

From: Jan Alexander
Sent: Thursday, April 04, 2013 12:08 PM
To: Reiley Beth
Subject: I am opposed to SB838

Dear Ms. Reiley:

I see that SB838 has replaced the previous bill, SB115, **but SB838 is no less onerous in many respects.** The prohibition on mining within 300 feet of anadromous or bull trout streams until 2016 (or longer if extended) affects hundreds of miners in this area, miners who mainly work off-channel. In fact, most claims are no wider than 300 feet on either side of the waterway, so in effect, **SB838 prohibits all mining, and all use of water for processing under State water rights.**

I retired from the Forest Service in 2001, after 22 years as a mining administrator and NEPA writer. I understand mining and the effects of mining. Today, the Forest Service here is writing an Environmental Impact Statement (EIS) to cover about 40 Plans of Operation on the Umatilla and Wallowa-Whitman National Forests in the Granite watershed, which is anadromous. Not only that, but the Forest Service is also writing an EIS for the Upper Powder Plans of Operation where some of the streams have bull trout, and the North Fork John Day watershed, which has salmon, steelhead and bull trout.

Most of these operations work beside the streams and rivers, leaving a protective, no entry buffer along the waterway. The Forest Service conducts analysis to ensure that there is no risk of discharge from settling/recycling ponds or from mining excavations. Buffer widths are completely site specific and are based on many factors, such as whether there are mounds of old tailings that work as a sediment barrier, if the topography grades away from the water way, if the area between the operation and the waterway is vegetated. The Forest Service uses on the ground surveys and BMPs to establish buffer widths. **Never do they advocate a one size fits all buffer of 300 feet, as is found in SB838.**

You may find it interesting that the Forest Service in this part of Oregon is not concerned with suction dredge mining. I provided the analysis of suction dredge mining effects in my earlier comments on SB115. As long as the activity takes place while there are no fish spawning and no eggs are in the gravel, the effects are negligible. Dredge holes are self-reclaiming over the winter. When I worked for the Forest Service, I was part of the consultation team with US Fish and Wildlife Service and National Marine Fisheries. We came up with a set of suction dredge mitigations that were acceptable to both agencies and to the Forest Service and to the miners.

I know suction dredges are noisy. I suspect that personal dislike of this activity has influenced some members of the Environment and Natural Resources committee to try again to prohibit this type of mining; this time through SB838. Oregon's legislators must be able to put personal biases aside. They must be making decisions based on recommendations from the agencies overseeing anadromous fisheries and bull trout. Current science indicates there is no harm, and even some benefit, of suction dredge mining conducted according to the terms of the State 700PM permit.

ODF&W only allows suction dredge mining in anadromous water for a 4 week period, and for bull trout it is a 6 week period. Dredge miners work off and on during the instream period, buy fuel, groceries, dredge parts in Baker and John Day and the surrounding area. Generally, when exploration using a dredge is complete, and gold values are verified, these operators submit Plans of Operation to work off-channel, almost always within 300 feet of the waterway. When the Forest Service completes analysis, and approves a Plan of Operation, you may be certain that there is no chance that water resources or fisheries will be adversely affected.

SB838 is completely off the mark. Off-channel placer mining in our area provides jobs and huge economic benefits to our rural communities. Placer mining is just a temporary use of the land, and complete reclamation of the surface is required following the operation. Many times the land is left in a better condition than it was when the miner began his operation. Implementation of SB838, with all placer mining shut down along adadromous and bull trout streams, will adversely affect hundreds of placer operation, and will adversely affect the men and women in this area who derive all or part of their income from mining. Oregon does not own the minerals underlying Federal lands. Individuals and companies will unite in litigation. The mineral estate is a private property right that the state cannot arbitrarily take away.

SB838 should not be allowed to go forward. The bill involves a takings of the private property rights that mine owners have in the mineral estate. This bill will adversely affect me, my neighbors, my employers, my community and my state. This bill is a job killer; I am asking that the members of the Environment and Natural Resources Committee vote no on this bill. I am also asking that you include my letter in the record for this bill, and that you keep me informed about this bill.

Sincerely,

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