

Dear Senator,

We are opposed to SB838 and SB401.

My father and I have worked in the mining industry in Oregon for many years. Our current operation is on public land, near the Burnt River, which is on the DEQ list as a 303(d) stream. The Burnt River is listed for sediment and temperature, mostly because of upstream irrigation. Miners along the river all must protect water quality in their mining plans of operation.

SB838: Placing a moratorium until 2018 or longer on mining operations within 300 feet of anadromous or bull trout streams, or waterways designated by DEQ as 303 (d) does not make sense. We get our process water from off-channel ponds, and the county road runs between our operation and the river. We protect water quality by recycling our water and not discharging, however, we should not be prohibited from mining within 300 feet of the Burnt River,(a stream that has some trout, but no salmon, steelhead or bull trout), since our operation does not impact the river.

The one size fits all 300 foot buffer makes no sense. BLM monitors our operation, and we are required to protect water quality. It is my belief that Oregon's legislators do not understand the revenue produced by Oregon's miners, nor do they understand that placer mining is just a temporary use of the land, that water resources are protected, and once the minerals are extracted, the land is reclaimed back to productive land. No time-out from mining is needed, no more studies are needed. The BLM in Eastern Oregon has conducted countless fish surveys and written Environmental Assessments documenting the effects of mining.

SB401: Prohibiting miners with federal minerals and/or private property owners from mining their minerals within ¼ mile of mineralized streams and rivers targeted for designation under the scenic waters bill, would clearly be a "takings". The state does not own those minerals, the miners own them. Those minerals are private property and the miners' right to extract their minerals is set in statute. In Oregon, on rivers like the North Fork Burnt River and Eagle Creek, the Forest Service has thoroughly studied the effects of each mining operation, and will only approve those operations where mining and reclamation takes place in an environmentally sound manner. All miners post reclamation bonds to ensure that reclamation takes place. By reclaiming areas that were historically mined, the mining operations are not degrading the land, they are enhancing it with their reclamation efforts.

Mining is a statutory right under the 1872 Mining Law, as amended. The minerals are, in the truest sense, private property. The State of Oregon cannot just take those minerals, without compensation. Oregon will be looking at costly litigation if these Senate Bills go forward.

Please add our comments to the record and keep us informed about these bills and what happens to them.

Sincerely,

Craig Monpas
1334 Umatilla st.
Walla Walla, Wa. 99362.
406-579-5291

Chuck Monpas
P.O. Box 1068
Baker City, OR 97814
541-856-3458