

Jefferson Mining District



The Date of May 18, 2016.

Certified Mail # 7012 3460 0000 3458 6252 Return Receipt.

Sabrina Foward, Rules Coordinator
Div. 89 Rulemaking
Department of State Lands
775 Summer Street N.E., Ste. 100
Salem, Oregon. 97301-1279.

RE: Coordination Notice and of Crimes; Dept. of State Lands Rulemaking Notice OAR 141-089.

DIV 89 GENERAL AUTHORIZATION FOR RECREATIONAL PLACER MINING WITHIN ESSENTIAL INDIGENOUS HABITAT THAT IS NOT DESIGNATED STATE SCENIC WATERWAYS.

DIV 89 AND 93 RECOMMENDATIONS FOR REVISIONS TO THE REMOVAL-FILL GENERAL AUTHORIZATIONS AND GENERAL PERMITS.

The Department of State Lands is in the process of reviewing the general authorizations and general permits of the Removal-Fill Law (OAR 141-089 and OAR 141-093). Per ORS 196.850(7), the Department is required to review each general authorization every five years. The final recommendations are now available.

DIV 93 RULES GOVERNING THE GENERAL PERMIT FOR IMPACTS TO VERNAL POOLS AND OTHER WATERS OF THE STATE IN JACKSON COUNTY.

DIV 89 AND 93 RULES GOVERNING THE DEVELOPMENT OF A NEW GENERAL AUTHORIZATION AND/OR GENERAL PERMIT FOR STREAM RESTORATION ACTIVITIES MIMICKING BEAVER DAMS.

COMMENT DEADLINE: Public comment will be accepted until 5:00 PM, May 23, 2016.

CAPTION: General authorization for recreational place mining within essential indigenous habitat that is not designated state scenic waterways.

SUMMARY: In 2013, the Oregon Legislature passed Senate Bill 838, which imposes a moratorium on in-stream and upland motorized placer mining, effective Jan. 2, 2016. To comply with the moratorium, the Department of State Lands must revise the General Authorization for Recreational Placer Mining.

The Department is filed a temporary rule that took effect on Jan. 2, 2016. The rule clarified the process for determining eligibility for the general authorization and removes certain limitations on placer mining that were established for the period ending Jan. 2, 2016. The agency is conducting permanent rulemaking and taking public comment starting in May 2016. The permanent rule will go into effect June 29, 2016.

WEBSITE: The Notice of Proposed Rulemaking Hearing, Statement of Need and Fiscal Impact, and the Proposed Rules are available at: <http://www.oregon.gov/dsl/Pages/Rulemaking-Activity.aspx>

NOTICE: This Notice does not fulfill the requirements of the Agency to consult with grantees individually, required under federal and state law, nor admitting "DESIGNATED STATE SCENIC WATERWAYS" are lawfully disposed but a violation of State obligations and duties, and without prejudice to other reservations or remedies.

To Whomever, this is Notice:

We, The Assembly of Jefferson Mining District, respond because it appears this Agency or its employees under its color intend to violate a federal injunction upon any agency of the State of Oregon implementation of SB 838, and SB 839, appropriations, and a host of other purported enactments which violate federal and state law, and pursuant to the default judgment of Jefferson Mining District, *et al*, v. Kitzhaber, *et al*, 2013. The State of Oregon, including its agencies or employees, is enjoined.

Rulemaking Notice OAR 141-089; "*SUMMARY: In 2013, the Oregon Legislature passed Senate Bill 838, which imposes a moratorium on in-stream and upland motorized placer mining, effective Jan. 2, 2016. To comply with the moratorium, the Department of State Lands must revise the General Authorization for Recreational Placer Mining.*": Regulating beyond recreational will be a criminal act.

