

# Jefferson Mining District

The Date of May 7, 2013.

## SUMMARY FOR CONTENTS OF PUBLIC COMMENT **OPPOSING** LEGISLATION Senate Environment & Resources Committee – **HB 2841**

**Resolved: Those of the Assembly of Jefferson Mining District vigorously OPPOSE the Bill** for the following substantial Law-based reasons, time prejudicially obstructing a more informed response.

Dear President of the Senate Courtney, Committee Chair Dingfelder, Committee Members:

### Introduction

My name is Ron Gibson. I am duly elected by the Assembly of Jefferson Mining District, to the Office of interim chairman, commenting here in this official capacity. I have 43 years experience in the mineral industry, including engineering, mineral estate possession, mineral extraction, mineral product invention, and research and application of the mining law, including Water Law, more specifically the Water Appropriation Water Doctrine, and of ingress and egress, including highways. Mining districts have governmental power and authority and special expertise privy to the unique subject matter of the mineral estate acknowledged by Congress through prevailing federal legislative enactment. Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving thousands of mineral estate and other Mining Law grantees and directly covering 4 states including state of Oregon entirely. Jefferson Mining District authority extends to any issue adversely affecting miners or mining law related grantees in the cognizance of Jefferson Mining District, such as is being attempted in any of the current proposed legislation adversely affecting the mineral estate or granted water rights.

Being the Mining law potentially affects every citizen, Jefferson Mining District serves and responds on behalf of untold millions of Americans now and into the future.

Thank you for this opportunity to respond to the proposed legislation HB 2841. Being a compilation of foundational legal precedence law principles and notice for purposes of execution of lawful remedies in the very near future should this committee pass any bill purporting to amend the mining law or the rights therefrom, we ask you to give this comment the special consideration it deserves to avoid a disaster were this bill actually becomes law.

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The Bill does not actually promote the right of the mineral entryman to consultation but hinders it to the point it is unrecognizable. The legislation continues an ignorance about the Mining Law that persists in the Government and the miners themselves. The legislation is myopic not considering the required *para materia* interpretation or application of the various mineral estate relevant laws. We would like to remind this committee that Congress occupies the field of the mineral estate and pursuant to the Supremacy Clause, at least, the state of Oregon is duty bound, and limited by, these as well as to the Admission Acts.

The Mining Law, being a property law, ought not be circumscribed nor by state statute challenged without thorough understanding of the subject matter to insure any legislation does not come into conflict with the laws of the United States. The current modification to the existing statute requiring consultation does not lawfully assist an already deficient Oregon Code. In fact, the House bill is an abandonment of the State's duty in favor of adherence to a religious theology, known as Sustainable Development, an overthrow of property rights contrary to law. The House version goes so far as to fraudulently excise prior legislative finding without scientific cause that mining is good for the people of Oregon removing the evidence making this environmental imposition regulation unwarranted, notwithstanding the lack of subject matter authority in the first instance. This is evidence of third party legislative infiltration and tampering on a very serious scale as Jefferson Mining District has identified earlier, reference the Comment to SB 839 and SB 838.

Jefferson Mining District also takes particular note of the Record text of the preface of the bill that it was "agreed to by miners involved". Not all miners were involved. In fact, only a small number were involved, maybe a handful. Maybe less. Jefferson Mining District was not involved. This disclosure that only some miners were in agreement, though just of our awareness, requires the record reflect the withholding of consent upon the Legislation. Jefferson Mining District does not consent to the legislation. The Assembly does not consent to the legislation and each reserves all rights to sue the State or Actors thereby or third parties, whether or not for felony extortion, for their part in any divestment of rights or remedies or protections the legislation causes, not limited to deference to state agency determinations where no expertise is evident or can be shown to be evident, the lack of authority or jurisdiction over the mineral estate notwithstanding.

