

WDFW Suction Dredging Public Listening Sessions

Summary of Themes

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WDFW has received guidance from the Fish and Wildlife Commission to initiate rule making activity to require a standard individual Hydraulic Project Approval (HPA) for suction dredging in Washington waters; remove suction dredging as an authorized activity in the Gold and Fish Pamphlet; and identify methods to prevent the spread of aquatic invasive species during transport of suction dredging equipment. In order to gather ideas from members of the public, WDFW asked Rachel Aronson from Triangle Associates to facilitate four live public listening sessions with Washington Department of Fish and Wildlife (WDFW) in July 2018. Listening sessions were held in Wenatchee, Spokane, Olympia and Everett.

The following is the facilitator's summary of themes and comments heard in listening sessions, as well as written comments submitted by the public during and after the meetings. The summary is arranged by topic area and does not attribute comments to individuals.

It is important to recognize that perspectives captured represent only the people who attended the public meetings, and that what was heard is only a preliminary indication of the perspectives on this topic. WDFW is committed to hearing further from a workgroup and from formal public comments.

Overview

It is important to acknowledge divisions in perspective from miners and environmental advocates. A further division might be between miners who participate in mining clubs, and miners who do not. Miners who are not in clubs were likely under-represented among participants in these meetings.

The facilitator heard quite a few suggestions from participants that would require a statutory change from the legislature to implement. WDFW can continue to work with stakeholders to clarify the limits of this rule making process.

Major Themes

The following major themes came through clearly in the input at the public meetings.

In the following topics, the facilitator heard commonalities among the input from meeting participants on all sides of the issue:

- **A desire for fair treatment of mining relative to other regulated activities:** Both miners and non-miners expressed a desire to have mining regulations, reporting and fees in line with other regulated activities such as hunting, fishing and boating. Miners seek to not be burdened with higher regulation than other activities, while advocates would like to see mining held to the same standards. Supporters of both sides of the issue variously brought up parity in terms of:
 - Regulations
 - Reporting requirements
 - Data collection
 - Fees
 - Invasive species inspections at state borders

- **Data collection:** Participants in these meetings typically acknowledged that WDFW has a need to collect data on mining effort, who is mining, and where they are mining. There is a feeling that level of effort from people prospecting outside of clubs and claims is low. Some suggestions included:
 - A limited period of data gathering and tracking in order to have the information to respond to the Fish and Wildlife Commission, similar to the beach mining process
 - Simple reporting, along the lines of a catch record card
 - Balancing data collection with privacy needs for personal information and miners' strong preference not to share information on gold locations
 - WDFW could set up a simple system, such as a phone or email hotline, for miners to submit information on where and when they plan to dredge
- **Agency capacity:** Participants on both sides of the issue shared a concern about WDFW's realistic ability to meet the workload needs of a new HPA permitting program in order to respond to permits within a reasonable time frame, as well as enforcement needs. Participants were concerned about an imbalance between regulations and insufficient enforcement potentially encouraging more illegal mining. Suggestions included:
 - Looking at the resources of sheriff departments, the state patrol, or the US Forest Service to participate in enforcement and outreach
 - Providing education within WDFW and to other agencies to know the new rules, to recognize mineral trespass as a felony, and to know what questions to ask
 - Providing education to the public on how to know if suction dredging is illegal, who to call when a violation is happening or has happened
 - Seeking opportunities to streamline the permitting process, such as permitting for a whole drainage rather than individual locations
- **Ineffectiveness of rules changes in controlling illegal mining:** Attendees at the meetings almost universally agreed that people violating the law are the real problem. People are concerned that changing the law will not affect rule breakers, and may only burden rule followers.
- **Out of state miners:** Many people in state agreed that within legal limits, WDFW should charge higher fees to out of state miners who do not belong to Washington clubs. Out of state miners were not represented at these meetings.
- **Key role of mining clubs:** Many club members attended these meetings, and participants on both sides of the issue were strongly supportive of the role clubs play in keeping miners on track. Eyes in the Woods was discussed as a positive model for education on spotting illegal activity.
- **Treating motorized and nonmotorized suction dredging equally in rule:** Participants did not see a substantial distinction in these methods that merits separate treatment in rule.

In the following topics, the facilitator heard disagreement among participants. This could represent areas to focus on or opportunities for information-sharing.

- **Fish protection:** It was unclear to some participants that a permit would improve fish and aquatic life protection. Many miners stated that they that they create habitat, can safely co-exist with fish in the pamphlet window, and provide a benefit through trash and toxic metal removal. Other

participants strongly emphasized the negative impact of suction dredging, particularly illegal suction dredging.

- **Critical habitat:** Participants did not agree about the role that the federal critical habitat designation might play in terms of permitting mining.
- **Relative invasive species threat of suction dredging:** Participants did not agree on the risk that suction dredging poses for the spread of invasive species. Some miners conveyed that they inspect their gear quite carefully in order to remove all gold, keep their gear dry for long periods of time, or keep their gear consistently in one watershed, which they believe mitigate the chances of spreading invasive species.
- **Miner concerns:** Most miner participants felt unjustly tarred by the actions of a few bad apples or illegal miners. Miners had concerns that the individual permitting process would open the door to fees and stricter regulations.

Next steps

At one public listening session that happened to have a small turn out, miners and a non-miner were able to have a dialogue that both sides felt was productive. It was clear that information-sharing can be helpful and lead to greater understanding on both sides. WDFW intends to work closely with a workgroup over the next two months in order to dig deeper into the questions that need to be answered in order to respond to the Commission.