

**From:** [Sen Findley](#)  
**To:** [JWMNR Exhibits](#)  
**Subject:** FW: SB1579-Joint Committee on Ways and Means Subcommittee in Natural Resources  
**Date:** Tuesday, February 18, 2020 2:45:21 PM

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Good Afternoon,

The email below is testimony from one of my constituents from Baker City who would like to have their message submitted onto the public record for SB 1579. Please contact my staff if you have any further questions.

Regards,

Lynn P. Findley  
Senate Senator | District 30  
Oregon State Capitol S-403  
(503) 986-1730  
[Sen.LynnFindley@Oregonlegislature.gov](mailto:Sen.LynnFindley@Oregonlegislature.gov)

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**From:** Jan Alexander <alx@ortelco.net>  
**Sent:** Tuesday, February 18, 2020 11:05 AM  
**To:** Sen Findley <Sen.LynnFindley@oregonlegislature.gov>  
**Subject:** SB1579-Joint Committee on Ways and Means Subcommittee in Natural Resources

Dear Rep Finley-I sent the following to the committee members. I am hoping DOGAMI will get involved because they don't have the personnel nor the desire to administer small scale mining operations. Baker County will also send a response. I hope someone in Salem will listen.  
Jan Alexander  
541-446-3413

Dear Senators and Representatives: February 18, 2020  
**SB1579** is on the agenda for February 19, 2020, in the Joint Ways & Means Committee. An amendment is needed to clarify when an Exclusion Certificate (EC) is needed from DOGAMI for precious minerals miners.  
Right now, the law states that an exclusion certificate is needed for operations that result in *“the extraction of 5,000 cubic yards or less of material or affects less than one acre of land”*. This portion of the law was meant for gravel operations that were approaching 5,000 yards annually, but the operators said they were just mining under that amount. Since all gravel mining is done in volume, no lower limit for applying for an EC seemed necessary.  
Unfortunately, small scale precious minerals miners got caught in this omission of a lower limit in the law. Technically, every gold miner who takes a shovel full of gravel to put in the sluice box is in violation if he does not have a EC.  
Federal law requires that these miners conduct assessment work annually. BLM terms these weekend pick and shovel operators *“casual use”*, Forest Service states they do not create a *“significant surface disturbance”*.  
Small-scale mining operators on Federal lands using mechanized equipment are all under Notices or Plans of Operation, all are administered by Federal agencies, and reclamation bonds are in place. All

small-scale miners, whether on private or federal land, must adhere to the general DEQ Water Pollution Facility Permit (WPCF) cap of 1,500 cubic yards/year.

DOGAMI does not have the personnel to administer these very small-scale operations, and certainly DOGAMI does not want to try to administer pick and shovel operations. I suggest a lower limit of 1,500 cubic yards/year be added to the law, to be consistent with DEQ's WPCF 600 permit cap of 1,500 cubic yards/year.

SECTION 1. ORS 517.753 is amended to read:

**517.753. (1) Notwithstanding the yard and acre limitations of ORS 517.750 (16), a person [must] shall**

**obtain an exclusion certificate from the State Department of Geology and Mineral Industries**

[to engage in surface mining that results in the extraction of 5,000 cubic yards or less of minerals or affects less than one acre of land within a period of 12 consecutive calendar months.]

**for each surface mining operation that, within a 12-month period, results in the extraction of between 1,500 and 5,000 cubic yards of minerals.**

**(2) Mining conducted under a valid exclusion certificate may expand the affected area by not more than one acre of land within any 12-month period unless the total acreage of surface disturbance by the mining operation exceeds five acres.**

The addition to ORS 517.753 of a lower limit of 1,500 cubic yards/year before needing to apply for an EC, clarifies the law. When an EC is needed from DOGAMI, a different WPCF permit will be needed from DEQ.

Sincerely,

Jan Alexander-*Jan Alexander Mine Permitting, LLC* and EOMA Minerals Policy Director  
541-446-3413

Sent from [Mail](#) for Windows 10