Please be advised that a few miners can not agree for others not participating and whose consent the law requires to be upon a property by property, or case by case basis. Jefferson Mining District finds it at least ironic that the House would pass a bill requiring consultation of "those subject" yet not consult with all affected to make sure the proposed legislation wouldn't adversely affect any one or run afoul of the laws of the United States. Just because a scant few miners agreed doesn't qualify these requisites.

Moreover, the modification pertains and unlawfully abandons the larger obligations of the

state by altering the code to focus on a matter of special interest and does not continue the currently acknowledged lawful protections owed the property owners by the State or its agencies to avoid unlawful takings or actions taken without consent of those affected generally by due process. The bill evidences an intention to do irreparable harm. The House legislation instead, interferes with these required protections through various scheme and artifice obstruction of meaningless bureaucracy and imposition of environmental controls that are not warranted under the Mining Law. This is the earmark of a corruption and undue influence in the government Identified precisely in the Comment to SB 839. What the House legislation will do is cause lawsuits for takings and aid criminal extortion encouraging State employe and third party influence interference. What was the statutory acknowledgment that the State intended not to unlawfully take or criminally extort has been confiscated under a purported mining law code for the outright theft and interjection of authority that does not and can not exist, as confirmed by the Attorney General's failure to show authority or jurisdiction and evading the duty to show the same through various frauds, reference the public record Reply to the Final Memorandum Pertaining to HR 2248 Responding to the Comment of Jefferson Mining District and the Notice of Proceedings at the Request of the Chairman of the Agriculture and Natural Resources Committee Before the Oregon Water Resources Department with the Attorney General.

Critically, the Department of Environmental Quality did not consult with all miners nor, more importantly, did it Coordinate its actions with Jefferson Mining District as the law requires to have any authority to enter into an agreement or certify to the same. And this highlights yet another in the ongoing fundamental failures of the State. It also highlights the need for the existing statute, ORS 517.125, admitting that absent such legislation the State is willing to deny to property owners the acknowledgment of the right to be informed or provide consent by due process before private property is or can be affected and to reduce to a substantial degree the potential of the State committing unlawful takings.

The current statute from which the House proposal appears to attempt to “correct” is more in compliance with the Mining Law than what is currently proposed or as was just passed by the House. This highlights, again, the fundamental ignorance of those in the State and admittedly of some miners as to the *para materia* interpretation and fiduciary application of the mining law.

The Bill evidences lack of apprehension of the Mining Law, and therefore a great potential for harm, where it continues the wrongful use of classifications of the mineral entryman. It makes classifications not recognized in the Mining Law. This is a serious oversight not corrected in the Bill passed by the House or as proposed to the House. This further evidences a lack of competence to make legislation regarding the subject matter of the mineral estate, the special expertise of Jefferson Mining District.

Altering the Code to read as proposed will also adversely affect the mineral entryman in remedies for which they require notice and leaving them vulnerable. The altering of the mandatory consultation, more specifically the notice for consultation provided by the current though deficient statute across the entire government, would materially impair a mineral entryman's remedies, due process, the receiving of notice, and diminishing his property.

The proposed fourth amendment to the bill passed by the House offered to the Senate is completely inconsistent with the Mining Law and appears to be proposed either with a complete ignorance of the laws regarding the mineral estate, or offered by unentitled third party special interest that knows very well how to wrongly interfere with the rights of property holding producers. Jefferson Mining District will be interested to see whether this committee continues to aid and abet Third Party Special Interest interference, which Jefferson Mining District has given notice in prior Comment is a felony under Oregon statute, ORS 164.075. In any regard, the codified protections in the existing statute by the proposed legislation will in no way change the duty owed to mineral or other property owners. All this obfuscation will do is show the State intends to harm property owners covertly and it will extend to Jefferson Mining District the burden to inform people of the rights so obscured and their remedies against wrongly acting State actors, whether for unlawful takings, or for criminal extortion under color of authority.

