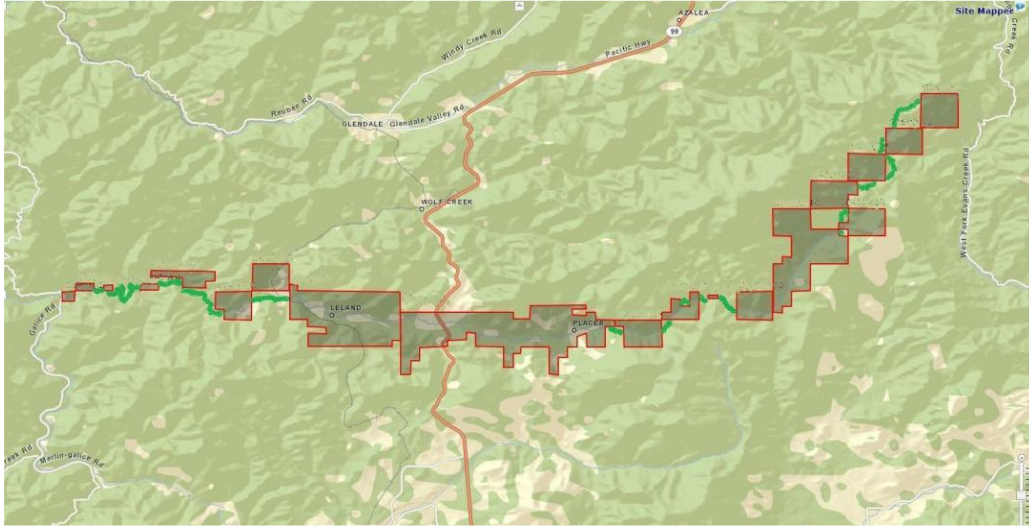
“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

On BLM managed lands with mining claims on stream segments that would fall within the checkerboard of the O&C lands, there is virtually no mining on farm land and timber company lands. The two figures below represent a typical stream, the first shows the checkerboard BLM lands in yellow, the second figure shows in grey all the areas where there is no mining within the full length (40miles) of Grave Creek, the green is were the stream is mined on 20 acre unpatented mining claims.

just north of Grants Pass, Grave Creek, OR (40 miles long)



just north of Grants Pass, Grave Creek, OR (40 miles long) Grey areas not mined and only 60' in each of bright green areas



98% of Salmon habitat unaffected by mining in streams that have gold
Less than 2% of 1% of all rivers in Oregon even has gold.

Additional benefits of small-scale suction dredge mining include:

Measureable improvement in water quality due to removal of wastes left by other users of the waters or that have eroded into the waterways. 1000's of pounds of lead fishing weights.

Lead removed from the Umpqua River 2013, more about dredgers removing lead;

<http://outdoorchannel.com/article.aspx?id=16804&articletype=article>



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SB 3 does not do anything more than the permits we already have, for the most part just a restatement that is not needed, other than it prohibits mining in ESH.
Let's look at what is required by the federal government on national forest lands.

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1.3.1 Proposed Conservation Measures (PCMs)

The RRSNF proposes to apply the following conservation measures, in relevant part, to every action authorized under this programmatic consultation.

- Measures described under “Administration” apply to the RRSNF as it manages suction dredging and high banking operations: the RRSNF will review each submitted suction

dredging and high banking NOI and will ensure these PCMs are completed before authorizing the NOI.

- Measures described under “Operations” and “Record Keeping” and “Camping - Occupancy” apply, in relevant part, to the operator who submits a NOI to the RRSNF for authorization.
 - When multiple operators are submitted under one NOI, all operators are considered to be the NOI operator and no individual or combined individuals may exceed the PCMs described below.
- Measures described under “RRSNF NOI Monitoring” apply, in relevant part, to the RRSNF to ensure that the PCMs are implemented by the NOI operator.

1.3.1.1 Program Administration

1. Submittal of a NOI to District Ranger.

- a. A NOI must be submitted to the District Ranger from any person proposing to conduct suction dredging and/or high banking operations, which might cause significant disturbance of surface resources.
- b. The District Ranger will approve² the NOI after steps #2 through #5 below are completed for operations proposed in, or within a quarter mile of, coho salmon designated critical habitat or for those areas without designated critical habitat, within a quarter mile of coho salmon (i.e., South Fork Coquille River).

2. Confirm the absence or presence of ESA-listed coho salmon, coho salmon designated critical habitat, or Pacific salmon EFH within the NOI location.

- a. The RRSNF will confirm that each NOI authorized² under the suction dredging and high banking NOI operations is located in the present or historic range of ESA-listed coho salmon, coho salmon designated critical habitat or Pacific salmon designated EFH.⁶
- b. The RRSNF will confirm that all adverse effects to coho salmon and their designated critical habitat are within the range of effects considered in this opinion.
- c. The RRSNF will confirm that all adverse effects to EFH are within the range of effects considered in this opinion.

3. Confirm the suction dredging and/or high banking NOI location is outside of prohibited areas.

- a. The RRSNF will confirm the NOI is not located in a stream segment that is listed as water quality limited by ODEQ for sediment, turbidity or toxics on the list published by DEQ as per ODEQ 2015 Reissued 700-PM general permit requirements (Discharges Not Authorized, #5, page 4).
- b. The RRSNF will confirm that no operations will take place within 300 feet upstream or 100 feet downstream of areas where current and past stream restoration has occurred.

4. **Required State and/or Federal Permits.** It is the responsibility of the NOI operator to obtain all necessary suction dredging and high banking State and/or Federal permits prior to beginning suction dredging and/or high banking.
5. **NOI Operator - Conservation Measures.** The RRSNF proposes to only authorize² NOIs that contain the conservation measures described in the next section, *Section 1.3.1.2 General conservation measures for NOI operators.*
6. **NOI Action Implementation Report.** The RRSNF will notify NMFS of a proposed NOI prior to suction dredging and/or high banking operations, by submitting a completed electronic NOI Action Implementation Report via e-mail.
7. **NOI Action Completion Report.**
 - a. The RRSNF will provide NMFS a completed NOI Action Completion Report for *each* NOI submitted. Note: The NOI Action Completion Report is completed and submitted within 30 days⁷ by the NOI operator to the RRSNF. The NOI operator and the RRSNF can share information to complete the report, if needed.
 - b. The submittal of the NOI Action Completion Report by the RRSNF to NMFS will occur within 60 days following the end of the Oregon Department of Fish and Wildlife (ODFW) in-water work schedule (Timing of In-water work to Protect Fish & Wildlife Resources, 2008 or newest version) or the California Department of Fish and Wildlife (CDFW) in-water work schedule for suction dredging operation (CDFW 2012 or newest version), whichever State is applicable.
 - c. The NOI operator will provide data for completed actions as stated in the PCMs for Record Keeping #40 and #41.
8. **RRSNF Annual NOI Suction Dredging and High Banking Operations Report.**
 - a. The RRSNF will submit an annual report to NMFS by February 15 each year that describes the RRSNF's efforts in implementing the authorization² of suction dredging and high banking NOIs. Each annual report will include the following information:
 - i. An assessment of overall operations activity will include, but is not limited to, completion of the Annual NOI Suction Dredging and High Banking Operations summary tables.
 - ii. A map showing the NOI location and coho salmon and Chinook salmon habitat use type of each NOI authorized² and carried out under the operations.
 - iii. Monitoring results from PCM #42, as required by PCM #43.
 - iv. An estimate of the number of suction dredging and/or high banking operations occurring without a NOI, by watershed, that are encountered by RRSNF during normal field work.
 - v. The RRSNF will develop additional content of the report in coordination with NMFS, as needed.
9. **Annual NOI Suction Dredge and High Banking Operation Coordination Meeting.**
 - a. The RRSNF will attend an annual coordination meeting with NMFS by March 31 of each year.

