



May 24, 2023

Ms. Laura Watson,
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Mr. Kelly Susewind,
 Director, Washington Department of Fish and Wildlife
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Ms. Barbara Baker,
 Chair, WDFW Commission and
 WDFW Commissioners
 PO Box 43200
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 % Nichole.Kloepfer@dfw.wa.gov

RE: Motorized Mining Hydraulic Permit Approval

Dear Ms. Watson, Mr. Susewind, and Ms. Baker:

The undersigned 66 worked diligently to ensure that ESHB 1261 was passed with strong bi-partisan support in both the Washington State Senate and House and signed into law by Governor Jay Inslee in March 2020. This law was the result of a decade long effort led by a coalition more than 160 Tribes, local businesses, faith leaders, and conservation, recreation and wildlife organizations throughout Washington State.

As of July 1, 2020, this new law (codified as RCW 90.48.615) went into effect and required both the Washington Department of Ecology (WDOE) and the Washington Department of Fish and Wildlife (WDFW) to implement, and as necessary promulgate new regulations regarding the permitting and enforcement of all motorized mineral prospecting in Washington State. The law requires anyone using motorized mineral prospecting methods to obtain a determination of compliance with the federal Clean Water Act and Chapter 90.48 RCW. It also requires WDFW to verify Clean Water Act compliance prior to issuing a Hydraulic Project Approval (HPA) permit. Equally as important, it prohibits all motorized mineral prospecting in any stream or river that has been designated under the Endangered Species Act as critical habitat or would impact critical habitat for salmon, steelhead or bull trout. This includes fresh waters with designated uses of salmonid spawning, rearing, and migration. We have been involved in protecting critical freshwater fish habitat in Washington from motorized mining as part of a larger coalition including Tribes, local businesses and conservation, recreation and wildlife groups for well over a decade.

We recently learned that WDFW with the assistance of WDOE, issued a HPA permit to a miner who seeks to use a motorized mining method to draw water out of a watershed designated as critical, run the water through a "high banker sluice," which is filled with gravel and sediment he removes from the same stream, and apparently deposit the sedimented water into a barrel or hole lined with a tarp. All of this will be done without the miner obtaining a "right" to remove the water (a water right). The watershed he will be mining is currently fully allocated and a review of the Ecology Water Rights map shows he does not have a water right.

In other words, WDFW issued a permit to mine close to critical habitat and to withdraw water, without all the necessary permits and approvals from the Department of Ecology.

Many of our salmon and steelhead runs continue to be at the brink of extinction. The federal, state, and tribal governments have appropriated substantial additional funding to restore habitat and improve water quality. We expect the state agencies to provide due diligence to protect our beleaguered salmon and steelhead and safeguard these important investments as directed by the legislature when they passed ESHB 1261 for precisely this purpose.

We ask WDFW and the WDOE to stop issuing permits for motorized mining that withdraws water and gravel from streams and comply with the law preventing motorized mining in critical habitat.

Thank you for your consideration.

Sincerely,

Tom Uniack
Executive Director
Washington Wild

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