



February 27, 2019

RE: Support for HB 1261 and SB 5322 – Compliance with Clean Water Act & Motorized Mining

Dear Members of the Washington Legislature:

The undersigned 84 conservation, recreation and wildlife organizations and local businesses, from all parts of Washington State, support HB 1261 and SB 5322. The legislation would protect water quality and fish habitat from motorized suction dredge mining. We ask for your support in passing this legislation this year.

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 contradict 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, including areas 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.

Other States Have Taken Action – Washington State Has Not

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. Federal courts have ruled that even older federal mining claims are still subject to state and federal environmental regulation – including Clean Water Act requirements.

Non-Motorized Mining, and Motorized Mining in Non-ESA Critical Habitat Is Still Allowed

The bills also allow for recreational mining to continue in Washington State. HB 1261 and SB 5322 will protect areas most important to ESA-listed salmon, steelhead, and other native fish by ensuring compliance with the Clean Water Act and prohibiting motorized mining in Critical Habitat. But the bills still allow less harmful non-mechanized forms of recreational mineral prospecting, such as gold panning and manual sluice boxes, even in ESA critical habitat. Outside of ESA critical habitat areas, motorized mining is also allowed, but must comply with state water quality laws and the Clean Water Act – ensuring that Washington State is consistent with recent federal court decisions.

These bills are supported by a diverse coalition including recreation, conservation, academic, environmental, business, and tribal interests from all parts of Washington State. Please join us in supporting HB 1261 and SB 5322 and passing these bills in 2019.

Sincerely,

Tom Uniack
Executive Director
Washington Wild

Brad Throssell
State Chair
Washington Council of Trout Unlimited

Chuck Cheshire
President
Vancouver Wildlife League (Vancouver)

Nina Bell, J.D.
Executive Director
Northwest Environmental Advocates

Susan Jane M. Brown
Staff Attorney
Western Environmental Law Center

Max Jones
President
Sky Valley Chapter of Trout Unlimited (Monroe)

Rich Bowers
Executive Director
Whatcom Land Trust (Bellingham)

Tim McGruder
Conservation Chair
Eastside Audubon (Kirkland)

Joseph Bogaard
Executive Director
Save Our Wild Salmon Coalition

Lorna Smith
Vice President of the Board
Olympic Forest Coalition (Quilcene)

Mike Petersen
President
The Lands Council (Spokane)

Robert Kaye
Conservation Committee Chair
North Cascades Audubon Society (Bellingham)

Timothy Manns
Conservation Chair
Skagit Audubon Society (Mount Vernon)

Marlies Wierenga
Pacific Northwest Conservation Manager
WildEarth Guardians

Mark Boyar
President
MidFORC Coalition

Megan Birzell
Washington State Director
The Wilderness Society

Mark Taylor
President
Bellevue/Issaquah Chapter of Trout Unlimited

Annie Cubberly
President, Polly Dyer Cascadia Chapter
Great Old Broads for Wilderness

Matt Little
Executive Director
Cascade Forest Conservancy

J. Michelle Swope
Washington Regional Coordinator
Native Fish Society

Ann Darlington
BOD President
Friends of Heybrook Ridge (Index)

Harry Romberg
Co-Chair, National Forest Committee
Washington Chapter of the Sierra Club

Mark Riskedahl
Executive Director
Northwest Environmental Defense Center

Peter Bahls
Executive Director
Northwest Watershed Institute
(Port Townsend)

Terry Frost
President
Lower Columbia Flyfishers (Longview)

Donna Osseward
President
Olympic Park Associates

Phil Fenner
President
North Cascades Conservation Council

Judy Hallisey
President
Kittitas Audubon Society

Chris Howard
President
Blue Mountain Audubon Society (Walla Walla)

Jasmine Minbashian
Executive Director
Methow Valley Citizens Council (Twisp)

Arthur (R.D.) Grunbaum
President
Friends of Grays Harbor (Westport)

Hilary Hart
President
Spokane Falls Trout Unlimited (Spokane Falls)

Jon Luthanen
President
North Sound Chapter of TU (Bellingham)

