

From: Jan Alexander
Sent: Thursday, April 04, 2013 12:45 PM
To: Reiley Beth
Subject: concerns with SB401

Dear Ms. Reiley:

I retired from the Forest Service in 2001, after 22 years as a mining administrator. I understand mining, protection of the resources during mining, and understand reclamation of mined sites. Today my husband and I operate a small scale placer mine on the North Fork Burnt River, one of the waterways targeted by this bill. I am very concerned that the committee on Environment and Natural Resources does not understand much at all about placer mining, and yet proposes bills such as SB401 to prohibit this activity.

SB401: Our small off-channel mining operation, which takes place within ¼ mile of the North Fork Burnt River, is threatened by this senate bill. The North Fork Burnt River is very scenic, if you like to look at old mining areas, and to look at new, environmentally responsible mining operations. As information, the river was mined historically, from the headwaters downstream to the private land in Whitney. In 1941-1942 and 1945-1946 a bucket line dredge operated above Whitney. Today, the miners along the North Fork Burnt River are re-mining much of this historically mined ground that was never reclaimed. Mining provides an opportunity to not only extract the minerals, but to reclaim the land to a better condition than when these miners began their operations. The North Fork Burnt River does not support salmon, steelhead or bull trout, and during the summer months, the river near our operation, is dry. It seems that the North Fork Burnt River was included in this bill, not because of its pristine scenic nature, but instead because it is gold bearing.

Mining is a statutory right under the 1872 Mining Law, as amended. The miners, such as me, with claims, and private land owners along the river have a private property right in the mineral estate. This is private property, in the truest sense. Prohibiting us from mining our federal minerals would be a takings. Just like SB115 cannot prohibit the placer mining industry in Oregon, SB401 cannot legally prohibit us from extracting our private federal minerals, as long as our operations are conducted in an environmentally sound manner. The State of Oregon cannot just take those minerals, without compensation. Oregon will be looking at costly litigation if this Senate Bill goes forward.

This bill should not be allowed to go forward. 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 keep me informed about this bill and what happens to it.

Sincerely,

Jan Alexander
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