As regards constraining regulation to recreational activities on State lands or where "The People" can produce lawful title, the district takes no position being private aesthetic activities are not within the jurisdiction or authority of Jefferson Mining District, but their interference with property possession, enjoyment, or production under congressional grant and Obligations and Duties of the State of Oregon pursuant to the Admissions Acts of 1859, continued despite the usurpation of H.B. 2, 1953, subplantation by the Model Business Corporation Act authored by the defaulting defendant Bar Association and all members, whether or not "active", Jefferson Mining District, *et al*, v. Kitzhaber, *et al*, 2013, evidenced in trespass on the case by the federal "judge" default notice, *infra*, are addressed.

OF FURTHER NOTICE: The Fiscal Impact Statement, if it could rely on the otherwise enjoined SB 838 or SB 839, appropriations - proving funds are not lawfully available to the Agency to maintain these hearings - shows no dollar value impact, then only of unsubstantiated stated impact of potential risk to the State which HYPOTHETICALLY "*can pose significant risks to Oregon's natural resources (e.g. fish and wildlife, water quality) and cultural resources (e.g. areas of cultural significance to Indian tribes, historic artifact)*". This is unlawful and inadequate basis even constrained to State Lands. This is a completely unlawful and inadequate amenities-based approach having no value for purposes of notice, or in practice, nor in law. Furthermore, the "*Removal-Fill Technical Advisory Committee*", or on "*December 10, 2015*" for "*The Placer Mining GA [...] discussed at this meeting and members of the mining community and representatives from other sectors of the public*" relied upon cannot be shown to reliably or competently speak for congressional grantees nor the Jefferson Mining District or its Assembly. This "advisory committee", or mere "stakeholders", cannot show title to the soil or the enjoyment thereof they purport color of authority to impact under any set of State rules. These commissions and omissions constitute four felonies each participant under state law, reference ORS 164, *et seq*, Theft by Extortion, and ORS 163.275 felony Coercion where applied privately.

Moreover, it is found by the Assembly of Jefferson Mining District, the process of Advisory Committee is criminal interference and is a process Method also enjoined pursuant to Jefferson Mining District v. Kitzhaber, 2013.

The Governor of Oregon is in current criminal dereliction of duty being noticed prior to Jan. 2, 2016, of these crimes in progress and for assurances to restore the peace and lawful settlement Congress granted. Nonfeasance is not an excuse in this serious matter which will protect any State actor from, at least, felony prosecution under state or federal law.

FURTHERMORE: As we have established since 2005, meeting the Region 10 EPA lawyers at the State Capitol, “removal and fill” permits are not applicable to the work performed by congressional grantees nor on “State Land”, including “in stream”. Additionally, we are still waiting for the economic impact and Takings claim form for unlawful takings for any imposition of any permit upon congressionally granted property disposals including economic development determined by the mineral claimant, such as those under the Act of 1872 amending, free of State interference, of which “any” interference is a crime under Oregon law, reference ORS 517.128. That unlawful takings claim form is not included in the Financial Impact Statement of this Agency nor the cost to the State for Takings accounted for or appropriated to the Treasury for the purpose, either to the harm of the people or to the impact to grantees if the State of Oregon could interfere with a congressional grant of soil disposal.

We advance an additional development, recently concluded, which, for those intending to comport with law, ought to warn off this lawless rule-making endeavor where not constrained, and as provided to the Oregon DEQ - an agency created strictly to enforce inapplicable federal law - where this Agency asserts it can put certain waters into amenity-based non-use or by any restriction short of the fulfilled congressional will, the finding that, and to show how far beyond law this Agency is where purporting to promulgate rules generally of things not possessed by it, *“the most wanton occupier of an invaded country doesn't have the rights the State of Oregon is warrantlessly assuming under the color of law to make the rule proposed. Despite the most unique mineral estate laws in the world which were adopted by Congress to fulfill its obligations and bring peaceful settlement to the people of the United States of America in the state, the State of Oregon assumes the posture of even violating international law.*

