

Dear Senator,

Please vote no on **Senate Bill 765**

• Oregon's Senate Bill 765 would **Create offenses of practicing small scale mining without license. Punishes by maximum of 30 days imprisonment, \$1,250 fine or both. Criminalizes an activity deemed by the State of Oregon to be an important part of our heritage and economy. Criminalizes an activity that Congress granted as a right of all U.S. Citizens. Directs counties to establish process for issuing recreational dredge mining licenses. Imposes licensing fee of \$50 for residents and \$2,500 for nonresidents. Exempts persons who hold recreational dredge mining license from fill and removal program.**

Declares emergency, effective on passage

- Would place an undue cost burden on the county governments which are already looking at yearly deficits in their budgets. The county government would have to come up with a funding plan on collecting and paying for the this licensing program personal to run this program. All of the monies from this license program are reserved for the purpose of funding law enforcement.
- Creates a liability for law enforcement officers who have not been educated on mining or the Mining Laws of the United States.
- Will violate the private property rights of Oregonians and non-Oregonians who own locatable mineral deposits in the State of Oregon, and will result in a very significant takings liability against the State of Oregon.
- Conflicts with the Oregon State Constitution, which recognizes the rights of private property.
- Violates the Mining Laws of the United States, which states that "the mineral lands of the public domain ... are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens ... subject to the local custom or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States." Creates a liability for the State of Oregon for violating a trust created by the United States.
- The State of Oregon does not own the beds and banks of all streams in Oregon and many streams and rivers are subject to the rights of private property owners with mineral rights and on the public domain. The paramount title to the beds and banks are held in trust by the United States until appropriated, not by the State of Oregon.
- The State of Oregon does not hold legal title to the locatable mineral deposits found within the Public Lands or the Public Domain.
- The Mining Laws of the United States insist that mining is the highest and best use of Public Lands and Public Domain which are mineral in character.

- The average independent miner spends an estimated \$3,000 or more per month when mining. Much of this money is spent in local, rural economies like Jackson, Josephine, Douglas, Baker, and Grant Counties where mining is not only popular, but an important part of the local heritage. The revenues generated from expenditures such as fuel, groceries, camping, and mining supplies, means that rural counties and the State of Oregon benefit as well.
- Suction Mining has not caused the decline of the salmon population along the Oregon Coastal and inland water ways. None of the reports on the decline of the salmon population issued blame mining.
- 1999 EPA Study found that suction mining had positive impacts, creating additional salmon spawning habitat by loosening cemented river gravels. Prior studies fail to demonstrate any link between local salmon populations and suction mining.