- b. Items to discuss at the annual coordination meeting will include:
 - i. The annual operations report.
 - ii. Actions that will improve conservation or improve the efficiency and accountability of the operations.
- c. Attendants will include, at a minimum, RRSNF Level 1 fish biologist(s), RRSNF mineral administrator, and NMFS programmatic staff lead.

1.3.1.2 General conservation measures for NOI operators

1.3.1.2.1 Operations pertaining to both suction dredging and high banking

10. Comply with State permits.⁸ NOI operator is expected to comply with Oregon regulations and have a copy of the State's applicable permit and General Authorization in their possession, i.e., NPDES 700-PM permit (or Water Pollution Control Facility 600 permit) from ODEQ and a General Authorization or Individual Permit from Oregon Department of State Lands (ODSL), or the most recent Oregon permits/other requirements.⁹

11. Storage of fuel, lubricants, and hazardous chemicals.

- a. All fuels, lubricants, petroleum products, and hazardous chemicals will be stored 100 feet or more away from the OHW in impermeable and spill-proof containers that minimize the potential for accidental spillage.
- b. A fuel, lubricant, petroleum product, and hazardous chemical containment system must be used if storage within 100 feet of the OHW is otherwise unavoidable. The containment system must be sufficient in size to completely accommodate the full volume of all fuel, lubricant, petroleum product, and hazardous chemicals without overtopping or leaking.

12. Prohibition on use of mercury, cyanide or other chemical agents.

- a. Use of chemical agents, such as mercury, to improve mineral processing or metal extraction from ore or high-grade fines is not allowed (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #17, page 10).
- b. Use of chemical agents, such as cyanide or other chemical agents to improve mineral processing or metal extraction from ore or high-grade fines is prohibited.

13. Protection of vegetation, wood, stream banks¹⁰ and other habitat.

- a. Undercutting, eroding, destabilization, or excavation of stream banks is prohibited (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #8, page 9).
- b. Removal or disturbance of boulders, rooted vegetation or embedded wood, plants and other habitat structure¹¹ from stream banks is also prohibited. Boulders include cobbles and larger rocks that protect and prevent erosion of banks from spring runoff and storm event stream flow (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #8, page 9).
- c. Undermining, excavating, destabilizing, or removing any wood or rocks that extend from the stream bank into the channel is prohibited. Removal of habitat structure that extends into the stream channel from the stream bank is prohibited.
- d. Cutting, moving or destabilizing in-stream woody debris such as root wads, stumps or logs is prohibited.

14. Prohibition on creating dams or other passage barriers.

- a. Fish must be able to swim past the operation at any stage. The operator, equipment, turbid discharge, and other operations will not prevent a migrating fish to advance up or downstream (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #4, page 8).
- b. Constructing a dam or weir, or otherwise concentrating flow in any way that reduces the total wetted area of a river or stream, or obstructing fish passage is prohibited.

15. Protection of existing infrastructure. Operations that affect existing bridge footings, dams, and other structures in or near the stream are not allowed (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #11, page 9).

16. General equipment restrictions. Motorized winching or the use of any other motorized equipment to move boulders, logs, or other objects is prohibited.

17. Fill and removal <25 cubic yards annually per NOI. Dredging and high banking of up to approximately 25¹² cubic yards or less, means a combined total accounting for <25 cubic yards of fill and removal¹³ per NOI is allowed (ODSL 2011; “Threshold. The activity will remove, fill or move less than twenty-five (25) cubic yards of material annually from or within the bed of a stream...”, General Authorization for Recreational Placer Mining within Essential Salmon Habitat that is Not Designated State Scenic Waterway – Eligibility Requirements, Oregon Administrative Rule 141-089-0825(3)).

18. Avoidance of invasive species transfer. NOI operator must ensure that equipment does not house invasive species. Equipment must be decontaminated prior to its placement in Oregon waters and when transferring from one waterbody to another. When moving between NOI locations or to different waterbodies the NOI operator will visually inspect all equipment including boots, waders, and wetsuits (ODEQ 2015 Reissued permit 700PM, Schedule C, Best Management Practices, #16, page 10).

19. Daylight hours only.

- a. Suction dredging and in-water non-motorized mining related operations are prohibited between 5 p.m. and 9 a.m., which are outside of designated operating hours of 9 a.m. and 5 p.m. (ODSL removal/fill general authorization, SB 838 amended regulations, 2014a).
- b. High banking is also prohibited between 5 p.m. and 9 a.m., which are outside of designated operating hours of 9 a.m. and 5 p.m., in congruency with CM 19.a.

20. Wet weather periods.

- a. Saturated soils and stream banks are susceptible to increased damage and erosion from mining activities during and immediately after periods of wet weather. Saturated soils and wet weather conditions are most common in fall, winter, and spring. Although typically infrequent and of short duration during summer, these conditions can also occur during the in-water work period. During these periods the NOI operator must minimize damage and erosion of stream banks and adjacent areas by meeting the following conditions:
 - i. NOI operators will not haul suction dredges or other equipment in or out of the stream during rainfall and for up to approximately 12 hours following the rain event, unless using an established concrete boat ramp or similar facility.
 - ii. If a stream is rapidly rising due to high-water conditions, NOI operators may remove suction dredges or other equipment out of the stream during rainfall to avoid damage or loss.
 - iii. NOI operators will stop all high banking activities during rainfall and will not resume high banking activities for approximately 12 hours following the rain event.

1.3.1.2.2 Operations - suction dredging only

21. Work windows & in-water run timing.

- a. Suction dredging is not allowed outside the periods set in the in-water work schedule established by the ODFW (2008, or newest version; ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Special Conditions, #2, page 8) or by CDFW (2012 or newest version).⁵
- b. Suction dredging activity will cease if an adult coho salmon is present; potentially occurring during the latter part of the in-water work period. For Oregon, follow ODFW recommended in-water work window per population/geographic area.

22. One suction dredge per person at one time.

- a. Operation of only one suction dredge per person is allowed at a time (ODEQ 2015 Reissued 700-PM general permit requirements, Coverage & Eligibility, #4, page 6).

- b. In some circumstances, a designated person under supervision of the ODEQ permit holder may operate the suction dredge. Person covered by the permit must be present when supervising during the operation of the suction dredge by the alternate person (ODEQ 2015 Reissued 700-PM general permit requirements, Coverage & Eligibility, #4, page 6).

23. Suction dredge intake size/screening/horsepower requirements.

- a. Only suction dredges with a ≤ 4 -inch intake nozzle diameter and ≤ 16 horsepower engine are allowed (ODEQ 2015 Reissued 700-PM general permit requirements, Discharges Not Authorized, #2, page 3).
- b. Suction dredge pump intakes must be covered with 3/32-inch mesh screen.