Even if it were warranted under current law for those at the helm of the State of Oregon to become an occupier of the territory within the United States of America, the proposed dispossession of the fruits granted to the people, imposing a control over the mineral lands or water for the purpose of mere amenities, contrary to the Oregon Constitution, no less, without title or right to the land or water, but as an occupier even worse, the transfer of raw materials into the control of third parties at their pleasure and future disposition, putting the mineral estate and water in to a state of non-use, and the consequent waste of resource, is under international law is a war crime, not limited to Article 55, of the Hague convention, 1907. The provision requires an occupying state, unlawful under federal Constitution, even so, shall be regarded only as administrator and usufructuary of public buildings, real estate, forests and agricultural estates belonging to the hostile state and situated in the occupied country. It must administer them in accordance with the rules of usufruct, precluding non-use or conservation by definition.

The economic implications and impacts of non-use are very serious as well. The proposal, contrary to its adherent's assurances, is intended to slowly deplete the society, a conduit for permanent, not temporary, divestment. For example, wealth, capital assets follow productive uses.

As applied to a watershed, lawful Stewardship is not the warehousing of a commodity, but as any other domesticated thing a watershed must be worked and tended to everyday to derive the wealth nature has to offer and to avoid depredation or destruction by fire, insect, or disease.

Applied to the mineral estate, the non-use or conservation means depredation upon a society at large which is dependent upon production of those raw materials. We know of no lawful power in the State government to intrude upon the Congressional wisdom providing for the use of the soil the people are

dependent upon for their health, safety, welfare, etc; those police power concerns obligatory upon the state or its employes, and which international law requires must be at least administered in accordance with the rules of usufruct, i.e., use, in the minimum, not none use. Furthermore, exploitation of the natural resources {water and fish} of an occupied territory by an occupying power to serve its economic needs, { conservation, tourism, or sustainable development and the consequent plunder through leveraged funding, etc. }, is banned by the Rules of Occupation. Felony looting of an occupied territory is being perpetrated; other felony by state law.

So even if considered an occupying force over the people to enslave them and their wealth or derivative economy, over and above its making war on the laws of the United States, international law declares the proposed action of the State of Oregon to be a humanitarian war crime.

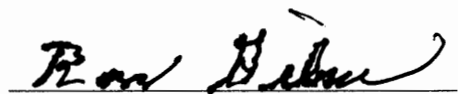
The Plunder suffered by the people will stop. The State of Oregon, whatever its actual character, by whatever agency or employe, will come into compliance with the law stop despoiling the land rendering the private possessor to a mere usufructuary contrary to the obligations of the state even as an occupier, or those people identified being the active principle will become liable to all remedies for crimes against the state and the people, even those breached in times of war.”

That the Agency purports color of authority to regulate for “water quality”, or other amenity, where the right to use water for mining is acknowledged by the state to a beneficial and public use, as noticed to the State in 2013, SB 383 comments - “*the 1899 Oregon water law Section 2 of the Act granting that all “having title or possessory rights to any mineral or other land, shall be entitled to the use and enjoyment of the water of any lake or running stream 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 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”*”, such right of appropriation to miners relating back to the Act of 1866, this state grant is fully consistent with Section 9, of that water grant”, Feb. 18, 1899 – as well, conceded to, being part of the 2013, NOTICE TO CEASE AND DESIST prior to suit and the 2013 Petition defaulted by the State of Oregon enjoining State authority, is beyond state regulation authority making any rule even the more criminal.

Concluding Notice: If the Agency determines to continue despite our warning, Oregon Revised Statute, ORS 517, requires consultation with Jefferson Mining District, reserving, and each “miner” or congressional grantee in the district, or proceedings to arrest unlawful commissions of omissions by State actors or their agents other employes. State Police enforcement will also violate ORS 181.400.

Reliance on the advice of Bar Association members will not create any immunity but culpability.

Executed this May 18, 2016.



Ron Gibson.

Interim-chairman elect, Office of Jefferson Mining District,
on the behalf and behest of its Assembly, and named suitors.
820 Crater Lake Ave., Suite 114, Medford, Oregon. 97504.

cc: Jefferson Mining District Recorder.