

Changing mining laws, gold price among enviro, industry concerns

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Waldo Mining District President Tom Kitchar, who’s combed Illinois Valley for gold since 1980, has relied during all that time on the provisions of mining laws established in 1872.

While those laws may have served Kitchar well through the years, efforts are being made continually at the federal level to update them.

So far, the original mining laws have largely remained intact and survived legislative challenges. But a number of contributing factors may cause that to change.

Historical Perspective

Along with logging, mining was one of the original industries in Josephine County. In fact, Kitchar said that prior to World War II, mining was the county’s largest employer. The industry had declined considerably by the time Kitchar made his way to the area, and had peaked to around \$700 per ounce in 1979 before dropping again.

Since then, the price of gold has risen considerably. As of Sunday, June 21, the price was listed at approximately \$934 per ounce, as prevailing fears regarding the strength of the U.S. dollar has prompted investment in gold.

Shane Jimmerfeld, executive director of Illinois Valley-based Siskiyou Project, said that the rising cost of gold has prompted the group to examine patterns of mining activity in Southwestern Oregon.

He said that a study was conducted during 2001 on mining claims in the Siskiyou National Forest, the Illinois Valley and area land managed by the U.S. Forest Service and Bureau of Land Management. That study, which Jimmerfeld said showed approximately 1,200 claims then, was compared to more recent activities.

“It does look like there was an increase within the boundary of the Siskiyou National Forest,” he said. “A lot of it has to do with the fact that gold is going up.”

No Longer Alone

Kitchar also has noticed an uptick in mining-related activities in Illinois Valley. He is afraid that the people trying their hand at it for the first time may be causing problems for established miners like himself.

“There are lots of new people out there that don’t really totally understand what they’re doing,” Kitchar said. “People are filing claims on top of other people’s claims. I’ve personally had two different groups of people try to file on top of me this spring and winter based on faulty information from the Bureau of Land Management.”

Kitchar said that scenario almost reminds him of how things were in 1979, when a “huge amount of mining claims” were filed, and many people were living in tents on those claims. The difference now, according to Kitchar, is there’s much less gold than there was then.

“Unfortunately, the creeks are so small and were once worked so hard with a modern suction dredge that they don’t replenish themselves,” Kitchar said. “It’s a diminishing industry. Here, it’s nothing like it was in 1980.”

Jimmerfeld agrees that the overall supply of gold in the area has diminished throughout the years.

“To a large degree, most of those gold veins have been discovered and exploited,” he said. “They’re done.”

Kitchar and Jimmerfeld acknowledge that traces of the precious substance still are to be found, especially in

Illinois Valley. What concerns Jimmerfeld is the fact that the declining value of the dollar “makes those trace bits out there more valuable.”

Although Jimmerfeld predicts that the price of gold “should be pretty close to its peak,” the environmental ramifications of increased mining are enough to keep him paying close attention to the issue.

“Mostly, what you find are pretty small claims where people were doing suction dredging, panning and that type of thing,” Jimmerfeld said. “But if gold goes up, that could change. It would be devastating to this area. Most of those types of things are contained to two places here: in streams, where they would have a major impact on salmon, and serpentine soils, where rare endemic plants are contained.”

The Frontier Days

Jimmerfeld points out that the situation was considerably different in the United States when the existing mining laws were codified.

“At the time that the bill came into play in 1872, it was a fairly reasonable idea because what it was designed to do was help settle the West,” he said. “The West has been well settled.”

Under the 1872 laws, Jimmerfeld said, a mining operation can patent the land surrounding a claim. He said that the cost of doing so has remained unchanged since.

“Through the process, they can take ownership of the land, at a return to the people of \$2.50 per acre,” Jimmerfeld said. “It’s essentially free.” Foreign companies also can lay claim to those mining permits, he said.

Kitchar’s defense of current mining law is a simple one.

“Basically, Congress granted all the valuable minerals on public lands to the public,” he said. “When you grant something, you can’t take it back. Otherwise, it wouldn’t be a grant,” he said. “Once they codified it in the 1872 law, they used such words as ‘exclusive possession.’”

“That’s an exclusive right to enjoy a claim and an exclusive right to work a claim. Those minerals are private property.”

Attempted Remedies

Reforms to the mining laws have been attempted since passage of the original legislation, Kitchar said. Early legislation called for establishing a royalty on minerals, he added, but the government ended up spending more money trying to collect them than it was bringing in.

