Thursday March 14, 2019

11:30am-1:30pm

OEA Building 2495 S. Pacific Highway

“Hard Rock Mining in Oregon”

Members should have received their state study report on hard rock mining by now. Our general meeting will give a brief introduction to the subject and executive summary, then address the five consensus questions. Read the study and discover how Jackson and Josephine County are involved in these issues. The study can be accessed at [http://lwvor.org/study-archives/lwvorstudyarchivelibrary/](http://lwvor.org/study-archives/lwvorstudyarchivelibrary/) or call (503)581-5722 to have a copy mailed to you.  

[The Executive Summary is on pages 5-7.]
Judith Benjamin stepped forward to chair the nominating committee this year. Since this is president Jackie Clary’s final year as president, Judith is looking for a new president or co-president. Please consider taking on this role or another to make a difference in your community and nation in a substantial way. Now is the time for people of conviction about good governance, responsible stewardship, and voting rights to help out.

How do you plan to participate in democracy in 2019-2020? The League offers meaningful avenues that don’t require re-inventing the wheel, and provides support and training. The League is offering free enrollment in the acclaimed Leadership Training Conference offered April 15-16 at the Ashland Hill Inn for new leadership. See info.oregonnonprofitleaders@gmail.com for details.

If you get a call from the Nominating Committee, please consider their request. These are times that require citizens to say “yes” to participation.

Join Us for a Special LWVRV Member’s Field Trip (RSVP necessary)

Next month (April 2019) we will investigate another aspect of Housing Issues. We will explore the concept, philosophy and concrete issues of Tiny Houses and their role as we strive for sustainability and reduced homelessness.

Date: Planned meeting date (our normal 2nd Thursday) on April 11th

Time: We hope the time will be the same – 11:30, but stay tuned for more information on that.

Place: Rice Park in Ashland (near Verde Village and dog park). More information will be provided on meeting location and directions.

The Plan: this will include a tour of a tiny house (or more), meeting with the landowner, developer, and contractor/builder, Dana Hopkinson. Hopefully we will also get to speak with residents. They expect our questions.

RSVP NOTE: This will be limited to 20 members - so act now. Email YES responses only to Action@lwvroguevalley.org (2nd best, call 541.479.4486)
SAVE THE DATE:

The Rogue Valley League will host the 2019 LWVOR Convention, May 17-19, at the Ashland Springs Hotel in downtown Ashland. Convention will begin with a Friday night Dine-Around and continue until Sunday noon. Scheduled speakers include Peter Buckley for luncheon talk on Oregon finance, and Dr. Dominick DellaSala as the banquet keynote speaker with the topic of climate change in Oregon. We look forward to seeing many of you in Ashland that weekend.

National Popular Vote, Marge Easley

There was good news for supporters of National Popular Vote (NPV) this past week as Colorado is on track to join the Interstate Compact, adding nine electoral votes to the current total. The bill passed both legislative houses and is now on its way to the Governor, who has indicated he will sign it. The total now stands at 181 electoral votes, with 89 more votes needed for the Compact to become binding.

HB 2704 will likely be heard in the Oregon House Rules Committee in the next couple of weeks. A Senate version of the bill is pending.

Our Children’s Trust: Juliana vs. United States

Leading the game-changing, youth-driven, global climate recovery campaign to secure the legal right to a stable climate and healthy atmosphere.

Take a photo of your group to post on Facebook, Twitter, and/or Instagram using the hashtag #youthvgov so that we can share it on our social media platforms.

WATCH #YOUTHVG POV ON 60 MINUTES THIS SUNDAY, MARCH 3RD AT 7PM IN ALL TIME ZONES!
The Trump Administration continues efforts to prevent *Juliana v. the United States* (AKA the federal Our Children’s Trust suit) from going to court. Most recently, the 9th Circuit Court of appeals granted the government’s *interlocutory* appeal—a disappointment, but it appears it will be expedited. Attorneys filed their *answer* to the government’s brief on February 22. Meanwhile, Our Children’s Trust has mounted a unique, nationwide “Zero Hour” campaign to allow thousands of young people add their names to a Young People’s *amicus* brief to be filed with the 9th Circuit. The JoinJuliana organization includes a clear *platform*. The LWVUS and LWVOR may file another *amicus* brief in March, as well. (See the chronology and more detail on the challenges the Trump Administration has attempted at [www.ourchildrenstrust.org/us/federal-lawsuit/](http://www.ourchildrenstrust.org/us/federal-lawsuit/)

In another move, on Feb. 7, Our Children’s Trust filed a motion to stop the federal government from leasing out federal land and offshore areas to fossil fuel companies for oil, gas and coal extraction. It also demanded a halt in federal approvals of new fossil fuel infrastructure. The *motion*, asked for a temporary injunction to freeze all fossil fuel infrastructure permits while an early appeal of their case, *Juliana v. United States*, is being considered.

