

Local

Meeting held about mining Sumpter Dredge tailings

BY MEGHAN ANDERSCH
Meghan@TheBakerCountyPress.com

Baker County Commissioners Bill Harvey, Mark Bennett, and Tim Kerns held a meeting Wednesday evening, July 27th at the Sumpter Schoolhouse to hear public comments on mining the dredge tailings.

Harvey mentioned several times throughout the meeting that this was a preliminary discussion only. Nothing has been decided; the Commissioners are trying to gather feedback and gauge possible community interest. He stated the impetus for holding the meeting was two inquires received by the Commissioners from private companies that would like to mine in County-owned dredge tailings.

Later on, Bennett said the opening meeting was scheduled for Sumpter because he distinctly remembered LeAnne Woolf pointing out on a previous issue that decisions were being made without input from Sumpter.

Mike Montagne asked about feasibility studies. Harvey stated there are none completed at this time; they want to see if there is enough interest in the community to move forward. Before proceeding far, a Request For Proposals (RFP) would be needed, which will cost some money.

Rella Brown asked what the estimated timeline would be, if the community were in favor.

Bennett responded, if area communities support the idea, creating an RFP will require someone who is schooled in developing these proposals and can address matters such as environmental protections and county/community share of profits. He estimated a probable minimum of 6-8 months for this step. Then, if a company was selected, they would apply to the County for a conditional use permit. The Planning Commission, environmental agencies, etc. set the required parameters.

Harvey noted that the Planning Commission would accept community testimony at the appropriate time. A selected entity would make a proposal testifying to what their plan is, how they will carry it out, and what agreements have been set up with other agencies. At that time, the Commission would accept written and oral testimony from the public as well.

Montagne asked what revenue for the County would be and how it would be used. Harvey stated the amount would be negotiated. On a previous project, the County received 5-8%. The money would go to the Parks Department for improvements.

Robert Armbruster asked about private lands. Bennett responded that it is up to landowners whose lands have tailings on them as to what they want to do, depending on zoning requirements.

Bob Mason stated the tailings have value beyond digging them up again, including being a great area for duck hunting. Mason said he has lived here over 20 years. The first



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Commissioner Mark Bennett (left) explaining there are many steps to this process, which is only in the informal discussion phase.

time he walked through the tailings, he thought they looked horrible, but since believes the area has healed itself quite nicely.

Mason continued that Phillips Lake and the tailings and ponds are important places for migrating birds. He stated that this area is in their "flight plans" between the Malheur Refuge and the Snake River and would hope the County would take that into consideration.

Brown asked what is the purpose of going back through the tailings.

Harvey stated it would be to recover gold and restore the area to the natural terrain as before. He said as explained to him, this would involve digging down, getting the gold, putting the sediment and rocks back, and placing a layer over the top, working as they go.

Lorrie Harvey said she hiked through the area with US Fish and Wildlife a few years ago when she was Parks Director. They had discussed diverting the river a bit to create fish pools. She suggested recognizing the value of fishponds and birding might be a good way to capture economic tourism and mentioned the extensive trail system through the tailings.

Lynn Bean stated there is an elk herd in the tailings enjoyed by residents. She also said the tailings are historical and "to take them down and start over, I think takes away from our area."

Greg Lucas said his family came here in 1867, before mining was taking place and this was one of most beautiful valleys, untouched, with grass, trees, and wildlife. He agreed the tailings are part of Oregon's early history, but also stated the area has tailings from Bourne, and there would be a portion down the valley that would not be touched and would still be an attraction. He said the portion that would be mined is hard to get around in and not many people access the area. He said if the area were turned back to what it was historically, it would give an idea of what it was like when the miners first came.

Montagne stated he's been here 25 years and the old timers regularly remarked on how the rocks have settled. He said the land is returning to its natural state and that most residents moved here for peace and quiet, not to be in the middle of a rock quarry.

Joan Fergus said the noise and construction would affect property values and wildlife for quite a

distance. She stated local businesses depend on hunters coming in during the season, and loss of that income would be devastating.