24. Suction dredge maintenance and fueling.

- a. Discharging oil, grease, and fuel from suction dredging operation is prohibited. Spills will be reported by the NOI operator to ODEQ and then followed up with notification to RRSNF (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #12a, page 9).
- b. Equipment used for suction dredging will not release petroleum products (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #12b, page 9).
- c. Equipment surfaces will be free of oils and grease, and will be checked by the NOI operator for fuel and oil leaks, and all leaks repaired, prior to the start of operations on a daily basis (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices #12b, page 9).
- d. Suction dredges will be located adjacent to the stream bank for fueling, so that fuel does not need to be carried out into the stream.
- e. Unless the suction dredge has a detachable fuel tank (such that fueling can occur onshore), NOI operator will not transfer more than 2 gallons of fuel at a time during refilling.
- f. The NOI operator will use a polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout will be used when refueling to prevent possible contamination of surface waters or groundwater.
- g. The NOI operator will have a spill kit available in case of accidental spills.
- h. In the event a spill occurs, the NOI operator will contain, remove, and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products will be properly disposed of off-site. Soil contaminated by spilled petroleum products will be excavated to the depth of saturation and removed for proper off-site disposal.

25. Lateral edge buffer – stream bank protection. No person will operate the nozzle of a suction dredge or remove material within 3 feet of the lateral stream edge of the current water level, including at the gravel bar edge or under any overhanging banks.

26. Habitat protection.

- a. NOI operator is required to conduct all suction dredging 50 feet or more away from Coho and Chinook salmon spawning habitat areas, which are located at a pool tail crest (or defined at the head of a riffle¹⁴).

- b. NOI operator will not remove rocks or large wood from the wetted perimeter¹⁵ to the stream bank or remove off site at any time.
- c. NOI operator will not operate a suction dredge in such a way that the stream current or the discharge from the sluice is directed into the stream bank, causing erosion or destruction of the natural form of the channel, undercutting the stream bank, or widening the channel.
- d. NOI operator will not divert the flow of a river or stream into the bank.

27. Minimum suction dredge spacing. NOI operator must maintain a minimum spacing of at least 500 linear feet of stream channel between suction dredging operations (ODSL removal/fill general authorization, SB 838 amended regulations, 2014a). For the purpose of these regulations, “operating” shall mean that the motor on the suction dredge is creating a vacuum through the hose and nozzle.

28. Other equipment restrictions.

- a. Motorized wheeled or tracked equipment is prohibited below the OHW (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #15, page 10).
- b. NOI operator may not leave unattended motorized equipment within the wetted waterway (ODSL removal/fill authorization, SB 838 amended regulations, 2014a).

29. Extent of visible turbidity.

- a. Suction dredging will not create visible turbidity beyond any point more than 300 feet downstream or down current (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule A, #1, page 6).
- b. Visible turbidity will not cover the entire wetted perimeter of the stream (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule A, Discharge Limitations, #1, page 6).
- c. No visible turbidity is allowed at the point of a drinking water intake (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #13, page 10).
- d. If any visible increase in turbidity is observed above background turbidity beyond any point more than 300 feet downstream or down current from the operation; covers the entire wet perimeter of the stream; or occurs at the point of a drinking water intake; suction dredging must be modified, curtailed, or stopped immediately (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule A, Discharge Limitations, #2, page 6).
- e. Where more than one piece of mining equipment operates in the same location, turbidity plumes cannot overlap (ODEQ 2015 Reissued 700-PM general permit requirements, Schedule C, Best Management Practices, #1, page 8).

30. Suction dredge holes.

- a. Each individual suction dredge hole will be backfilled by the NOI operator and tailings spread before moving to a new individual work site (suction dredge hole).
- b. Backfilling by the NOI operator and tailing spread will occur by the end of the in-water work window (ODFW 2008, CDFW 2012⁵, or newest versions, as relevant).
- c. Natural pools may not be filled in.

31. Suction dredge tailings.

- a. Any tailings remaining after the suction dredge holes are filled must be redistributed locally to avoid creating unstable spawning gravels.
- b. NOI operator will obliterate (rake or otherwise spread out) all suction dredge tailings piles so that they are no more than 4-inches in depth and conform to the contour of the natural stream bottom.

32. Redds or spawning fish/willful entrainment.

- a. No person shall disturb any redds or actively spawning coho salmon.
- b. If adult salmon or its respective redds (spawning beds) are encountered while operating a suction dredge, suction dredging operations must be stopped and relocated.
- c. The willful entrainment of coho salmon is prohibited.

1.3.1.2.3 Operations - high banking only

33. Below ordinary high water level.

- a. High banking *below* the OHW will only occur in large-sized streams¹⁶ (excluding medium-sized streams or smaller) with the following specific conservation measures and buffers as depicted in Figure 3 (schematic drawing of high banking operations buffers to maintain water quality and bank stability):

- i. Settling ponds or excavated work areas between the wetted stream and the stream bank will be limited in size and can only be created during the periods set in the in-water work schedule (ODFW 2008, CDFW 2012⁵ or newest versions, as relevant).
- ii. A minimum of a *25 foot buffer* will exist between the wetted stream and all excavated work areas (Figure 3). The 25 foot buffer would ensure that high banking does not crowd the adjacent aquatic habitat in large-sized streams¹⁶ with less of a flood plain. In some cases, high banking may not be feasible in large-sized streams since the *toe of a stream bank* can imply the water's edge.
- iii. A minimum of a *15 foot buffer* will exist between all excavated work areas within the channel and a *toe (bottom) of a stream bank* (Figure 3). The 15 foot buffer would ensure that high banking does not impact or compromise the adjacent stream bank in large-sized streams¹⁶ with less of a flood plain since the toe of a stream bank can imply the water's edge.
- b. High banking is not allowed beyond the toe (bottom) of a stream bank including the terrace and beyond (away from stream channel and above the OHW) (Figure 3).
- c. High banking will not occur when coho and Chinook salmon spawners or redds are present.

34. High banking holes.

- a. Each individual high banking hole will be backfilled by the NOI operator and tailings spread before moving to a new individual work site (high banking hole).
- b. Backfilling by the NOI operator and tailings spread will occur by the end of the in-water work window (ODFW 2008, CDFW 2012⁵ or newest versions, as relevant).

35. High banking tailings.

- a. Any tailings remaining after the high banking holes are filled must be redistributed locally.
- b. NOI operator will obliterate (rake or otherwise spread out) all high banking tailings piles so that they are no more than 4-inches in depth and conform to the contour of the natural stream channel.

36. Riparian vegetation protection. NOI operator must avoid all riparian vegetation. No cutting or removal of riparian vegetation will occur; this includes exposure of tree roots within the canopy width.

37. Prohibition on water diversion. Water will not be diverted [or pumped] from streams to enable high banking operations.

38. Wastewater restrictions.

- a. All wastewater will be disposed of by evaporation or seepage with no traceable discharge of water or turbidity to groundwater or surface water.
- b. Discharge of processing water to streams will not occur.