This matter might be salvaged and brought more consistent with the Mining Law than was advanced by a few miners for a special purpose, or as manipulated by an unknown adverse influence, or as passed by the House by a better resolution which Jefferson Mining District offers to rescue the condition, even as to the deficient existing statute. The current deficient though partially mining law compliant statute states:

**517.125 Rules to be adopted in consultation with affected parties.** Any rule pertaining to recreational or small scale mining adopted after June 28, 1999, shall be adopted in consultation with affected parties. [1999 c.354 §3]

Though Jefferson Mining District has not had time to fully analyze for complete consistency with mining law obligations to keep this statute in compliance, instead of the legislation passed by the House, and the amendments proposed since to the Senate, the statute, if it is to be amended, if not held up in committee for the reasons already stated, were the State to show good faith intention to bring its laws more consistent with the Mining Law, ought be modified to read:

**517.125 Actions in consultation with affected parties.** Any rule, Order, or Action pertaining to a mineral entryman adopted after June 28, 1999, shall be adopted after meaningful consultation with the affected party. The penalty for harm caused by any Action shall be, but not limited to or adversely affect in any way other remedies, ORS 164.075 and 517.128.

This resolution conceivably would eliminate a whole host of ills which have afflicted the miners or property owners. This resolution would include all of the intention of the legislation passed in the House without the diminishment to the remedies or property rights of those either subject or adversely affected or the wrongful expansion of bureaucracy. Such an amendment would return the burden to where it belongs, and return some due process and peace to those property owners and producers suffering under the current dishonor and disrespect of the law by the State.

This Resolution does not make the error ignorance of the Mining Law allows where causing classification where none exists in under the Mining Law. In this regard too, the Resolution does not arbitrarily assign class, or cause discrimination, or mistreat any mineral entryman.

This Resolution does not limit or interfere with the rights of mineral entrymen, neither does it impose any burden on the state or third parties not already due to all property owners. The term Actions in the Jefferson Mining District Resolution would extend to any State activity which will have the added benefit and ought to deter other than the most egregious intention to undermine the mineral entryman or property owners.

While Jefferson Mining District agrees the Oregon mining law is deficient in many regards, even as to the underlying statute the legislation purports to mend, the legislation is inconsistent with the Mining Law. We do know this legislation, though passed by the House, is not the way to go about fixing the problems experienced by a mineral entryman or private property possessors.

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### **Oppose the proposed legislation.**

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[dritecrg@hotmail.com](mailto:dritecrg@hotmail.com) 541 621-5548.

To: President of the Senate: Senator Peter Courtney,                      Email: sen.petercourtney@state.or.us

cc: Committee Members

Senator Jackie Dingfelder,	Email: Sen.JackieDingfelder@state.or.us
Senator Alan Olsen,	Email: Sen.AlanOlsen@state.or.us
Senator Alan Bates,	Email: Sen.AlanBates@state.or.us
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cc: Committee Members

Senator Jackie Dingfelder,	Email: Sen.JackieDingfelder@state.or.us
Senator Alan Olsen,	Email: Sen.AlanOlsen@state.or.us
Senator Alan Bates,	Email: Sen.AlanBates@state.or.us
Senator Bill Hansell,	Email: Sen.BillHansell@state.or.us
Senator Mark Hass,	Email: Sen.MarkHass@state.or.us

Staff:	Beth.Reiley@state.or.us, jennifer.lutman@state.or.us,
Exhibit Liaison:	Rep.CliffBentz@state.or.us

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Staff:	Beth.Reiley@state.or.us, jennifer.lutman@state.or.us,
Exhibit Liaison:	Rep.CliffBentz@state.or.us

# Jefferson Mining District

The Date of May 7, 2013.

## SUMMARY FOR CONTENTS OF PUBLIC COMMENT **OPPOSING** LEGISLATION Senate Environment & Resources Committee – **HB 2841**

**Resolved: Those of the Assembly of Jefferson Mining District vigorously OPPOSE the Bill** for the following substantial Law-based reasons, time prejudicially obstructing a more informed response.

