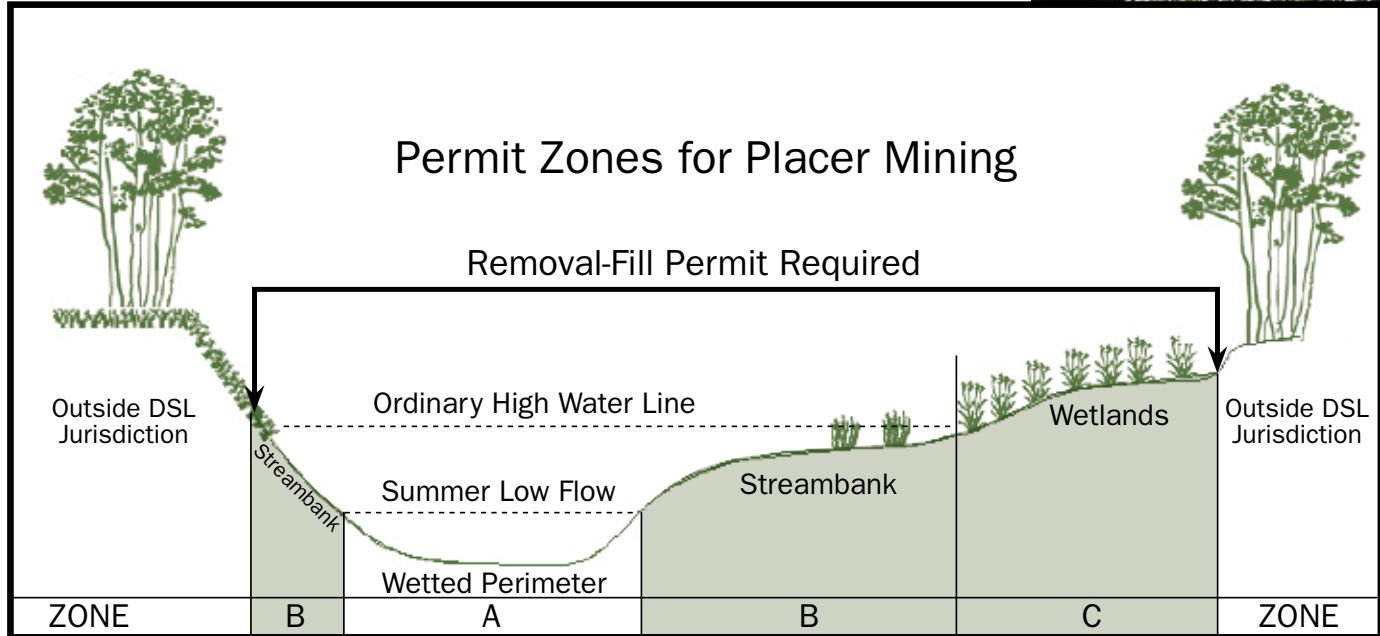


State Regulation of Recreational Placer Mining and Prospecting



The Department of State Lands (DSL) regulates recreational and small-scale placer mining in Oregon waterways.

There are two types of DSL authorizations for recreational placer mining:

- 1) A **General Authorization (GA)** is required for activities involving less than 25 cubic yards of removal and fill annually in **Essential Salmon Habitat (ESH)**.
- 2) An **Individual Removal-Fill Permit (IP)** is required for recreational placer mining in **State Scenic Waterways (SSW)**, and for activities that do not qualify for the recreational placer mining GA or that involve 50 cubic yards or more of removal-fill activity in **non-ESH** waters.

Suction and other methods of dredging are not allowed in SSW. There also are restrictions in ESH waterways. A recreational placer miner must have a valid authorization from the Department of State Lands on-site and available for inspection when engaged in mining.

More detail on restrictions is contained in this fact sheet.



STATE SCENIC WATERWAYS (SSW)

Mining method/equipment used	Zone(s)	In-water Work Period	CY
Suction and other forms of dredging- PROHIBITED in SSW*	NONE	N/A	0
Recreational Placer Mining (motorized)**	A	Applies	<25
Prospecting (Non-motorized) – No prospecting is allowed where fish eggs are present.	A, B, C	N/A	<1 per site; ≤5 per stream

*Due to action by the Oregon Legislature, effective January 1, 2006, DSL is no longer authorized to issue permits for suction or other methods of dredging in SSW.

** Persons engaged in recreational placer mining in SSW (including sluice boxes and other motorized equipment, but not including dredging which is prohibited) must have a valid permit (IP) from DSL to conduct such activities, and must have it available on-site for inspection.

