

**Tom Quintal native citizen of 72 years and a resident of Salem.** I have been a placer miner for over 30 years. I am director of Government Affairs for Willamette Valley Miners and an associate representative for 5,000 Oregon mining associations. I am not a professional lobbyist.

**ECONOMIC:** Combined with Oregon and out of state miners we provide over 10 million dollars annually to Oregon's economy. Some Examples are RV parks, Motels, gas, food, manufacture of mining equipment. **ENVIRONMENTAL:** PLACER MINERS ARE USING THE MOST EFFICIENT EQUIPMENT AVAILABLE TO RECOVER VALUABLE MINERALS FROM OREGON STREAMS. WE RECOVER MANY POUNDS OF FISHERMENS LEAD WEHGHTS AND SOME NATURAL MECURY AND SOME LEFT FROM OLD MINING OPERATIONS. **SOCIAL: IMPACTS** INCLUDE HELPING TO EDUCATE NEW MINERS TO USE BEST MANAGEMENT PRACTICES WHEN PLACER MINING IN OREGON WATERS. **THE HOUSE AGRICULTURE AND AGRICULTURE NATURAL RESOURCES COMMITTEE** COULD HELP OREGON MINERS REDUCE THE EXTREME OVERLY RESTRICTIVE PERMIT RESTRICTIONS ODEQ AND OTHER STATE AGENCIES REQUIRE OF PLACER MINERS TO RECOVER VALUABLE MINERALS THAT CONTRIBUTES TO OREGON'S ECONOMY.

**OUR TOP LEGISLATIVE GOALS:** FOR 2013 IS TO REQUEST LEGISLATORS NOT TO PASS SOME OF THE MANY ANTI MINING BILLS THAT ARE BEING INTRODUCED TO DATE INCLUDING SB 115, SB401 AND SB370 TO NAME A FEW.

I HAVE SUBMITTED SOME INFORMATION FOR THE MOST RESTRICTIVE ANTI MINING BILLS. SB401 WILL INVOLVE EXPENSIVE LITIGATION FOR A VERY LARGE "TAKINGS" LAW SUIT AGAINST OREGON OF MINERAL PROPERTY OWNERS FOR THE PROPOSED ADDITION OF 23 NEW OREGON SCENIC WATERS ON SOME OF THE MOST VALUABLE MINERAL STEAMS IN OREGON.

*Tom Quintal*  
12/18 504/401 OK  
5 a/cu, OK 972/17

*Tom Quintal*

*For Public Record*

PLEASE MAKE PART OF PUBLIC RECORD.

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**SB 115** IS WILL ELIMINATE MOTORIZED MINING OPERATIONS WITH THE POSSIBLE EXCEPTION OF 4 INCH NOZZLES TO BE USED FOR PLACER MINING. VERY ANTI MINING FOR OREGON.

**SB 370** TRIES TO DEFINE ANYTHING OVER 4 INCH NOZZLES AS A COMMERICAL OPERATION REQUIRING ANNUAL \$125.00 PERMITS. ALL PROSPECTING FOR MINERALS IS CONSIDERED COMMERCIAL AND PROTECTED WITH 1872 MINING LAWS INCLUDING GOLD PANING. ALL FEDERAL CLAIM OWNERS MUST MAINTAIN A PRODUCTIVE MINERAL RECOVERY USING BLM'S PRUDANT MAN RULE TO HAVE A VALID MINING CLAIM. RECRATIONAL MINERS HAVE NO 1872 MINING LAW PROTECTION AND RECREATIONAL MINERS HAVE LIMITED RIGHTS LIKE A HUNTING LICENSE OR DRIVERS LICENSE FROM THE STATE.

**SB370** IF PASSED IS VAGUE AND MEANS YOU NEED TO PASS THE BILL TO SEE WHAT IS IN IT. THIS ALLOWS UNELECTED BUREAUCRATS TO MAKE UP THE REGULATIONS WITHOUT KNOWING WHAT RESTRICTIVE REGULATIONS ARE BEING PLANNED AND DOES NOT ALLOW CITIZENS TO TESTIFY IN LEGISLATIVE COMMITTEES FOR DSL'S PROPOSED REGULATIONS.

Tom Quintal

1718 Sonya Dr. SE

Salem, OR. 97317





Waldo Mining District  
P.O. Box 1574  
Cave Junction, OR 97523

February 5, 2013

## RE: LEGAL ISSUES CONCERNING SB 401

Dear Senator;

As the duly elected President of Oregon's oldest Mining District, I am writing today to request that you do everything in your power to stop, kill, squash and to VOTE NO on SB 401; for the following reasons:

- As drafted, SB 401 would designate hundreds if not thousands of miles of Oregon streams as Scenic Waters under the State Scenic Waters Act (SWA), including a 1/4 mile wide corridor on either side of any such waters.
- The 1994 Attorney General ruling (Number 8282) found that the SWA was a "*complete ban on all placer mining*" and there were "*no exceptions*".
- The Oregon State Scenic Waterway Act prohibits mining on federal lands open to mining if those lands are designated as a State Scenic Waterway. As the right to mine these lands are a congressionally granted "*exclusive right*" (to property) then any prohibition on mining on these lands is a taking without just compensation and is in direct violation of the U.S. Constitution, the Oregon Constitution, and other laws.
- The SWA violates ORS 541.110 and the General Act of 1899 (H.B. 362):

*Be it enacted by the legislative assembly of the state of Oregon:*

Section 1. **That the use of the water** of the lakes and running streams of the state of Oregon **for the purpose of developing the mineral resources** of the state... **is declared to be a public and beneficial use and a public necessity**, and the right to divert unappropriated waters of any such lakes or streams for **such public and beneficial use is hereby granted**.