Randy Joseph said he has been on the Planning Commission for about 15 years and during that time there have been four mining operations that have been granted conditional use permits. He said this project is different. There is no topsoil and restoration to turn the area back into a fertile valley is farfetched. He referenced lore of the Powder River running black during the years of dredging.

Joseph lives on the south shore of Phillips and for 20 years has watched trees and vegetation come back to the area. He is concerned about the process to level the valley being destructive.

He also stated a Canadian company came through in the 80s and tested the area extensively. They said there was not enough gold to deal with. He asked, if this is such a viable option, why is no one working on private lands. He stated that to expend money at this stage would be foolish for the County.

Harvey responded that one company did work on private ground and thinks the project would be viable.

Dan Warnock stated it had been thought that all the topsoil was washed away, but that there is actually "a heck of a lot" left underneath the tailings. He pointed to the recent rock recovery off of Highway 7 and said they sifted the topsoil out of the ground-up rock and there are piles and piles of it. He said there's not as much as there was, but it's enough to grow grass.

Larry MacFarland stated he is one who is interested in mining. He would use a hydraulic water system. Mined material runs through a trommel, which separates out the gold, and separates other material into five different categories. The heaviest material is deposited back into the ground first, with the lightest on top. The miners create a water channel first to ensure the ground holds the water.

The noise level is almost zero, because the work is going on 4-5 feet underground. The apparatus also has replaceable rubber liners for a buffer. MacFarland stated the town won't even hear the operation.

He said he has walked the area several times and agrees that there is a ton of topsoil. He would work

with Simplot to develop the area back into good usable ground. He also stated he would not be in this to get rich and would expect to give the community a fair share of revenue.

Bennett said that the water issue is delicate, with recent state laws restricting mining from streams. If the Waters of US rule passes, this will be an entirely moot discussion. Even if not, the work of getting through the EPA, USFW and myriad of other agencies will be almost equal to the work of the mining operation itself and must be done before the county can even accept a proposal.

Woolf referenced the 70s when the railroad was building its infrastructure. To build a hole, they had to make it 10 times as wide as deep, due to rocks rolling. She said there is a lot more water running under rocks than in the actual river channel and "there are many uncertainties in that particular environment."

Joyce Hunsaker said that historically, mining used arsenic and mercury which are still in the topsoil, sediment, and down below. She is concerned about disturbing metals that are currently benign.

MacFarland explained mining today includes a process for reclaiming mercury. He said arsenic naturally occurs many places. It's not something that miners introduced, but stirred up.

Hunsaker said that is her concern, as the DEQ says arsenic in the area is found at levels that far exceed ecological risk.

Montagne said their well water is on the edge of what's permitted to consume and a little increase would not be tolerable.

MacFarland commented that there is a huge arsenic problem in Nevada and the mining has just about ruined all the water for miles and miles. The US Mining Commission is working on helping with clean up, and he would check into what they are doing. He said he wants everyone to be able to drink the water.

MacFarland stated he wants to mine in a respectable, transparent way, and if he does get the project, "I'll give everyone in the County my number."

Montagne said when the government is involved, he is skeptical of restoration projects. He is tired of government making wrong decisions.

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Robert Witter sentenced to 83 years for child sex crimes

On July 29, 2016, Baker County Circuit Court Judge Greg Baxter found Robert Lee Witter (dob 4-10-1935) of 205 E. Adams St. Huntington, Oregon, guilty of two counts of Using a Child in Display of Sexually Explicit Conduct, two counts of Encouraging Child Sexual Abuse in the Second Degree, two counts of Rape in the First Degree, two counts of Unlawful Sexual Penetration in the First Degree, three counts of Sexual Abuse in the First Degree, two counts of Luring a Minor, one count of Private Indecency and one count of Felon in Possession of a Firearm.

Baxter's verdict was returned following a two-day trial in Baker County Circuit Court. That state was represented by District Attorney Matt Shirtcliff and the Defendant was represented by Baker attorney Bob Moon.