Jimmerfeld said that new laws to clear up outdated provisions of previous mining legislation are “definitely something we’re looking at.”

More recently, House Resolution 322 was introduced in Congress in 1993. It was co-sponsored by Rep. Peter DeFazio (D-Springfield), who represents much of Josephine County, including Illinois Valley.

Amendments to HR 322 established an 8 percent royalty value for minerals extracted from public land. But that bill stalled in the U.S. Senate.

Jimmerfeld said that a likely reason for the bills stalling in the Senate is the large amount of support that the mining industry has given to Majority Leader Harry Reid (D-Nev).

Introduced in 2007, the Hardrock Mining & Reclamation Act contained many of the same provisions as the 1993 proposal. That bill also stalled in the Senate, prompting introduction of the Hardrock Act of 2009.

Among other aspects, the

current proposal would permanently end the sale of public land to developers at 1872 prices. It would establish a permitting process and strong environmental standard for mining; and use royalties to help fund \$30 to \$70 billion in cleanup for abandoned mine sites.

Jimmerfeld said that the establishment of the royalties would give the public a benefit for the use of its land.

“When a timber sale happens, the timber company pays for the trees,” he said. “If a filmmaker wants to shoot a film on public land, they have to pay permit fees. There’s all of this stuff where if people use natural resources, they pay for them because they belong to the American people, mining being the exception.”

Solution in Search of a Problem?

Kitchar said that collecting royalties from mining is akin to a “taking,” and is contrary to the spirit of the original mining legislation.

He stated, “That would be like if I came over to your house and said I want to take one wall of your garage or half of your tools. It’s the same thing. People don’t see if that way, they see the public land as everybody’s.

“What they don’t understand is if you read the law very carefully, as soon as you’ve filed a mining claim on a piece of public land, it’s no longer public land. It’s part of a mineral estate.”

Also, Kitchar said, various kinds of mining activities already are regulated by the government. Those include leaseable or sellable mining, under which USFS can lease or sell land to miners.

“Under those kinds of mining, they have the authority to totally regulate every step you take when you’re mining that,” Kitchar said. “About the only thing you can do around here that does not require prior permission or a permit from the federal or state agencies is pan up to 1 yard in any one given location per year.”

The Immediate Future

In a June 9 e-mail, DeFazio spokesman Molly Simmons wrote that the House Natural Resource Committee held hearings on mining reform in February.

“However, the committee is currently focused on climate change legislation which is a priority for the Obama administration,” Simmons said. “The Senate is expected to hold a hearing and possibly mark-up mining reform legislation this summer. The House will likely let the Senate go first this year.”

Jimmerfeld said that the new proposal is “not radical.” Passing the plan would ultimately serve the public interest, he feels.

“If we can get that done, it will be a major step towards balancing resource management in the West,” he said.

Funding, but not for JoCo

More than \$2.6 million in federal Community Development Block Grants (CDBG) recently were awarded to 11 municipal and county projects across the state, none of them in Josephine County.

“We are pleased to partner with communities across the state and help them successfully improve their infrastructure while creating jobs in their communities,” said Tim McCabe, director of the Oregon Economic and Community Development Dept.



Panelists included (from left) Kit Doyle, Orville Camp, Marko Bey, Waves Forest and Roger Brandt. (Photo by Michelle Binker, *Illinois Valley News*)

County economic future examined

Increased tourism, and various crops including hemp could greatly enhance Josephine County’s economy.

They were among topics during a town hall meeting Wednesday night, June 24 at Anne G. Basker Auditorium in Grants Pass. Approximately 50 people attended the two-hour-plus event, sponsored by Illinois Valley-based Community Media & Education Center, and which featured presentations by a series of speakers.

Cave Junction resident Roger Brandt’s main topic was the economic benefits of attracting more tourists to the area, including the Redwood Hwy. corridor. Kit Doyle, a builder and developer in the county for 16 years, told audience members how he began learning about agriculture in March.

“This used to be a very productive area,” Doyle said. He added that cherries, hops, grass seeds, cereal grains and other crops have been grown in Southwestern Oregon throughout the years.

Doyle has formed Southern Oregon Seed Oil, a company that seeks to turn oils from crops into bio-fuels. Those crops include camelina, black oil sunflower and pumpkin seeds, he said.

Camelina grows well in Josephine County, Doyle said -- especially on marginal land. It also does not require

fertilizer. Through the long-term, Doyle said that he would like to see establishment of a grower’s co-op for seed oil producers.