39. Vehicle use of existing fords. For all operations, the use of existing fords for vehicular access will only occur during the periods set in the in-water work schedule (ODFW 2008, CDFW 2012⁵ or newest versions, as relevant).

1.3.1.3 Record Keeping for NOI operators

Record Keeping pertains to both suction dredging and high banking - NOI contains both operation types, only one NOI Action Completion Report will be submitted, describing both operation types as needed.

40. Suction dredging.

- a. NOI operator will record dates, mining locations, equipment size (intake nozzle diameter and horsepower), and estimated volumes of material mined for all suction dredging operations.
- b. NOI operator will record if measures were needed to ensure that the 300-foot turbidity limit was not exceeded.
- c. NOI operator will work with the RRSNF to report collected data for the NOI Action Completion Report (see also Program Administration #7).
- d. NOI operator will submit NOI Action Completion Report to RRSNF within 30 days of completing suction dredging operations⁷ (see also Program Administration #7).

41. High banking.

- a. NOI operator will record dates, mining locations, and estimated volumes of material mined for all high banking operations.
- b. NOI operator will work with RRSNF to report collected data for NOI Action Completion Report (see also Program Administration #7).
- c. NOI operator will submit a NOI Action Completion Report to RRSNF within 30 days of completing high banking operations⁷ (see also Program Administration #7).

1.3.1.4 RRSNF NOI Monitoring for both suction dredging and high banking

42. The RRSNF will conduct the following monitoring:

- a. Inspect a percentage of NOI operations:
 - i. during the operation (75% of suction dredging NOI and 100% of high banking NOI)
 - ii. post-operation (100% of all NOI)
- b. Note if the operations are within the parameters stated in the NOI Action Completion Report. If operations deviate from report (under or over), record differences and report.
- c. Photo points will be taken during and post operation.

43. Monitoring results. Results from monitoring will be reported by the RRSNF in the RRSNF Annual NOI Suction Dredging and High Banking Operations Report (see also Program Administration #8).

1.3.1.5 General conservation measures for Camping & Occupancy (for all NOI operators)

44. Woody material. Woody material will not be cut or removed for firewood or other purposes within 150 feet from the stream.

- 45. Human waste.** Human waste must be kept a distance greater than 200 feet from any live water. All refuse, trash, litter or other items must be removed from the site and properly disposed.
- 46. Camp sites.** Camp sites and any related material must be cleared within 7 days of the end of the suction dredging and/or high banking operation.
- 47. Motorized access.** Motorized access will be restricted to existing roads and trails open to other users of NFS lands who are not required to obtain a RRSNF Special Use Permit, contract or other written authorization.
- 48. Riparian areas.** Minimize disturbances to riparian areas from camping and paths between camping areas and the stream by using existing/established dispersed camp sites and paths. Locate new camping areas and paths away from the stream and stream banks. Prevent creating new areas of exposed soil along streams and stream banks. The RRSNF will assist in camping area selection, if requested.
- 49. Wet weather conditions.**
- a. The NOI operator must cease mining related operations during and after precipitation when operations are causing excessive ground disturbance or excessive damage to roads.
 - b. The NOI operator will evaluate daily during these wet weather periods if the following road conditions are occurring and shall cease at any time the NOI operator or RRSNF observes that either of the following are occurring:
 - i. Travel way of the road is wet and turbid water or fines are observed moving off the road surface to ditch lines that deliver water to any stream;
 - ii. Gravel road surface rutting is occurring, indicating the subsurface is wet.

“Interrelated actions” are those that are part of a larger action and depend on the larger action for their justification. “Interdependent actions” are those that have no independent utility apart from the action under consideration (50 CFR 402.02). We did not identify any interrelated or interdependent actions because the proposed action also includes access to mining locations and occupancy during mining operations.

And with our current DEQ 700pm there is no need to jumble up what we already have.

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\ the Oregon DEQ 700pm

**GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE PERMIT**

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Permit Number: 700PM
Expiration Date: January 1, 2020
Page 1 of 15

**GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE PERMIT**

Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204
Telephone: (503) 229-5630

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

ISSUED TO:

Name

Address

Assigned Permit Number (display on dredge)

Permit Coverage Expiration Date

This general permit provides coverage under the National Pollutant Discharge Elimination System for three kinds of discharges:

- 1. Discharges from suction dredges not exceeding 30 horsepower and suction hoses with inside diameters no larger than six inches in diameter that do not operate in areas designated as essential salmon habitat.** Operators seeking coverage for this type of discharge must apply for registration under the permit and registration must be approved by DEQ.
- 2. Discharges from suction dredges not exceeding 16 horsepower and suction nozzles with inside diameters no larger than four inches in diameter that operate in areas designated as essential salmon habitat.** Operators seeking coverage for this type of discharge must apply for registration under the permit and registration must be approved by DEQ.
- 3. Discharges from in-water, non-motorized mining equipment or devices.** Operators seeking coverage for this type of discharge are not required to apply for registration but are required to comply with all applicable permit terms.
All other mining activities that discharge to surface waters of the state are required to apply for an individual permit, except for hand panning which is exempt from permitting requirements.

Issue date: _____

Effective date: May 15, 2015

Lydia Emer

Operations Division Administrator

Permit Number: 700PM

Page 2 of 15

SCOPE OF PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, a person covered under this permit is authorized to discharge wastewater from authorized mining equipment to waters of the state in accordance with all the requirements, limitations, and conditions set forth in the permit as follows:

Page

COVERAGE AND ELIGIBILITY.....	5
DEFINITIONS.....	2
DISCHARGES NOT AUTHORIZED BY THIS PERMIT.....	3
HOW TO REGISTER FOR COVERAGE UNDER THIS GENERAL PERMIT.....	4
SCHEDULE A- Discharge Limitations.....	6
SCHEDULE B - Monitoring Requirements.....	7
SCHEDULE C- Best Management Practices.....	8
SCHEDULE D - General Conditions.....	10

DEFINITIONS

1. *Background Turbidity* means turbidity that represents the ambient turbidity of undisturbed waters as measured or observed at least 10 feet upstream or up-current from the suction dredge or inwater non-motorized mining equipment operation at the time dredging occurs.
2. *Boulder* means a rock 12 inches in diameter or greater.
3. *Combination highbanker/suction dredge* means a type of mineral processing equipment constructed on an elevated support structure (e.g., legs or a box) with water supplied to a sluice box by hand or pumping and placer material is delivered to the hopper by hand or by an attached suction hose system.
4. *Daylight hours* means the hours between sunrise and sunset.
5. *DEQ* or *Department* means Oregon Department of Environmental Quality.
6. *Essential salmon habitat* means essential indigenous anadromous salmonid habitat pursuant to ORS 196.810(1)(f)(B).
7. *Gravel Bar* means a transitional gravel deposit that lacks any rooted vegetation, located either between the stream banks and the wetted perimeter of the stream or entirely within the wetted perimeter of the stream.
8. *Habitat structure* means physical composition of natural or restoration material that provides function and complexity in a stream. And includes but is not limited to:
 - *Boulders*
 - *Woody material* such as living or dead trees, shrubs, stumps, large tree limbs, and logs;
 - *Vegetation* such as grasses, shrubs, wildflowers, or weeds; and
 - *Other natural features* necessary to provide fish with areas for spawning, resting, food, refuge from predators and shade.
9. *Highbanker* means mineral processing equipment that is constructed on an elevated support structure (e.g., legs or a box) with water supplied to a sluice box by hand or pumping and placer material is delivered to the hopper by hand.