David Kliegman
Executive Director
Okanogan Highlands Alliance (Tonasket)

Timothy Coleman
President
Kettle Range Conservation Group (Republic)

Art Campbell
President
North Central Washington Audubon (Ellensburg)

Julie Kelner
President
Kitsap-Olympic Peninsula Chapter of TU (Poulsbo)

Greg Haller
Conservation Director
Pacific Rivers

Leo Bodensteiner
U.S. Co-Chair
Skagit Environmental Endowment Commission

Inessa Pierce
President
Sky Valley Environmental & Economic Alliance (Sultan)

Margaret Tufft
President
Kitsap Environmental Coalition (Hansville)

Anna Wille
Co-founder
Women for Wild Lands

Joshua Morris
Urban Conservation Manager
Seattle Audubon Society

Wendy McDermott
Director, Rivers of Puget Sound & Columbia Basin
American Rivers

Heather Gibson
President
Rainier Audubon Society (Auburn)

Cindy Easterson
Board President
Pilchuck Audubon Society (Snohomish)

Pat Finnegan
President
Clearwater Snake Rivers Chapter, Trout Unlimited

Pamela Brulotte
Owner
Icicle Brewing Company & Munchen Haus
(Leavenworth)

Jerry White, Jr.
Staff
Spokane Riverkeeper (Spokane)

Dave Werntz
Science and Conservation Director
Conservation Northwest

Rich Simms
Founder and Board Member
Wild Steelhead Coalition

Phil Beck
President
Inland Empire Fly Fishing Club (Spokane)

Andree Hurley
President and Acting Executive Director
Washington Water Trails Association

Kim McDonald
Founder
Fish Not Gold

Andrea Matzke
President
Wild Washington Rivers

Jeff Howell
Owner
Counter Balance Brewing Company

Brian Stan
Co-Founder
Old Stove Brewing, LLC

Raymond Kwan & Barry Chan
Co-Founders
Lucky Envelope Brewing

Mari Kemper
Co-Owner/Founder
Chuckanut Brewery (Bellingham)

Donna Broers
President
Yakima Fly Fishers Association Chapter of TU (Selah)

Bob Phreaner
President
Olympic Peninsula Audubon Society (Sequim)

Haley Keller
Co-Owner, Finance & Retail Operations
Peddler Brewing Company

Sam Merrill
Conservation Chair
Black Hills Audubon Society (Olympia)

Kurt Beardslee
Executive Director
Wild Fish Conservancy

Bill Drenguis
President
Yakima Valley Audubon Society (Yakima)

Robert Thorpe
Conservation Chair
Washington Fly Fishing Club

Debbie Chambers
Co-Founder
Postdoc Brewing (Redmond)

Alex Fisher
President
Wenatchee Valley Fly Fishers (Wenatchee)

Kelsey, Ben, Liz & Craig Curran
Co-Owners
Watershed Pub & Kitchen

Jack Lamb
CEO
Aslan Brewing (Bellingham)

Robert Stroup
President
Icicle Valley Chapter of TU (Leavenworth)

Bill Wheeler
President
WA State Council of Fly Fishers International
(Olympia)

Henry Zebroski
Chief Poggie
Seattle Poggie Club

M. Ross Abbott
President
Yakima River Headwaters Chapter of TU (Roslyn)

Jason Shrum
Co-Owner
Bad Jimmy's Brewing

Lara Zahaba
Co-Owner
Stoup Brewing

Bill Arnott
Owner
Machine House Brewery

Becky Kelley
President
Washington Environmental Council

Sara Nelson
Co-Founder/Owner
Fremont Brewing

Shannon Murphy
President
Washington Conservation Voters

Marley Rall
Founder/Owner
The Brewmaster's Taproom (Renton)

Carl Johnson
President
Northwest Fly Anglers

Chris Smith
Owner
Lowercase Brewing

John McGlenn
President
Washington Wildlife Federation

Randy Embernate and Jack Guinn
Co-Owners
Hellbent Brewing

Jim Byrne
Vice President
Clark County Chapter of TU (Vancouver)

CC: Rob Duff, Natural Resources Director, Governor Jay Inslee's Office