Dear President of the Senate Courtney, Committee Chair Dingfelder, Committee Members:

### Introduction

My name is Ron Gibson. I am duly elected by the Assembly of Jefferson Mining District, to the Office of interim chairman, commenting here in this official capacity. I have 43 years experience in the mineral industry, including engineering, mineral estate possession, mineral extraction, mineral product invention, and research and application of the mining law, including Water Law, more specifically the Water Appropriation Water Doctrine, and of ingress and egress, including highways. Mining districts have governmental power and authority and special expertise privy to the unique subject matter of the mineral estate acknowledged by Congress through prevailing federal legislative enactment. Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving thousands of mineral estate and other Mining Law grantees and directly covering 4 states including state of Oregon entirely. Jefferson Mining District authority extends to any issue adversely affecting miners or mining law related grantees in the cognizance of Jefferson Mining District, such as is being attempted in any of the current proposed legislation adversely affecting the mineral estate or granted water rights.

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The Bill does not actually promote the right of the mineral entryman to consultation but hinders it to the point it is unrecognizable. The legislation continues an ignorance about the Mining Law that persists in the Government and the miners themselves. The legislation is myopic not considering the required *para materia* interpretation or application of the various mineral estate relevant laws. We would like to remind this committee that Congress occupies the field of the mineral estate and pursuant to the Supremacy Clause, at least, the state of Oregon is duty bound, and limited by, these as well as to the Admission Acts.

The Mining Law, being a property law, ought not be circumscribed nor by state statute challenged without thorough understanding of the subject matter to insure any legislation does not come into conflict with the laws of the United States. The current modification to the existing statute requiring consultation does not lawfully assist an already deficient Oregon Code. In fact, the House bill is an abandonment of the State's duty in favor of adherence to a religious theology, known as Sustainable Development, an overthrow of property rights contrary to law. The House version goes so far as to fraudulently excise prior legislative finding without scientific cause that mining is good for the people of Oregon removing the evidence making this environmental imposition regulation unwarranted, notwithstanding the lack of subject matter authority in the first instance. This is evidence of third party legislative infiltration and tampering on a very serious scale as Jefferson Mining District has identified earlier, reference the Comment to SB 839 and SB 838.

Jefferson Mining District also takes particular note of the Record text of the preface of the bill that it was "agreed to by miners involved". Not all miners were involved. In fact, only a small number were involved, maybe a handful. Maybe less. Jefferson Mining District was not involved. This disclosure that only some miners were in agreement, though just of our awareness, requires the record reflect the withholding of consent upon the Legislation. Jefferson Mining District does not consent to the legislation. The Assembly does not consent to the legislation and each reserves all rights to sue the State or Actors thereby or third parties, whether or not for felony extortion, for their part in any divestment of rights or remedies or protections the legislation causes, not limited to deference to state agency determinations where no expertise is evident or can be shown to be evident, the lack of authority or jurisdiction over the mineral estate notwithstanding.

Please be advised that a few miners can not agree for others not participating and whose consent the law requires to be upon a property by property, or case by case basis. Jefferson Mining District finds it at least ironic that the House would pass a bill requiring consultation of "those subject" yet not consult with all affected to make sure the proposed legislation wouldn't adversely affect any one or run afoul of the laws of the United States. Just because a scant few miners agreed doesn't qualify these requisites.

Moreover, the modification pertains and unlawfully abandons the larger obligations of the

state by altering the code to focus on a matter of special interest and does not continue the currently acknowledged lawful protections owed the property owners by the State or its agencies to avoid unlawful takings or actions taken without consent of those affected generally by due process. The bill evidences an intention to do irreparable harm. The House legislation instead, interferes with these required protections through various scheme and artifice obstruction of meaningless bureaucracy and imposition of environmental controls that are not warranted under the Mining Law. This is the earmark of a corruption and undue influence in the government Identified precisely in the Comment to SB 839. What the House legislation will do is cause lawsuits for takings and aid criminal extortion encouraging State employe and third party influence interference. What was the statutory acknowledgment that the State intended not to unlawfully take or criminally extort has been confiscated under a purported mining law code for the outright theft and interjection of authority that does not and can not exist, as confirmed by the Attorney General's failure to show authority or jurisdiction and evading the duty to show the same through various frauds, reference the public record Reply to the Final Memorandum Pertaining to HR 2248 Responding to the Comment of Jefferson Mining District and the Notice of Proceedings at the Request of the Chairman of the Agriculture and Natural Resources Committee Before the Oregon Water Resources Department with the Attorney General.