Section 2. All persons... having title or possessory right to any mineral or other land, **shall be entitled to the use and enjoyment of the water...** within the state for mining and other purposes in the development of the mineral resources of the state...; and such waters may be made available to the full extent of the capacity thereof **without regard to deterioration in quality or diminution in quantity**, so that such use of the same does not materially affect or impair the rights of prior appropriations. (Emphasis added)

The Waldo Mining District is not saying that the state has no authority to regulate locatable mineral mining on federal lands open to the U.S. Mining Laws. However, any regulation or restriction placed on such mining (which is being performed as a "non-discretionary statutory right" and not as a mere "privilege") must be regulatory in nature, and not "prohibitive"; and based on sound proven scientific data with evidence of an actual harm (as opposed to the mere potential for harm) promulgated through the normal public rule-making process.

Oregon's SWA is already flawed in that it prohibits the issuance of required permits for mining. SB 401 would in effect wrongfully criminalize mining on thousands of federally recognized mining claims; leaving Oregon open to potentially thousands of lawsuits for an unjust taking of property.

For these and other reasons, please vote NO on SB 401.

Sincerely;

Tom Kitchar  
President, Waldo Mining District  
[mythicalmining@cavenet.com](mailto:mythicalmining@cavenet.com)

*Please retain this letter in the record for SB 401*



# EOMA

Eastern Oregon Mining Association, Inc.  
(a nonprofit corporation)

P.O. Box 932 541-523-3285  
Fax 541-523-4385  
Baker City, Oregon 97814

## Oppose SB370 DSL Permit

Dear Senator Hass,

The Eastern Oregon Mining Association (EOMA) is very concerned about Senate Bill 370. It is difficult to tell what impact on mining this bill will have. The conditions to be mandated are yet to be determined, and are arbitrarily left up to the director of DSL. The Forest Service, BLM, DOGAMI, DEQ, DSL, and the Counties already require permits and have regulations and laws governing the mining industry. It is unreasonable to add another set of regulations and permits to an industry that is already heavily regulated.

The revenue generated by this bill would not help the common school fund, but would barely cover the costs of state employees hired to administer the new permit. The State should be considering consolidating the mining regulations under one agency such as DOGAMI. This would result in saving the state money, and make permitting and administration of the mining industry much more efficient, and less confusing. We need to be thinking of ways to get people back to work, and not putting more obstacles in the path of the mining industry.

Please oppose SB 370. It will just add more burdens, and further restrict an industry that is already heavily regulated and restricted. This bill will not solve any problems, but is likely to create more complications.

If SB370 is scheduled for hearings in any committees, please add this letter as part of the record. Thank you.

Sincerely,

Ken Alexander, President  
Eastern Oregon Mining Association  
P.O. Box 932  
Baker City, OR 97814



# EOMA

Eastern Oregon Mining Association, Inc.  
(a nonprofit corporation)

P.O. Box 932 541-523-3265  
Fax 541-523-4365  
Baker City, Oregon 97814

## OPPOSED TO SENATE BILL 115

Dear Senator Hansell,

The Eastern Oregon Mining Association (EOMA) is extremely concerned about SB115. This bill will have an impact on miners throughout Oregon. In these tough economic times, it is hard to understand why the Legislature would propose to shut down an industry that is providing a boost to Oregon's economy.

Mining in Oregon is already regulated to the point that it is very difficult and time-consuming to get a mining project approved. Miners are required to design their mining operations to minimize effects to the environment. The Forest Service, BLM, DOGAMI, DEQ, DSL, and the Counties already have extensive regulations and laws that prevent unnecessary environmental harm.

Environmental elitists frequently make outrageous claims of damage to the environment without any factual information to back up their claims. Or even worse, they will hide, ignore, and discredit studies that prove that the destruction they claim is non-existent. Please don't be misled by radical organizations that have an agenda that is not really about protecting the environment.

Our organization and our members try very hard to co-operate with the many agencies that regulate mining. We work with several State and other agencies to try and keep the permitting process reasonable. Our goal is to efficiently extract valuable minerals while keeping environmental effects to a minimum. Radical legislation such as SB115 does a lot of harm by polarizing and obstructing the process of working together to create a reasonable system of regulations.

We strongly urge you to vote NO on SB115. Please add this letter as part of the record on SB115. Thank you.

Sincerely,

Ken Alexander, President  
Eastern Oregon Mining Association  
P.O. Box 932  
Baker City, OR 97814