

**SB 3 A STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

**Carrier:** Rep. Marsh

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**Action Date:** 05/08/17  
**Action:** Do Pass the A-Eng bill.  
**Vote:** 6-3-0-0  
**Yeas:** 6 - Barnhart, Helm, Holvey, Johnson, Marsh, Power  
**Nays:** 3 - Bentz, Reschke, Smith DB  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Beth Reiley, LPRO Analyst

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**WHAT THE MEASURE DOES:**

Repeals moratorium on mining using motorized equipment. Defines terms, including “motorized in-stream placer mining.” Prohibits motorized in-stream placer mining up to ordinary high water line in any river containing essential indigenous anadromous salmonid habitat from the lowest to highest extent of that habitat. Allows use of non-motorized equipment, including but not limited to gravity dredges and syphon dredges. Prohibits discharge from motorized in-stream placer mining into waters of the state without individual permit or general water quality permit as specified. Sets permit application requirements. Prohibits operation of motorized equipment as follows, in addition to any other permit condition: between 8:00 PM or sunset, whichever is earlier, and 8:00 AM within 1,000 feet of a residence or campground; with suction hose with inside diameter exceeding 4 inches; or in a manner deleterious to freshwater mollusks, essential indigenous anadromous salmonid habitat, or habitat essential to recovery and conservation of Pacific Lamprey. Allows waiver of condition on hours of operation for federal mining claim owner to the extent applicant demonstrates the prohibition violates federal law or results in regulatory taking requiring compensation. Requires applicant seeking waiver to provide substantial evidence specific to subject mining claim. Directs Department of Environmental Quality (DEQ) to review and make determinations regarding waivers. Establishes \$250 fee for general permit application or renewal and \$250 annual fee.

Establishes person commits offense of unlawful motorized in-stream placer mining if person knowingly engages in mining without a permit or in violation of any rule, permit, order, or any applicable requirement. Establishes unlawful motorized in-stream mining as a Class A violation. Allows enforcement officer to issue citation when conduct alleged to constitute a violation has not taken place in presence of officer, if officer has reasonable grounds to believe conduct constitutes a violation based on information received from a DEQ employee. Repeals Suction Dredge Study statutes and transfers any funds remaining in study fund to DEQ.

**ISSUES DISCUSSED:**

- Legislative history
- Current moratorium area
- Number of permits issued in recent years

**EFFECT OF AMENDMENT:**

No 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. The measure also capped the issuance of permits at 850 during the same time period in areas where the moratorium did not apply. Senate Bill 838 also directed the Governor’s office to work with state agencies and other interested parties to conduct a study and make recommendations for a revised regulatory

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framework for suction dredge mining.

Senate Bill 3A would repeal the current moratorium and prohibit motorized in-stream placer mining up to ordinary high water line in any river containing essential indigenous anadromous salmonid habitat. In other areas, the measure would require suction dredge operators to obtain either an individual permit or a general permit from the Department of Environmental Quality. The measure would also establish specific permit conditions on hours of operation.