Critically, the Department of Environmental Quality did not consult with all miners nor, more importantly, did it Coordinate its actions with Jefferson Mining District as the law requires to have any authority to enter into an agreement or certify to the same. And this highlights yet another in the ongoing fundamental failures of the State. It also highlights the need for the existing statute, ORS 517.125, admitting that absent such legislation the State is willing to deny to property owners the acknowledgment of the right to be informed or provide consent by due process before private property is or can be affected and to reduce to a substantial degree the potential of the State committing unlawful takings.

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# Jefferson Mining District

The Date of May 7, 2013.

## SUMMARY FOR CONTENTS OF PUBLIC COMMENT **OPPOSING** LEGISLATION Senate Environment & Resources Committee – **HB 2841**

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# Jefferson Mining District

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This Resolution does not make the error ignorance of the Mining Law allows where causing classification where none exists in under the Mining Law. In this regard too, the Resolution does not arbitrarily assign class, or cause discrimination, or mistreat any mineral entryman.

This Resolution does not limit or interfere with the rights of mineral entrymen, neither does it impose any burden on the state or third parties not already due to all property owners. The term Actions in the Jefferson Mining District Resolution would extend to any State activity which will have the added benefit and ought to deter other than the most egregious intention to undermine the mineral entryman or property owners.

While Jefferson Mining District agrees the Oregon mining law is deficient in many regards, even as to the underlying statute the legislation purports to mend, the legislation is inconsistent with the Mining Law. We do know this legislation, though passed by the House, is not the way to go about fixing the problems experienced by a mineral entryman or private property possessors.

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### **Oppose the proposed legislation.**

I and the Assembly of Jefferson Mining District are available to answer your questions or to assist the State to bring its mining law more consistent with Congressional mandates for the mineral estate.

Thank you for your considered lawful action opposing this Bill.

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To: President of the Senate: Senator Peter Courtney,                      Email: sen.petercourtney@state.or.us

cc: Committee Members

Senator Jackie Dingfelder,	Email: Sen.JackieDingfelder@state.or.us
Senator Alan Olsen,	Email: Sen.AlanOlsen@state.or.us
Senator Alan Bates,	Email: Sen.AlanBates@state.or.us
Senator Bill Hansell,	Email: Sen.BillHansell@state.or.us
Senator Mark Hass,	Email: Sen.MarkHass@state.or.us

Staff:	Beth.Reiley@state.or.us, jennifer.lutman@state.or.us,
Exhibit Liaison:	Rep.CliffBentz@state.or.us

# Jefferson Mining District

The Date of May 7, 2013.

## SUMMARY FOR CONTENTS OF PUBLIC COMMENT **OPPOSING** LEGISLATION Senate Environment & Resources Committee – **HB 2841**

**Resolved: Those of the Assembly of Jefferson Mining District vigorously OPPOSE the Bill** for the following substantial Law-based reasons, time prejudicially obstructing a more informed response.