The State League of Women Voters and its fellow members of the Renew Oregon coalition are working hard in support of HB 2020, *The Clean Energy Jobs Bill*. The goal of the bill is to establish a “cap and trade” approach to cap and progressively reduce climate pollution, while using revenues to create good-paying jobs and help communities transition to renewable energy and prepare for impacts of climate change. There’s widespread support for the bill, but opposition is intense, as well. The Joint Committee on Carbon Reduction that has been working to put this bill together over the past year is holding public hearings across the state. Seven (that I saw) LWVRV members attended the February 23 hearing in Medford (testimony on behalf of the RV League was given). There appeared to be roughly a 50/50 split among supporters and opponents, but there was a disheartening display of disruptive and at times disrespectful behavior by bill opponents. Many who spoke against the bill were financially vulnerable people who appeared to have been given inaccurate information about the bill’s impact on their lives. We encourage LWVRV members to consult information we’ve sent out and consider writing to their Representatives and Senators in support of the bill.

*We are also working with others to pass HB 2623, a bill that would place a 10-year ban on hydraulic fracturing (fracking) in Oregon.* This effort has failed in two previous sessions, but we are hopeful that it will pass this hear. We’ve done a lot of research to learn where geologic and resource conditions in Oregon would make fracking potentially attractive to the fossil fuel industry. LWVRV had already been following coal bed methane exploration efforts near Coos Bay and up through the Willamette Valley to the Mist gas fields in the north, but there is a significant “tight sand” (sandstone) reservoir in eastern Oregon/western Idaho. Exploration practices haven’t begun yet in Oregon, but on the Idaho side development of the same play has resulted in a lawsuit recently won by landowner activists. A new company recently received two permits to drill in Malheur County in an area where conventional (non-fracking) development was unsuccessful in the past. We predict the bill will confront difficulties when it gets to the Senate Committee, but are hopeful that Oregon can avoid new fossil fuel development, in general, and with the use of fracking, in particular. We are working with a good group of supporters.

**Opposition to the Jordan Cove Energy Project (JCEP) through the state and federal regulatory processes continues to be at the top of our list of work.** This League and the Coos County, Umpqua Valley, and Klamath County Leagues submitted in early February our third detailed, technical comment, this one to the Oregon Department of State Lands, asking them to deny the JCEP application for a removal-fill permit they must have to proceed with all parts of the project. The LWVOR also submitted a comment letter with the same message. Thousands attended public hearings and 35,000 largely oppositional comments were submitted overall. It’s not known yet when we will hear the outcomes of any of these previous permit application processes, but opponents continue to hope that either DSL or the Department of Environmental Quality or both will deny the permits they control, both of which are focused primarily on the impacts of the project on Oregon’s water resources and could stop the project. We are now enjoying a breather before the release of the Federal Energy Regulatory Commission’s (FERC) Draft Environmental Impact Statement (under the National Environmental Policy Act—NEPA). The DEIS has been delayed by the federal government shutdown, but is expected soon. This will cover the entire scope of the project and the comment period may last for 60-90 days. As more is known, we will provide information to assist anyone who wants to submit individual comments.
Hard Rock Mining Executive Summary

Federal Law: The General Mining Act of 1872 remains the foundational federal law for hard rock mining on public domain lands in the United States. Signed into law by President Ulysses S. Grant, the act allows the purchase of mineral-bearing public lands for no more than $5 per acre and waives all royalties on the extraction of minerals from those lands.

Today over 350 million acres of public domain land are under the jurisdiction of the General Mining Act of 1872, mostly in the West and Alaska, constituting more than 15% of all U.S. land. The $5 per acre fee is still in effect, but the law no longer applies to all minerals. Other laws apply to common minerals, such as limestone, and for fuel minerals, such as coal, oil, and natural gas. In most instances, mining takes precedence over all other potential uses. Individual states are responsible for developing their own claim recordation procedures with guidance from the Bureau of Land Management and the County Recorder’s office.

The Federal Land Policy and Management Act of 1976 commissioned the National Forest Service, National Park Service, and the Bureau of Land Management to allow a variety of uses on public lands, while at the same time preserving natural resources. The Mining in the Parks Act of 1976 forbids new mining claims within certain National Parks and Monuments, although there remain 1,100 pre-existing mining claims in 15 National Parks, where mining can potentially occur as long as certain environmental terms and conditions are met. No mining has occurred within National Park boundaries since 1976.

Many abandoned hard rock mining sites come under the jurisdiction of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Commonly known as Superfund, CERCLA was enacted by Congress on December 11, 1980, and amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. No mine since 1990 has been added to the CERCLA list.