Permit Number: 700PM

Page 3 of 15

10. *In-water non-motorized mining equipment or device* means any equipment or device used for prospecting and small scale mining, including equipment used for gravity separation or other processing of precious metals or minerals from stream deposits within the wetted perimeter of a stream. These devices include but are not limited to a hand sluice box, mini rocker, or hand suction tool.

11. *OAR* means Oregon Administrative Rule.

12. *ORS* means Oregon Revised Statute

13. *Pollution* or *water pollution* means alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof. ORS 468B.005(5).

14. *Stream bank* means a slope of land adjoining and confining a stream channel.

15. *Suction dredge* means a mechanical device with a suction nozzle and hose for conveyance of streambed material to a sluice box, where suction is created by a power source (electric motor or combustion engine) or gravity. The sluice box and power source of a suction dredge are mounted on a floating platform. For purposes of this permit, a suction dredge includes a gravity or siphon suction dredge.

16. *Visible Turbidity* means turbidity that is visible when compared to background turbidity.

17. *Wastes* mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances that will or may cause pollution or tend to cause pollution of any waters of the state.

ORS 468B.005(9).

18. *Wetted perimeter* means the area of the stream that is underwater, or is exposed as a nonvegetated dry gravel bar island surrounded on all sides by water that is actively moving at the time the activity occurs.

DISCHARGES NOT AUTHORIZED BY THIS PERMIT

The coverage for discharges provided by this general permit does not extend to all waters of the State. The waters where discharges are not authorized by the general permit are set out below.

Subject to applicable laws, a person wishing to mine in these areas may apply for coverage under an individual permit.

Oregon State Scenic Waterways

1. This general permit does not authorize discharges from suction dredges in Oregon State Scenic Waterways. Pursuant to ORS 390.805 to ORS 390.925 motorized suction dredge mining is restricted in Oregon State Scenic Waterways. Location information on Oregon State Scenic Waterways will be provided with the application.

Essential Salmon Habitat

2. This general permit does not authorize discharges from suction dredges greater than 16

horsepower or an inside diameter intake nozzles greater than 4 inches in Essential Salmon Habitat. Location information on Essential Salmon Habitat waterways will be provided with the application.

Permit Number: 700PM

Page 4 of 15

3. This general permit does not authorize discharges from mining outside the wetted perimeter of the stream in essential salmon habitat.

Tribal Lands

4. This general permit does not authorize discharges from suction dredges or in-water nonmotorized mining equipment operating on tribal lands, or waterways that constitute a boundary of a tribal reservation. Information on water bodies that serves as tribal reservation boundaries will be provided with the application.

Water Quality Limited Streams 303(d) List

5. This general permit does not authorize discharges from suction dredges operating on any stream segment that is listed as water quality limited in categories 4 and 5 for sedimentation, turbidity or toxics other than chlorine, on the list published by DEQ pursuant to OAR 340-041-0046 unless a stream segment is subject to a total maximum daily load (TMDL) that includes a wasteload allocation for mining under the 700PM permit. The 303(d) list as approved or established by EPA that is in effect as of January 1 of each year will be used to determine if coverage is available.

Other discharges

6. This general permit does not authorize discharges from highbanker and combination highbanker/suction dredge equipment.

HOW TO REGISTER FOR COVERAGE UNDER THIS GENERAL PERMIT

A. Persons Seeking To Register Under This 700PM General Permit

1. To register for coverage under this permit, Suction dredge operators must take the following steps:

a. Obtain a DEQ application form by:

i. mail or in person from a DEQ office, or

ii. downloading the application from the DEQ website;

b. Submit a completed application to DEQ, requesting coverage under this permit at least thirty days prior to the planned activity. The Department may accept applications filed less than thirty days from the planned activity on a case by case basis;

c. Submit an annual fee or the optional five-year fee with the application. Except for persons paying a five-year fee for full permit term coverage, an annual fee payment form is due each year for persons seeking coverage for that calendar year. Permit registrants must submit a new application if contact information, mining location, or the operation has changed; and

d. Pursuant to OAR 340-045-0033(7), any person required to have coverage under a general

permit must pay applicable permit fees as described in Section 3 below to obtain and maintain coverage under that permit. DEQ will not assign permit coverage without fee payment in advance.

Permit Number: 700PM

Page 5 of 15

2. DEQ will review the application and will take one of the following actions:

- a. Issue written notice of permit registration approval;
- b. Request additional information; or
- c. Deny registration under this permit. The applicant will be notified if the applicant's operation cannot be approved for registration under the permit, and if the applicant may need to apply for an individual permit. The procedures for denial of an application to register and for requesting a hearing on a denial are contained in OAR 340-045-0050.

3. Fees for sources seeking registration.

a. To obtain and maintain coverage under this permit, the applicable fees provided in OAR

340-045-0075, Table 70G and ORS 468B.052 must be received by the Department.

b. Applicants may pay for permit coverage by submitting:

- i) an annual fee for each year the person registers under the general permit; or
- ii) a five-year fee for full permit term coverage under this general permit.

c. For persons with permit coverage under a five-year registration, DEQ will inform the registrant of any applicable 303(d) listings approved by EPA during the period of coverage.

d. Payment of a nonrefundable \$150 surcharge is required for obtaining or maintaining coverage under DEQ's 700-PM suction dredge mining permit for calendar year 2015.

4. To renew coverage prior to the January 1, 2020 expiration date.

a. Before July 1, 2019, registrants must:

i. Submit a complete application form to DEQ. The DEQ Director may grant permission to submit the application later than July 1, 2019 but no later than the permit expiration date.

ii. Submit all applicable fees with the permit application.

B. Sources Covered By This Permit But Not Required To Register Under The Permit

1. In-water non-motorized mining. No application or fee is required for discharges from in-water

non-motorized mining equipment. Persons conducting in-water non-motorized mining must have

a copy of the permit in their possession or readily available for inspection at the mining location.

COVERAGE AND ELIGIBILITY

1. A person covered by this permit may not discharge wastes to waters of the state except in compliance with this permit.

Permit Number: 700PM

Page 6 of 15

2. Suction dredge and in-water non-motorized mining equipment authorized under this permit must be

located within the wetted perimeter.

3. Any person not wishing to be covered by this permit may apply for an individual permit in

accordance with the procedures in OAR 340-045-0030.

4. At no time may permit coverage apply to simultaneous operation of more than one suction

dredge or one in-water non-motorized mining device. The person covered by this permit may

supervise another person operating either a single suction dredge or a single in-water nonmotorized mining device as long as the person covered by this permit is present. A person operating under the supervision of a person covered by the permit must comply with all conditions and limitations in the permit.

5. During mining activities, a person covered by this permit must have a copy of the permit in the person's possession or readily available for inspection at the mining location. Registered suction dredge operators must possess the permit copy assigned to them through registration. Copies of this permit are available for operators using in-water non-motorized equipment at DEQ's website: <http://www.deq.state.or.us/wq> or by requesting a copy from a DEQ office.