State Scenic Waterway select definitions

- **Dredging** means to dig, gather or pull out with a machine.
- **Prospecting/Recreational Prospecting** means to search or explore for samples of gold, silver or other precious minerals, using non-motorized methods, by filling, removing or moving by artificial means less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single scenic waterway in a single year.
- **Recreational Placer Mining** means to remove, fill or move by artificial means, one cubic yard or more of material at any one individual site and cumulatively, less than 25 cubic yards of material annually from or within the bed of a State Scenic Waterway by methods other than dredging. “Recreational placer mining” does not include dredging, which is no longer authorized in SSW. “Recreational placer mining” also does not include recreational prospecting that does not require a permit.
- **Scenic Waterway** as described in ORS 390.805(3) includes Waldo Lake, or any river segment that has been designated under ORS 390.805 to 390.925 or any subsequent act, and includes related adjacent lands.
- **Wet Perimeter** means the area of the stream that is underwater, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time the activity occurs.



ESSENTIAL SALMONID HABITAT (ESH) STREAMS* – NON SSW

Mining method/equipment used	Zone(s)	In-water Work Period	CY
Suction Dredging	A	Applies	<25**
Recreational Placer Mining (motorized)	A	Applies	<25**
Prospecting (Non-motorized) – No prospecting is allowed where fish eggs are present.	A, B, C	N/A	<1 per site; ≤5 per stream

* Persons engaged in recreational placer mining in ESH must have a ≤4 inch inside diameter nozzle, a valid authorization from DSL to conduct such activities, and must have the authorization available on-site.

**Any motorized equipment or suction dredge >4 inch inside diameter nozzle; moving 25 cubic yards or more; or operating in zones B or C requires an Individual Removal-Fill Permit. The permit must be available on-site for inspection.

Essential Salmonid Habitat select definitions

- **Dredging** means removal of bed material using other than hand held tools.
- **Essential Indigenous Anadromous Salmonid Habitat (ESH)** means the habitat that is designated pursuant to ORS 196.810 and is necessary to prevent the depletion of indigenous anadromous salmonid species during their life history stages of spawning and rearing.
- **Prospecting** means to search or explore for samples of gold, silver or other precious minerals, using non-motorized methods, by filling, removing or moving by artificial means less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single ESH stream in a single year.
- **Recreational Placer Mining** means to remove, fill or move by artificial means, either through motorized or non-motorized methods, less than 25 cubic yards of material annually from or within the bed of a stream designated as ESH.
- **Wet Perimeter**, as used in OAR 141-089-0820 through 0835, means the area of the stream that is under water, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time the activity occurs.



NON-ESH STREAMS

Mining Method/Equipment used	Zone(s)	In-water Work Period	R/F Permit Required?	
Suction Dredging*	A, B, C	Fill: Applies	<50 CY No	≥50 CY Yes
		Removal: Applies	≤50 CY No	>50 CY Yes
Rec. Placer Mining (motorized)*	A, B, C	Applies	No	Yes
Prospecting (Non-motorized) - No prospecting is allowed where fish eggs are present.	A, B, C	N/A	No	Yes

*Dredge/equipment size does not matter; volume of material moved below ordinary high water mark establishes the threshold for permit requirements. Removing and/or filling a combined total of greater than 50 cubic yards below ordinary high water mark requires an IP from DSL.

Citations for specific violations*

Mining Without a Permit

ORS 196.810 Permit required to remove material from bed or banks of waters; status of permit; exceptions; rules.

(1)(a) Except as otherwise specifically permitted under ORS 196.600 to 196.905, a person may not remove any material from the beds or banks of any waters of this state or fill any waters of this state without a permit issued under authority of the Director of the Department of State Lands, or in a manner contrary to the conditions set out in the permit, or in a manner contrary to the conditions set out in an order approving a wetland conservation plan.

(b) Notwithstanding the permit requirements of this section and notwithstanding the provisions of ORS 196.800(3) and (12), if any removal or fill activity is proposed in essential indigenous anadromous salmonid habitat, except for those activities customarily associated with agriculture, a permit is required.

NOTE: The general authorization for recreational placer mining in ESH does not allow for a nozzle inside diameter exceeding 4 inches. Any large equipment found operating in ESH waters must have an IP since it is ineligible for the GA.

Mining Outside the In-Water Work Period

OAR 141-089-0650(7) The authorization holder shall conduct the activity only during the recommended in-water work period identified in the Oregon Department of Fish and Wildlife's "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources", unless after consultation with ODFW, a waiver is granted by the department for a longer or alternative time period.

Recreational Placer Mining in a State Scenic Waterway

ORS 390.835(14) No placer mining shall be permitted within SSW other than recreational placer mining.

OAR 141-100-0055(2) A complete application in accordance with OAR 141-085-0550 and authorization under OAR 141-100-0045 will be required for non-dredge recreational placer mining involving filling, removing or moving by artificial means any amount of material from within the bed or wet perimeter of any single scenic waterway or waters within jurisdictional waters within related adjacent lands.

Suction Dredging in a State Scenic Waterway

Since January 1, 2006 any recreational placer mining dredging permits issued by DSL for that activity on SSW are no longer valid. Furthermore, DSL no longer has authority to issue new dredging permits. After December 31, 2005, there can be no valid DSL permits for recreational placer mining by dredging on scenic waterways.

*Violators may be fined up to \$10,000 per violation per day. Illegal mining activities in waters of the state may also constitute a misdemeanor.



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