

From: jeff boatwright
Sent: Wednesday, April 17, 2013 10:01 AM
To: Reiley Beth
Subject: Comment of Jeff Boatwright for SB 838

SB 838 is unreasonable material interference with my mining. The Oregon Department of State Lands (DSL) is required by Oregon Revised Statute ORS196.910:

ORS 196.910

(1) Monitor prospecting and placer mining, within designated essential indigenous anadromous salmonid habitat areas to determine the effects of such activities on salmonid spawning and rearing habitat and compile the results in an annual report.

These annual reports submitted by DSL to the legislature have actually stated that there was no significant effect on ESH rearing habitat from prospecting and mining activity, especially when conducted under best management practices that are public information from the agency. It is criminal to use this bill to stop via "moratorium" activity that has been deemed by the State of Oregon to be not significant (where I mine I do not see any other miners for example). There are numerous existing scientific studies and subsequent determinations by US EPA, US Army Corps of Engineers to sustain and substantiate the same reports that DSL has already given the Oregon Legislature (clearly obviating the "feigned" need to "study" further (which would not be possible if the activity is not actually occurring) , This bill is just a guise for criminal acts against me and my property and other owners in mineral estate that rely on them for social and economic reasons, a crime which is clearly a material interference. Especially when multitudes of other activities conducted near or in-stream in Oregon waterways and are similarly situated using mechanical equipment for excavations are NOT prohibited thus violating my constitutional rights for equal protection under law.

The State Legislature should recognize that they have already given the statutory requirement for the State agency of DSL to monitor. If the legislature feels that the monitoring is not appropriate they need to deal with the Governor and administration of the executive agency under this part of Oregon law (ORS 196.910) which is wholly REASONABLE.

Oregon Legislature has already stated as Policy in State Law:

ORS 517.760 Policy. (1) The Legislative Assembly finds and declares that:

(d) It is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials

Similar to Oregon's timber harvest and extraction there are both positive and negative effects to the physical environment from Logging and Mining activity. The watershed that my mineral property is on is deemed by DEQ and by Environmental advocacy groups (and myself) to be "high quality" and at the same time has been mined continuously since 1860 which is a testament to the fact that mining activities and the quality of water and natural beauty are NOT incompatible.

Many mining locations are not places where there is native fish populations which even compounds further the unreasonable nature of the intent of this bill which would deny unreasonably the entire state to prudent mining.

I urge the committee members to not pass this bad bill and to consult with the DSL as to their annual reports regarding ESH.

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