

April 5, 2013

Re: Comments opposing SB401 and to SB838.

Dear Senator Dingfelder,

I have worked in and with the mining industry in Oregon for many years, and was environmental/safety coordinator for the Bonanza Mining Project, which operated in 1992-1998 and was the largest producing gold mine in Oregon. I have worked with Bureau of Land Management and Forest Service, regarding mining issues as a member of the RAC (Resource Advisory Council) and have worked closely with the Department of Environmental Quality, DOGAMI (Dept, Of Geology), and Baker County obtaining Conditional Use Permits for mining. There is oversight by all these agencies. The permits that must be obtained before beginning a mining operation in Oregon can be quite expensive, and reclamation bonds must be posted to ensure reclamation takes place. Given that this is the current situation, it is my belief that Oregon's legislators do not understand the permitting process, the revenue produced by Oregon's miners, nor do they understand that placer mining is just a temporary use of the land, and once the minerals are extracted, the land is reclaimed back to productive land.

SB401: Prohibiting miners with federal minerals and/or private property owners from mining their minerals within ¼ mile of mineralized streams and rivers 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.

SB838: Placing a moratorium until 2016 or longer on mining operations within 300 feet of anadromous or bull trout streams and rivers does not make sense. No time-out from mining is needed, no more studies are needed. At Bonanza, the mining took place in close proximity to a bull trout stream, and not only were there no adverse impacts, but Bonanza received many State awards for excellence in reclamation. If the state wants to know the effects of mining beside these waterways, they need only to contact DOGAMI or the Forest Service office where the mining is taking place. The Forest Service in Eastern Oregon has conducted countless fish surveys and written Environmental Assessments documenting the effects of mining. Since most mining claims extend no more than 300 feet on either side of the waterway, SB838 would result in a complete takings of the private property minerals.

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. I oppose these bills. Under the current state and federal laws is one of the ways out of the current economic crisis.

Thank you for adding my comments to the record of each bill, and keep me informed about these bills and what happens to them.

Respectfully Submitted.

Sincerely,

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