“I think that’s a pretty good business model,” he observed. Doyle said that the county and its residents should seek to build local industry by using available, existing resources.

Waves Forest, an Illinois Valley resident, expounded on the virtues of industrial hemp. He said that it is capable of producing food, fuel and shelter, and that most industrial nations grow it.

Forest claimed that the county could “virtually end” poverty and unemployment in one year by growing the crop. He added that anything made from timber can be made from hemp, and that idle portions of Rough & Ready Lumber Co., between Cave Junction and O’Brien, could be used to process it.

Kerby resident Jill Talise, who helped organize the forum, read a letter from Rough & Ready co-owner Jennifer Phillippi. The latter emphasized the need to support the county’s existing resources and infrastructure. Rough & Ready supplies 90 family wage jobs directly and supports more than 200, Phillippi wrote.

She urged audience members to support the 1994 Northwest Forest Manage-

ment Plan and the proposed Western Oregon Plan Revision (WOPR) in order to ensure a steady supply of raw product for the firm.

Marko Bey, director of operations for Lomakatsi, an Ashland-based nonprofit organization, described that organization’s ecological and forest restoration efforts. Lomakatsi has received federal stimulus dollars for forest thinning projects and stewardship contracts.

Bey noted that 37 people recently were hired to perform work in and around Cave Junction. The focus is on creating “green jobs,” Bey said.

“The key here is to build an ecological workforce in the valley,” he said. “This is an emerging economy here.”

Selma resident Orville Camp talked about “ecostry,” which involves the extraction of natural resources through a natural selection process. He has been engaging in ecostry on his family’s property for four decades, and has conducted tours of it for 30 years.

Camp said that Josephine County had a natural ecosystem until humans started trying to manage it. He suggested that an ecostry project be conducted on county land to test its viability.

A presentation on ecostry is scheduled for July 22 at Anne Basker Auditorium, Camp said.

Backyard bird watching with Harry



Hummingbird Feeders

So, you want to put a hummingbird feeder out for the little guys? There are lots of great products to make feeding hummingbirds easier on you and better for the birds.

Choosing the right feeder is the most important step. It should be easy to maintain, simple to fill and clean. A feeder difficult to care for will be neglected, and the result will be a disappointing hummingbird season. You may want to look for feeders that are bee-proof. Some have special tips on the feeding ports to keep out bees and other insects.

Now you have your feeder and it’s time to clean it. Use a long-handled cleaning brush, especially for the bottle feeders. Brushes reach the bottom of the bottle to get to any mold. Another tool for easy cleaning of feed ports is a pipe cleaner.

Ants can put a damper on hummingbird feeding. If you have an ant problem, check the Ant Moat. It’s a simple cup hung above the feeder and fill with water. The ants will not cross the water barrier, and as a bonus the chickadees will love you for a place to drink. Another simple solution is to put a blob of Vaseline on the wire or line that your feeder is hanging from. Ants will not walk in/on petroleum jelly. You may want a protective cover for your feeder. Shade-covers provide shelter from storms and shade on hot days.

Nectar is the next step. There are plenty of commercial mixes that come in powder or liquid concentrates, or make your own of 4-parts water to 1-part table sugar. Red food coloring is not necessary since most feeders have red on them.

When you concoct the nectar, make extra and keep it refrigerated for hot days. The birds will love the cool nectar.

Now that you have the feeder with nectar and a rain guard, with an ant trap above, you need to figure out where to put it. There are many ways to hang a feeder, but the important thing to remember is keep it simple. You want to see it, so hang it where you can view the hummers zipping in for a drink. Hummers are small and fast, so you may have trouble seeing them if the feeder is out too far. A small shepherd’s hook outside your window will do nicely, or brackets to attach to a deck rail or fence. There’s always the good old standby — a tree branch. Some feeders hang by suction cups to windows. The birds are not shy and there is nothing like being nose-to-nose with one while it feeds. We are quite successful with home-made long wire hooks to hang feeders from eaves.

Hummingbirds can be very territorial, so multiple feeders placed at least 15’ - 20’ apart will give everyone a chance to eat, drink, and be merry. Hummingbirds have terrific memories and will return to the same feeder year after year.

Hummingbird feeding doesn’t have to be complicated, but using a few of these suggestions can make it a lot more enjoyable.

Don’t forget to join me at Michelle’s Restaurant Saturday mornings around 8:30 for a great breakfast. I hope to see you there.

All tips are from “Bird Watchers Digest” and Harry Johnson