Dear President of the Senate Courtney, Committee Chair Dingfelder, Committee Members:

### Introduction

My name is Ron Gibson. I am duly elected by the Assembly of Jefferson Mining District, to the Office of interim chairman, commenting here in this official capacity. I have 43 years experience in the mineral industry, including engineering, mineral estate possession, mineral extraction, mineral product invention, and research and application of the mining law, including Water Law, more specifically the Water Appropriation Water Doctrine, and of ingress and egress, including highways. Mining districts have governmental power and authority and special expertise privy to the unique subject matter of the mineral estate acknowledged by Congress through prevailing federal legislative enactment. Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving thousands of mineral estate and other Mining Law grantees and directly covering 4 states including state of Oregon entirely. Jefferson Mining District authority extends to any issue adversely affecting miners or mining law related grantees in the cognizance of Jefferson Mining District, such as is being attempted in any of the current proposed legislation adversely affecting the mineral estate or granted water rights.

Being the Mining law potentially affects every citizen, Jefferson Mining District serves and responds on behalf of untold millions of Americans now and into the future.

Thank you for this opportunity to respond to the proposed legislation HB 2841. Being a compilation of foundational legal precedence law principles and notice for purposes of execution of lawful remedies in the very near future should this committee pass any bill purporting to amend the mining law or the rights therefrom, we ask you to give this comment the special consideration it deserves to avoid a disaster were this bill actually becomes law.

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To: President of the Senate: Senator Peter Courtney,                      Email: sen.petercourtney@state.or.us

cc: Committee Members

Senator Jackie Dingfelder,	Email: Sen.JackieDingfelder@state.or.us
Senator Alan Olsen,	Email: Sen.AlanOlsen@state.or.us
Senator Alan Bates,	Email: Sen.AlanBates@state.or.us
Senator Bill Hansell,	Email: Sen.BillHansell@state.or.us
Senator Mark Hass,	Email: Sen.MarkHass@state.or.us

Staff:	Beth.Reiley@state.or.us, jennifer.lutman@state.or.us,
Exhibit Liaison:	Rep.CliffBentz@state.or.us

# Jefferson Mining District

The Date of May 7, 2013.

## SUMMARY FOR CONTENTS OF PUBLIC COMMENT **OPPOSING** LEGISLATION Senate Environment & Resources Committee – **HB 2841**

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This resolution conceivably would eliminate a whole host of ills which have afflicted the miners or property owners. This resolution would include all of the intention of the legislation passed in the House without the diminishment to the remedies or property rights of those either subject or adversely affected or the wrongful expansion of bureaucracy. Such an amendment would return the burden to where it belongs, and return some due process and peace to those property owners and producers suffering under the current dishonor and disrespect of the law by the State.

This Resolution does not make the error ignorance of the Mining Law allows where causing classification where none exists in under the Mining Law. In this regard too, the Resolution does not arbitrarily assign class, or cause discrimination, or mistreat any mineral entryman.

This Resolution does not limit or interfere with the rights of mineral entrymen, neither does it impose any burden on the state or third parties not already due to all property owners. The term Actions in the Jefferson Mining District Resolution would extend to any State activity which will have the added benefit and ought to deter other than the most egregious intention to undermine the mineral entryman or property owners.

While Jefferson Mining District agrees the Oregon mining law is deficient in many regards, even as to the underlying statute the legislation purports to mend, the legislation is inconsistent with the Mining Law. We do know this legislation, though passed by the House, is not the way to go about fixing the problems experienced by a mineral entryman or private property possessors.

Because the proposed legislation is inconsistent with the Mining Law, deficient, insufficient, and convoluting of the total subject matter that must be covered, those of the Assembly of Jefferson Mining District OPPOSE the legislation as passed by the House or as it appears it may be amendment to the Senate. The legislation started off on the wrong foot never regaining lawful traction. The better resolve would have been to have the State agencies acting consistent with the law in the first instance instead of evading it as is record evidence of the Attorney General committing frauds to cover for a lack of State authority or jurisdiction over the mineral estate, whether granted into private possession or by private contract to common mineral materials producers.

### **Oppose the proposed legislation.**

I and the Assembly of Jefferson Mining District are available to answer your questions or to assist the State to bring its mining law more consistent with Congressional mandates for the mineral estate.

Thank you for your considered lawful action opposing this Bill.

Ron Gibson.  
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