6. An assigned permit number is provided by DEQ upon registration. DEQ's assigned permit number must be displayed at all times on a suction dredge located within the wetted perimeter.

The assigned permit number identifies the operator – not the equipment – and may be transferred from one piece of equipment to another depending on which equipment the operator is using.

The assigned permit number must be displayed in a manner that is visible and legible for purposes of identification from banks and shorelines. The identification number shall read left to right and be in block characters not less than three inches in height and of a color that contrasts with the background.

SCHEDULE A

DISCHARGE LIMITATIONS FOR ALL EQUIPMENT

1. Discharges from Suction dredges and in-water non-motorized equipment authorized by this permit must not create visible turbidity above background beyond 300 feet downstream or downcurrent of the mining operation. In no case may visible turbidity cover the entire wetted perimeter (from stream bank to opposite stream bank). No wastes may be discharged and no activities may be conducted that will cause or contribute to a violation of water quality standards as adopted in OAR Chapter 340, Division 41.

2. If any visible increase in turbidity of wastewater discharges is observed above background turbidity beyond any point more than 300 feet downstream or downcurrent from the activity at any time, the operation must be modified, curtailed, or stopped immediately so that a violation as defined in Schedule A does not exist. Options to prevent, mitigate or correct turbid water discharges include, but are not limited to, ceasing operations, moving the location of the operation, reducing process flow or using a smaller machine.

Permit Number: 700PM

Page 7 of 15

3. Suction dredge and in-water non-motorized mining operations are prohibited during non-daylight hours.

4. Mining must not cause any measurable increase in turbidity in the Diamond Peak, Kalmiopsis, Eagle Cap, Gearhart Mountain, Mount Hood, Mount Jefferson, Mount Washington, Mountain Lakes, Oregon Islands, Strawberry Mountain, Three Arch Rocks and Three Sisters wilderness areas. Measureable increase in turbidity for purposes of this permit is any visible turbidity.

5. Suction dredge equipment must be properly maintained and petroleum products must be managed so that no visible oily sheen is created in the water.

6. Operation of a suction dredge is not allowed in waters less than 500 feet upstream from a stream segment of the same stream or a tributary of a stream with a stream segment that is listed as water quality limited in categories 4 and 5 for sedimentation, turbidity or toxics other than chlorine, on the list published by DEQ pursuant to OAR 340-041-0046 unless a stream segment is subject to a total maximum daily load (TMDL) that includes a wasteload allocation for mining under the 700PM permit. The 303(d) list as approved or established by EPA that is in effect as of January 1 of each year will be used for water quality limited waters.

SCHEDULE B

MONITORING REQUIREMENTS FOR SUCTION DREDGE REGISTRANTS

1. Registrants must visually monitor the turbid wastewater discharges from the suction dredge each day of the operation. Visual monitoring must be performed at least once a day during daylight hours.
2. Registrants must visually monitor the wastewater discharge immediately downstream or down current from the mining activity until the turbidity plume is no longer visible.
3. Registrants must record all of the information listed below in a monitoring log:
 - a. assigned permit number;
 - b. date of visual monitoring;
 - c. time of visual monitoring;
 - d. location of visual monitoring:
 - i) using township, range and section and latitude and longitude and
 - ii) stream name;
 - e. suction dredge nozzle inside diameter, hose inside diameter and maximum horsepower rating;
 - f. date that equipment was checked and date equipment was decontaminated for invasive species according to Schedule C, Condition 16;
 - g. account of any mercury observed in sluice box or concentrate during cleanout process and amount of mercury collected;
 - h. whether operations were modified, curtailed or stopped and if so, what actions were taken, in order to comply with the 300 foot turbidity limit;

Permit Number: 700PM

Page 8 of 15

- i. other noncompliance according to General Condition D3; and
 - j. the printed name of the person performing the visual monitoring and recording the observations in the monitoring log.
4. The monitoring log must be legible and available to authorities upon request.
5. Registrants must submit the monitoring log as part of the DEQ annual report by February 28 of each calendar year. Permit registrants must submit an annual report even if no dredging occurred.
Annual reports must be submitted to DEQ Headquarters at 811 SW 6th Avenue, Portland OR, 97204. An annual report form will be available on DEQ's web page or at a DEQ office.
6. Registrants must maintain monitoring logs and annual reports required by this permit and records
of all data used to complete the application for this permit for at least three years from the expiration date of this permit.

7. When a registrant becomes aware that it has failed to properly report any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, the registrant must promptly submit or correct the submission of such facts or information.

SCHEDULE C

BEST MANAGEMENT PRACTICES FOR SUCTION DREDGES OR NON-MOTORIZED EQUIPMENT

1. Suction dredges or in-water non-motorized mining equipment must be operated to ensure that there is no overlap of turbidity plumes from equipment used in the same waters.
2. Suction dredging is not allowed outside the periods set in the in-water work schedule (*Timing of In-Water Work To Protect Fish and Wildlife Resources*) established by the Oregon Department of Fish and Wildlife.
3. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where fish eggs are present.
4. No activities authorized by this permit, including operation of mining equipment, location of mining equipment, or turbid discharge, may obstruct a migrating fish from advancing upstream or downstream.
5. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where live freshwater mussels are present. Operations must be relocated if live mussels are encountered during excavation.
6. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where Pacific Lamprey ammocoetes are present. If Pacific Lamprey ammocoetes are found, the operator must salvage the ammocoetes by sifting through

Permit Number: 700PM

Page 9 of 15

streambed material in the area of operation and in the removed substrate and returning salvaged ammocoetes to the stream away from the activity.

7. Dredging or mining material from stream banks is prohibited under this permit.
8. Undercutting or eroding stream banks and removal or disturbance of boulders, rooted vegetation, or embedded woody plants and other habitat structure from stream banks is prohibited.
9. Moving boulders, logs, or other habitat structure within the stream channel is allowed by hand or non-motorized equipment. However, in no case may this habitat structure be removed entirely from the stream. Boulders and other habitat structures must be returned to their original position upon completion of the mining activity. The mining activity is considered complete if a person authorized by this permit does not return to that location to conduct the activity within 24 hours.
10. Removal of habitat structure that extends into the stream channel from the stream bank is also prohibited. Examples of habitat structure are boulders, woody materials, vegetation, and other natural features.
11. This permit does not authorize operations that may affect bridge footings, dams, and other structures in or near the stream.
12. Suction dredge equipment must be maintained, and petroleum products managed, to prevent water pollution as follows:

- a. Discharging oil, grease and fuel from suction dredge activity is prohibited. Permit registrants must report spills according to requirements of Schedule D, Section D.2.
- b. Equipment used for suction dredging must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.
- c. Oil absorbent material and an American National Standards Institute (ANSI) or Underwriters Laboratories (UL) approved safety container and self-closing nozzle must be used when refueling to prevent possible contamination of surface waters or groundwater.
- d. Fuel and oil storage must be located at least 25 feet back from the wetted perimeter of the stream. Where a 25 foot setback is not possible (due to circumstances such as steep bank, storage security, movement of operations), fuel and oil must be stored in secondary containment. When it is not practical to store fuel and oil on land, secondary containment must be used when storing fuel on the dredge or in a support boat. Secondary containment capacity must be able to hold an amount greater than the fuel container volume.