On August 3, 2016, Witter was sentenced to 1,004 months (83) years in prison. Witter was convicted of 15 counts including two counts of Using a Child in Display of Sexually Explicit Conduct, two counts of Encouraging Child Sexual Abuse in the Second Degree, two counts of Rape in the First Degree, two counts of Unlawful Sexual Penetration in the First Degree, three counts of Sexual Abuse in the First Degree, two counts of Luring a Minor, one count of Private Indecency and one count of Felon in Possession of a Firearm. The verdict followed a two day trial in Baker County Circuit Court which concluded on July 29, 2016. The state was represented by District Attorney Matt Shirtcliff and Witter was represented by Baker City Attorney Bob Moon.

"The Baker County Sheriff's Office did a great job investigating the case. Sheriff Travis Ash and Lieutenant Joey Jayo did a great job of leading the investigation and all of the deputies were involved in some manner in the case from investigating the case to assisting in preparing the case for trial," said District Attorney Matt Shirtcliff.

Witter received 75 months in prison on the Sexual Abuse in the First Degree count involving one of the victims from Huntington who was 13 years old at the time of the crime last November. For the crimes involving another 8 year old child victim, Witter also received 70 months in prison for Using a Child in Display of Sexually Explicit Conduct. That crime was based on Witter video recording the victim in sexually explicit conduct. The Judge found that one count of Rape in the First Degree merged with another count. The single count of Rape in the First degree carried 300 months pursuant to Jessica's law. Witter also received 300 more months pursuant to Jessica's law for Unlawful Sexual Penetration involving the same victim.

Both of these sentences were 25-year sentences under Jessica's law which carries a mandatory 300 month (25) year sentence for Rape or Unlawful Penetration if the child is under the age of 12. Witter was also sentenced to an additional Unlawful Sexual Penetration count which carried an additional 100 months due to the child being physically helpless at the time of the crime, and may have been drugged.

Witter received an additional 75 months in prison for Sexual Abuse in the First Degree involving that same 8 year old victim and that crime was based on using an animal in the sexual offense. Witter received an additional 70 months for Using a Child in Display of Sexually Explicit Conduct involving a third victim who as 11 years old at the time of the crime. That crime involved Witter photographing the victim in sexually explicit conduct. Witter was also convicted of Felon in Possession of a Firearm and was sentenced to 14 months in prison on that count. All of these counts ran consecutive for a total of 1,004 months.

Witter was also convicted of another count of Sexual Abuse in the First Degree involving the 8 year old victim, and was sentenced to 70 months in prison and that count ran concurrent to the other counts due to Oregon sentencing law. Witter also received 14 month sentences on two counts of Luring a Minor and those counts also were required to run concurrent to other counts under Oregon Law. The Luring counts were based on showing two of the older victims' pornography. Two other 10 month sentences for Encouraging Child Sexual Abuse in the Second Degree ran concurrent as well. Those two counts were based on Witter possessing photographs and tapes of the victims in sexually explicit conduct. He was also sentenced to one year in jail concurrent to other counts for Private Indecency for exposing himself to a victim which is a Class A misdemeanor.

"The victims and their mothers were extremely happy with the sentence. We wanted a sentence that not only guaranteed a life sentence for Witter but that represented the gravity of the crimes he committed and the fact that he had already been convicted and spent time in prison for a previous sexual offense," said Shirtcliff. "This lengthy sentence was justified as this was the most graphic and heinous child sex crime I have prosecuted in my career."

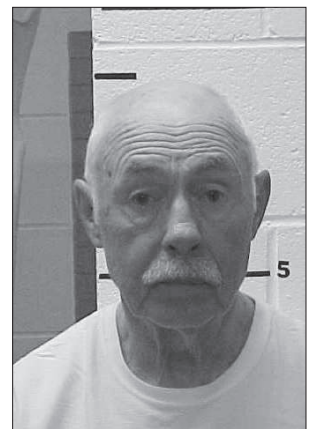


Photo Courtesy of the Baker County Sheriff's Office
Robert Lee Witter.