



February 4, 2019

Senator Reuven Carlyle
 Chair
 Environment, Energy and Technology Committee
 Washington State Senate
 John A. Cherberg Building, P.O. Box 40436
 Olympia, WA 98504

Representative Joe Fitzgibbon
 Chair
 Environment and Energy Committee
 Washington State House of Representatives
 308 John L. O'Brien Building
 Olympia, WA 98504

RE: Support for HB 1261 and SB 5322 Regarding Motorized Suction Dredge Mining

Dear Chairs Carlyle and Fitzgibbon:

The undersigned conservation, recreation and wildlife organizations are writing to support HB 1261 and SB 5322 which have been introduced into the Washington State House of Representatives and the Senate. The legislation would protect water quality and fish habitat from motorized suction dredge mining.

We understand that both bills are scheduled for a legislative hearing in the coming weeks. This is an important opportunity to make clear why this practice needs to be regulated here in Washington State.

Suction Dredge Mining Presents a Significant Threat to Washington's rivers, fish and wildlife

Motorized suction dredge mining is a form of mining that uses gas-powered dredges to vacuum-up rocks, gravel, and sediment from the bottom of creeks and rivers to search for gold. The impacts to our rivers and

waterways and endangered fish populations are significant and directly contradicts significant investment in salmon habitat and river restoration by the federal, tribal, state and municipal governments here in Washington.

Scientific studies show suction dredging degrades water quality through erosion and sedimentation and mobilization of mercury and other heavy metals; impacts fish and the aquatic food web by destroying aquatic habitat, physically “processing” fish and aquatic life, creating fish stranding risks, and denuding riparian vegetation.

In filing a brief with the federal 9th Circuit in support of Oregon and California laws regulating motorized mining, Washington State’s Attorney General Bob Ferguson highlighted the impacts of this unregulated activity on our fish and wildlife resources:

“In fact, Oregon’s statute reflects a scientific consensus about the serious environmental risks posed by suction dredge mining and need for adequate regulation . . . Suction dredge mining can harm fish, including endangered salmonids, by disrupting spawning, creating unstable tailings, and killing eggs and larvae . . .”

Motorized suction dredge mining is harming water quality and fish habitat in Washington’s rivers and creeks across the state, including areas like the Yakima Basin, Upper Columbia, Lewis River, Spokane River, and Puget Sound rivers such as the Skykomish, Skagit, and Nooksack. In some areas, suction dredge mining is allowed in rivers and streams closed to all other recreational activities, such as Nason Creek.

Impacted areas include ESA-designated Critical Habitat for Chinook salmon, which are the primary food source for our endangered population of Southern Resident Killer Whales (orcas). Protecting the water quality and habitat from motorized mining benefits salmon and helps increase the prey base for our orca population, as well as supporting economically vital sport, commercial, and tribal fisheries.

Additionally, several tribes, including the Snoqualmie Tribe, Yakama Nation, Quinault Indian Nation, Tulalip Tribes and Sauk-Suiattle Indian Tribe, support this legislation because of the unacceptable impacts it would have on their reserved treaty rights to fish and wildlife resources and the impact to their tribal lifeways which depend on quality fish habitat and healthy rivers and streams.

A legislative solution is needed now

Washington’s current regulations allow suction dredge mining in virtually all waterways and Pacific coastal beaches, including those designated as Critical Habitat under the Endangered Species Act (ESA), without requiring permits or monitoring. This activity is occurring largely unchecked in Critical Habitat for Chinook salmon, the primary food source for our struggling Southern Resident Killer Whale population.

Suction dredge miners in Washington State enjoy what essentially amounts to a blank check: there are no fees; no permits required; and no tracking and accountability. While the Washington Department of Fish and Wildlife is currently engaged in a rulemaking process that will likely result in the requirement that miners apply for individual permits, this does not address impacts to ESA Critical Habitat and other concerns. A legislative solution is necessary.

Washington is the only state with populations of Endangered Species Act (ESA)-listed Pacific salmon and steelhead that still allows suction dredge mining and other forms of motorized mineral prospecting without requiring permits or regulatory oversight. Federal courts have recently ruled that discharges from motorized

mining must comply with the federal Clean Water Act. Oregon, California, and Idaho have all enacted programs to comply with the Clean Water Act and protect Endangered Species Act (ESA)-listed fish species, but Washington State has not.

Effective and commonsense rules limiting suction dredging in our neighboring states of Oregon, California, and Idaho have displaced miners that have now moved into Washington State, creating much greater pressure on our streams and a dangerous situation for our water quality and native fish.

HB 1261 and SB 5322 will protect areas most important to ESA-listed salmon, steelhead, and other native fish by prohibiting motorized mining in Critical Habitat. Non-mechanized forms of recreational mineral prospecting, such as gold panning, will still be allowed in all existing areas and will be unaffected by this legislation. Aquatic motorized mining operations in other areas must comply with state water quality laws and the Clean Water Act.

For too long mining interests have avoided reasonable regulation and oversight in the United States. On federal lands, mining is still governed by an antiquated 147-year old law (the 1872 Mining Law) signed by President Ulysses S. Grant to encourage settlement of the western frontier. Mining is the only extractive industry on our federal lands that does not pay the American taxpayer royalties for minerals it takes from our public lands.

Here in Washington State we have a chance to close the regulatory loop hole for motorized suction dredge mining. Suction dredge miners should have to play by the same rules as the rest of the regulated community doing work in and around Washington's waterways – this user group should not receive special treatment, especially when many of them are coming from out of state to avoid the strict regulatory requirements now imposed in neighboring states.

Please support HB 1261 and SB 5322 both in Committee and as it moves to the House and Senate floor.

Sincerely,

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