In 1997, the Environmental Protection Agency (EPA) released a National Hardrock Mining Framework to help implement a multi-media, multi-statute approach for dealing with environmental concerns posed by hard rock mining. Input came from many stakeholders, including other federal agencies, states, tribes, local government, industry, and environmental groups. The framework provides a comprehensive look at all facets of the hard rock industry to meet the difficult challenge of promoting both economic growth and environmental protection.

There have been several recent attempts in Congress to address mining reform. In 2015, Congress considered HR 963, a two-part resolution in support of mining reform, but the bill has shown no movement since then. The bill addressed royalty limitations, protection of areas of critical environmental concern, mandatory restoration, and the establishment of a Hard Rock Minerals Fund to be used for reclamation and restoration purposes.

Another attempt to mitigate the environmental effects of mining was a rule, proposed by the EPA on December 1, 2016, for the purpose of determining whether to add further financial requirements the amended Superfund Act in order to increase the likelihood that cleanup costs would not fall to taxpayers. On February 25, 2017, newly appointed EPA director Scott Pruitt extended the rule’s comment period due to pushback by the mining industry, Western governors, and congressional delegations. The EPA determined that no addition financial assurance was necessary, and the rule was signed on December 1, 2017.
A January 2017 rule changed accounting rules to make it easier to transfer ownership of federal public lands to states, local governments, or tribes. Opponents argue that federal lands should be managed for the benefit of all Americans. While attention is more often focused on fossil fuel opportunities, an April 2017 BLM strategy document included “streamline leasing and permitting for hard rock mining” on its list of priorities.

**State Laws:** Senate Bill 100’s Goal 5 (OAR 660-015-0000(5), dealing with Natural Resources, Scenic and Historic Areas, and Open Spaces, provides specific provisions for the inventory and protection of mineral and aggregate resources. However, laws crafted to protect mining often create a situation of “dueling goals,” particularly when it comes to Goal 3 (preserve and maintain agricultural lands), and Goal 6 (maintain and improve the quality of the air, water and land resources of the state). Political pressure can build to cause policy shifts, prodding legislators to favor one goal over another.

The Department of Geology and Mineral Industries (DOGAMI) has two program areas: Geologic Survey and Services (GSS) and Mineral Land Regulation and Reclamation (MLRR), which regulates Oregon’s mining industry.

The 1991 Oregon Chemical Process Mining Law regulates mines that use chemicals, most commonly cyanide or sulfuric acid, to leach metals from mined ore. To prevent the environmental damage that had occurred elsewhere, the law establishes bonding requirements to cover potential cleanup costs.

In 2017, the Legislature passed SB 644, a multi-faceted mining bill that allows mining sites with significant mineral resources to bypass statewide land use planning goals and rules that apply to exclusive farm use (EFU) zones, as long as an applicant meets specific requirements.

Oregon has developed a Consolidated Mining Permit process (ORS 517.952 to 517.989) to ensure coordination between state agencies, federal agencies, and local governments.

**Process and Products**

Mining operations can be categorized by: leasable, such as oil and coal; salable, such as rock and gravel; or locatable which includes precious and base metals. This report discusses locatable operations. For operations covering more than 5 acres, a plan of operation and meeting National Environmental Policy Act (NEPA) requirements. These plans include an economic evaluation and a description of the reclamation of the mine site to pre-mining conditions. Operations under 5 acres require only a notice of operation.

Owing to its predominantly volcanic geologic heritage, there are few areas in Oregon suitable for mining of locatable minerals. There are currently no active commercial-scale metal (precious and base metal) mines in Oregon. However, according to DOGAMI, gold, silver, copper, lead, zinc, nickel, and uranium have been mined in the past and may in the future be mined in Oregon.
Environment

Hard rock mining has the potential to disturb large amounts of land area and to have detrimental impacts on many aspects of the natural environment. Real and potential environmental impacts from hard rock mining include: physical disturbance; contamination of surface and ground water, air, and soil; and habitat and ecosystem disturbance. Environmental impacts can vary greatly depending on the type and location of the mining operation.

Oregon’s Department of Geology and Mineral Industries (DOGAMI) works with a county and/or federal agency to coordinate environmental analyses for mining operations. State law only requires an environmental analysis for the chemical process aspects of mining, but state and federal agencies are required to coordinate efforts to reduce conflicts and redundancy.

Oregon Administrative Rule (OAR) 632 Division 37 outlines the permitting process for chemical process mines. Calico Resources USA Corporation is currently considering construction of an underground gold mine and surface mill complex at Grassy Mountain in Malheur County that falls under the current OAR rules.

In Oregon, the majority of hard rock mining claims and activities occur on public lands, which are governed by a series of federal land management laws that specify the goal of using public lands for many valuable public purposes. Stipulations such as that included in the Organic Act require mining operators to work with Federal agencies to mitigate potential impacts to public and natural resources wherever possible. Examples of such mitigation could be buffer zones along waterways or sensitive wildlife habitat, timing of operations, or relocating trails. Mitigation also includes restoration plans for both temporary and permanent mine closure.