Permit Number: 700PM

Page 10 of 15

- e. In the event a spill occurs, suction dredge operators must contain, remove and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products must be properly disposed off-site.

13. No visible turbidity plume may reach the intake of a drinking water source. Drinking water source information tools to identify downstream intake locations are provided by the DEQ Drinking Water Protection Program and the Oregon Department of Water Resources.

14. Except as restricted in essential salmon habitat, suction dredging and in-water non-motorized mining is allowed on non-vegetated gravel bars up to 10 feet outside the wetted perimeter of the stream.

15. Motorized wheeled or tracked equipment is prohibited below the ordinary high water mark except for the suction dredge and life support system (for example, breathing air supply). Dredges may be launched and taken out at boat ramps, stream crossings/fords and other public water access points that are authorized by land management authorities.

16. Mining equipment must not carry or contain invasive species. Equipment must be decontaminated prior to its placement in Oregon waters and when transferring from one water body to another. The Oregon Marine Board provides information including decontamination steps on aquatic invasive species. Discharge of decontamination solutions to waters of the state is prohibited.

17. Use of chemical agents such as mercury to improve mineral processing or metal extraction from ore or high-grade fines is not allowed under this permit.

SCHEDULE D

NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES

Where the above permit requirements are in conflict with these general conditions, the permit requirements supersede these general conditions.

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water

Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the

citizen suit provisions 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to

Permit Number: 700PM

Page 11 of 15

exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any

condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is

punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day

on which a violation occurs or continues is a separately punishable offense. The federal Clean Water

Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment

of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste

into the waters of the state or in a location where the waste is likely to escape into the waters of the

state is subject to a Class B felony punishable by a fine not to exceed \$250,000 and up to 10 years in

prison per ORS chapter 161. The federal Clean Water Act provides for criminal penalties of \$5,000

to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or

disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of DEQ, the permittee must correct any adverse

impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact

of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions.
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.

Permit Number: 700PM

Page 12 of 15

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under

Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act within the time provided in the regulations that establish those

standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment

and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes

adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ.

C2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

C3. Penalties of Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit
Permit Number: 700PM

Page 13 of 15

may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

C4. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report.

C5. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C6. Retention of Records

Records of monitoring reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C7. Records Contents

Records of monitoring information must include:

- a. The date, exact place, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;

- e. The analytical techniques or methods used; and
- f. The results of such analyses.

C8. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

C9. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee

may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

Permit Number: 700PM

Page 14 of 15

SECTION D. REPORTING REQUIREMENTS

D1. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior

written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D2. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal

business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permittee becomes aware

of the circumstances. The written submission must contain:

- a. A description of noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

DEQ may waive the written report on a case-by-case basis if the oral report has been received within

24 hours.

D3. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D2,

at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D4. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request

to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts

or has submitted incorrect information in a permit application or any report to DEQ, it must promptly

submit such facts or information.

D5. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance

with 40 CFR § 122.22.

Permit Number: 700PM

Page 15 of 15

D6. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class

C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted

or required to be maintained under this permit including monitoring reports or reports of compliance

or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

Permit Number: 600

Expiration Date: January 31, 2017

GENERAL WATER POLLUTION CONTROL FACILITY PERMIT

Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR 97204

Telephone: (503) 229-5279

Issued pursuant to ORS 468B.050

ISSUED TO: SOURCES COVERED BY THIS PERMIT:

This permit covers small scale precious metals mining operations that use non-chemical ore or placer processing methods and dispose of

wastewater by evaporation or seepage.
Lauri Aunan, Administrator Effective Date
Water Quality Division

SCOPE OF PERMITTED ACTIVITIES

This 600 General Permit replaces the 600 General Permit issued by the Oregon Department of Environmental Quality (DEQ) in 1997, and the Mutual Agreement and Order issued by DEQ in 2002. Notwithstanding the terms and conditions of this permit, persons registered under this

permit must also comply with all other applicable state and federal agency requirements to include but not limited to:

- a. Oregon DEQ Land Quality - Hazardous Waste Regulations
- b. Oregon Department of Geology and Mineral Industries
- c. Oregon Department of State Lands
- d. Oregon Department of Water Resources
- e. U.S. Forest Service
- f. U.S. Bureau of Land Management
- g. Oregon Department of Parks and Recreation
- h. Oregon Department of Fish and Wildlife

Permit Number: 600

Page 2 of 9

Until this permit expires or is modified or revoked, the registrant of this permit is authorized to operate a wastewater collection, treatment, control, and disposal system in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Page

Schedule A - Waste Disposal Limitations	5
Schedule D - Special Conditions	5-6
Schedule F - General Conditions	7-9

Unless authorized by a NPDES permit from DEQ, all wastewater discharges to surface waters in

Oregon are prohibited.

DEFINITIONS

1. *DEQ or Department* means Oregon Department of Environmental Quality
2. *Discharge or Disposal* means the placement of wastes into public waters, on land, or otherwise into the environment in a manner that affects or may tend to affect the quality of public waters.
3. *Disposal System* means a system for disposing of wastes by surface or underground methods and includes sewerage systems, treatment works, disposal wells, and other systems but excludes onsite sewage disposal systems regulated under OAR 340-071-0160, 340-071-0162,

or ORS 454.655 and systems that recirculate without discharge.

4. *Nuisance* means a substantial and unreasonable interference with another's use and enjoyment

of real property, or the substantial and unreasonable invasion of a right common to members of

the general public. Violation of any condition of this WPCF permit is also a public nuisance

pursuant to Oregon Revised Statute 468B.025(3).

5. *OAR* means Oregon Administrative Rule

6. *Wastes* means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or

other substances that will or may cause or tend to cause pollution of any waters of the state.

7. *Treatment or Waste Treatment* means the alteration of the quality of wastewater by physical,

chemical, or biological means or a combination thereof that reduces the tendency of the wastes

to degrade water quality or other environmental conditions

HOW TO APPLY FOR COVERAGE UNDER THIS GENERAL PERMIT

1. Metals mining operators seeking coverage under this 600 General Permit (2007-2017) for the

first time and persons registered for coverage under the 600 General Permit issued in 1997 who

did not submit a timely renewal application must do the following:

a. Applicants must complete an application. Applicants may obtain a DEQ application form

by:

i. Mail or in person from the DEQ regional offices provided below, or

ii. Downloading the application from the DEQ website.

SWM-SM-00451

Permit Number: 600

Page 3 of 9

b. Applicants must submit a completed application to any of the DEQ offices provided below,

requesting coverage under this permit at least thirty days prior to the planned activity.

DEQ

may accept applications filed less than thirty days from the planned activity on a case by case basis.

c. Applicants must submit all applicable fees with the application.

d. DEQ will review the application information and will take one of the following actions:

i. Issue written notice of approval.

ii. Request additional information.

iii. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.

2. Metals mining operators who were registered under the 600 General Permit issued by DEQ in 1997 and submitted timely renewal applications must submit applicable fees and must provide a new application as provided in 1, above within 90 days of the effective date of this permit.

