

Revised Testimony Against SB 401 and SB 838

Dear Madam Chair Dingfelder and members of the Committee,

My name is Samuel Seth. I testified against SB 401 and SB 838 on Monday April 15, and have submitted previous written testimony as well. This testimony will add to my previous comments, and explain why the job killing bills SB 401 and SB 838 are unacceptable.

On April 15 much of the testimony we heard in support of SB 401 and SB 838 was centered on that section of the Rogue River between Gold Hill and Grants Pass. Most comments were associated with an increase in river use, and some illegal mining activities on the Rogue and nearby rivers. The solution to these problems is increased enforcement. Placing a moratorium on mining will not persuade these rule breakers to leave the water. A moratorium would simply put hundreds of people out of work, while these rule breakers continue to do what they are doing regardless of the law. We have robust regulation already in place that protects the environment. Those rules need to be enforced.

It is a minority of dredgers breaking the rules that are causing most of the issues that were brought up on April 15. We cannot dismantle the entire small scale mining industry across the state because of a few "bad apples" on the Rogue and other highly popular and visible rivers. Most small scale mining that goes on in the state with intent to turn a profit occurs on private claims, which are real property held by private individuals.

It would be highly ill advised to deny private citizens the right to work their private property, particularly if the reasons for doing so are unfounded and unrelated to the individuals that will be affected. There are thousands of mining claims across the state. If either SB 401 or SB 838 passes, each and every one of those claims is a potential, or more likely probable, taking lawsuit against the state.

If it is the goal of the legislature to gain an understanding of the current scope of small scale mining across the state, there are clear solutions that could accomplish that without raising the state's unemployment rate in the process. Firstly, studies to learn about the process of small scale mining in Oregon, and how many people actually partake in the activity, should be conducted while mining activities are currently underway. There is no way to determine how much mining is going on when nobody can legally mine in the first place! The most meaningful step to remediate problems between miners and other users in heavy use areas like the Rogue is to increase enforcement. Resolving the problems with current rule breakers will do more to remedy the problems that we heard about on April 15 than a moratorium ever could.

Thank You,

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