Persons Seeking Coverage to Renew This 600 General Permit

1. Permittees registered under this General Permit can operate until the expiration date provided on the cover page (unless terminated or extended under Other Applicable Conditions, below).

Metal mining operators requiring renewal of this General Permit must submit a complete renewal application form to DEQ no later than December 1, 2016, 60 days prior to the expiration date of this permit indicated on the cover page. The DEQ Director may grant permission to submit the application less than 60 days in advance but no later than the permit expiration date.

2. DEQ will review the application and will take one of the following actions:

- a. Issue written notice of approval.
- b. Request additional information.
- c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.

Other Application Conditions

1. Coverage under this permit will continue for a permittee after the expiration date if the permittee submits a complete renewal application as described above.

SWM-SM-00451

Permit Number: 600

Page 4 of 9

2. If DEQ does not receive a renewal application as described above, coverage under this General

Permit is no longer valid and the metal mining operation must cease.

3. Any person not wishing to be covered or limited by this General Permit may apply for an

individual permit in accordance with the procedures in OAR 340-045-0030. DEQ will review the application information and will either request additional information in writing or will notify the applicant by mail to operate under the conditions of the new individual permit.

DEQ Office Locations

i. Northwest Region ii. Western Region

2020 SW 4th Avenue, Suite 400 750 Front Street NE, Suite 120

Portland, OR 97201 Salem, OR 97301-1039

Tel. No. (503) 229-5263 Tel. No. (503) 378-8240

iii. Eastern Region iv. DEQ Headquarters
700 SE Emigrant, Suite 330 811 SW 6th Avenue 6th floor
Pendleton, OR 97801 Portland, OR 97204-1390
Tel. No. (541) 276-4063 Tel No. (503) 229-5185
Tel No. (800) 452-4011
SWM-SM-00451

Permit Number: 600

Page 5 of 9

SCHEDULE A

WASTE DISPOSAL LIMITATIONS

1. This permit applies only to the following precious metal mining or ore processing operations:
 - a. Off-stream placer mining that disposes of all wastewater by evaporation or seepage with no traceable discharge of wastes to groundwater or surface water;
 - b. Hardrock mining or ore processing that uses non-chemical ore processing methods and disposes of wastewater as described in Condition 1 a. above; and,
 - c. Operations that process, with water, no more than 10,000 cubic yards of placer or ore material per year, and disposes of wastewater as described in Condition 1 a. above.
2. Mining operations different from those described in Condition 1 above must obtain an individual waste discharge permit.
3. No direct discharge to public waters is allowed.
4. No activities are allowed that could adversely impact existing or potential beneficial uses of groundwater.

SCHEDULE D

SPECIAL CONDITIONS

1. All settling pond spoils and other waste solids must be managed in a manner to prevent their entry into surface water, and avoid creating a nuisance or a water quality violation.
2. The permittee must provide for safe passage of fish around or through the active mining area if the stream supports a migratory fish population. Any removal/fill activity within the active stream, including construction of fish passage facilities, must comply with all applicable DEQ 401 Certification requirements.
3. The permittee must observe and inspect all waste handling, treatment, and disposal facilities and any stream above and below the mining operation daily when operating, to ensure compliance with the conditions of this permit. A record must be kept of these observations and made available to the DEQ upon request.

SWM-SM-00451

Permit Number: 600

Page 6 of 9

4. Sedimentation ponds with a surface area of 20,000 square feet or less are allowed provided

that the dams or dikes are no more than 5 feet in height. Larger ponds must have DEQ approval prior to construction.

5. The discharge of sanitary wastes to the ground surface or surface waters is prohibited. Sanitary wastes must be managed in accordance with the following:

a) Permanent Operations

Sanitary wastes at permanent operations must be discharged into an approved onsite system that is not failing. The system must be installed, operated, and maintained in accordance with the requirements of the DEQ or the local jurisdiction. All site evaluations and permits must be obtained prior to construction of the system.

b) Temporary Operations

Sanitary wastes at temporary operations must be removed from the mining location and properly disposed.

6. Riparian vegetation must not be disturbed unless it is unavoidable. In areas where riparian

vegetation is disturbed, the permittee must reclaim the area to the pre-mining condition prior to concluding mining activities. Revegetation activities must be conducted on an ongoing basis and must not be postponed until mining is completed for the entire claim. Operations that disturb riparian vegetation and process 1500 cubic yards or more of placer

or ore material per year must include a vegetation reclamation plan as part of the permit application.

SWM-SM-00451

Permit Number: 600

Page 7 of 9

SCHEDULE F

GENERAL CONDITIONS

These General Conditions apply to all WPCF Permits.

SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and grounds for

an enforcement action. Failure to comply is also grounds for the DEQ to revoke or deny renewal of coverage under this general permit.

2. Property Rights and Other Legal Requirements

Issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other rights, or any infringement of federal, tribal, state, or local laws or regulations.

3. Liability

DEQ or its officers, agents, or employees may not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities or systems because of this permit.

4. Permit Actions

After notice by the DEQ, coverage under this permit may be suspended or revoked during

its term for cause including but not limited to the following:

- a. Violation of any term or condition of this permit, any applicable rule or statute, or any order of the Commission;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

5. Transfer of Permit

Coverage under this permit may not be transferred to a third party without prior written approval from the DEQ.

6. Permit Fees

SWM-SM-00451

Permit Number: 600

Page 8 of 9

The permittee must pay all applicable fees required by Oregon Administrative Rules 340-045-0070, and 340-045-0075.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

At all times the permittee must maintain in good working order and properly operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to comply with the terms and conditions of this permit.

2. Standard Operation and Maintenance

All waste collection, control, treatment, and disposal facilities or systems must be operated

in a manner consistent with the following:

- a. At all times, all facilities or systems must be operated as efficiently as possible in a manner that will prevent discharges, health hazards, and nuisance conditions.
- b. All screenings, grit, and sludge must be disposed of in a manner approved by the DEQ to prevent any pollutant from the materials from reaching waters of the state, creating a public health hazard, or causing a nuisance condition.

3. Noncompliance and Notification Procedures

If the permittee is unable to comply with conditions of this permit because of surfacing sewage; a breakdown of equipment, facilities or systems; an accident caused by human error or negligence; or any other cause such as an act of nature, the permittee must:

- a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
- b. Notify the DEQ's Regional office as soon as possible after taking action to stop and contain the unauthorized discharges so that an investigation can be made to evaluate the impact and the corrective actions taken, and to determine any additional action that must be taken.
- c. Within 5 days of the time the permittee becomes aware of the circumstances, the permittee must submit to the DEQ a detailed written report describing the breakdown, the actual quantity and quality of waste discharged, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or liability for failure to comply.

SWM-SM-00451

Permit Number: 600

Page 9 of 9

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee must at all reasonable times allow authorized representatives of the DEQ to:

- a. Enter upon the permittee's premises where a waste source or disposal system is located or where any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required by this permit;
- c. Inspect any treatment or disposal system, practices, operations, monitoring equipment, or monitoring method regulated or required by this permit; or
- d. Sample or monitor any substances or permit parameters at any location at reasonable times for the purpose of assuring permit compliance or as otherwise authorized by state law.

2. Retention of Records

The permittee must retain records required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. The DEQ may extend this period at any time.

SWM-SM-00451