In 1981, the Bureau of Land Management (BLM) issued regulations that required all hard rock mining operations to reclaim land disturbed by mining after mining operations had ceased. In 2001, BLM amended those regulations to require all mining operators to provide bonds or financial assurances before beginning exploration or mining operations on land managed by the BLM.

In 2016, the EPA was ordered by the U.S. Court of Appeals to issue rules requiring mining operations to provide financial assurance that they would be able to follow CERCLA Section 108(b) (costs of mining clean up, reclamation and long-term monitoring). However, in December 2017, the EPA decided not to issue final regulations, citing the adequacy of existing state and federal regulator controls and the risk of tax payer-funded actions vs the risk of environmental impacts with modern mining practices.

In Oregon, DOGAMI coordinates with BLM on reclamation bonds to incorporate stipulations for restoration laid out in Oregon Administrative Rule, Chapter 517, Mining and Mining Claims (2015). This collaboration includes the development and cost estimate of a restoration and reclamation plan, including an annual reassessment of the cost of reclamation. The cost of long-term monitoring may be included in the restoration bond.

Alternatives to Mining

Technology, transportation, construction, energy, and more – our modern society is dependent on the minerals we mine from the earth. Examples are: nickel, the key to making stainless steel; copper, silver, and gold, used in electronic devices; and zinc, a critical component in galvanized metals. Alternatives to using these metals usually incorporate other non-renewable materials such as limestone for cement, or plastics (derived from oil) in fabrication. However, the best alternatives to reducing the amount of primary mineral use are the three R’s of recycling: reducing consumption, reuse, and recycling of these precious, non-renewable earth materials.
In memoriam

Ilse Forney

Ilse Forney passed away peacefully with family at her bedside. Ilse was born Ilse Erna Elling to Adolf Elling and Emily Benthaus Elling in Red Hook, NY. She graduated from Kingston High School and Vassar Brothers Hospital, School of Nursing. She served during the Korean war as an army nurse from 1950-54 and was discharged with the rank of captain. She met her future husband, Fredrick E. Forney, in Dallas, TX, where they were married in 1955. Ilse also received a post graduate degree in surgery at Baylor Hospital in Dallas. Fred and Ilse moved to Ashland, Oregon in 1979. Ilse continued her nursing career as a surgical nurse at Rogue Valley Hospital. She was an active member of the First Presbyterian Church of Ashland serving as an elder, deacon, summer camp nurse, Sunday School teacher, Vacation Bible School leader and teacher. Ilse did mission work with Interplast (now called Resurge International) from 1986-96 in Peru, Ecuador, and Honduras performing plastic surgery for cleft palate repair and burn work. She was a member of the League of Women Voters and AORNA (American Operating Room Nurses Association).

Ilse is survived by her brother, Sam Karng (adopted), two children, Fredrick R. Forney and Susan F. Koepfgen and their spouses, Qianwen and Jack, her 4 grandchildren, Katie, Jon, Elizabeth, and Erich, and her great-granddaughter, Holly.

There will be a memorial service for Ilse at the First Presbyterian Church of Ashland on April 19 at 2pm. Ilse has requested donations be given to Resurge.org.

Thanks to Vanya Sloan for this submission.
LWVRV Now 501(c)(3) Charitable Organization

After much effort and considerably more time than ever anticipated, LWVRV finally received notice from the IRS that the organization qualified as a 501(c)(3) tax exempt charitable organization. This tax status allows LWVRV to accept gifts and bequests from individuals as well as grants for other charitable organizations. It also allows donors to deduct contributions made to LWVRV. In the coming months the LWVRV Board will be considering how to utilize this new tax status for the benefit of LWVRV and its members.

As mentioned, the application process took much effort from many individuals. A special thank you to Norman Turrill, LWVOR state president, and Tom Carson, consultant, for assistance. And a thank you to the LWVRV Board and others who tracked down materials from years past, reviewed newsletters, and provided institutional memory of mergers and activities. Again, thank you!

If you are reading this newsletter on-line, maybe you don’t need a mailed paper copy. Call the newsletter at 541-772-5044 if you would prefer not to get the newsletter by U.S. Mail, or leave a note at KDonham@gmail.com.

**Membership Committee:** Lorraine Werblow, Debra Har, Iris Milan, Judith Kurinsky

These members can answer questions about dues, anniversaries, and changes to addresses and phone numbers. Email them at membership@lwvroguevalley.org.

Directories were distributed in January. Let membership know if you didn’t receive one.

**Membership Application**

Name_________________________________________
Address_______________________________________
City___________________________________________
Zip______________Phone________________________
Email__________________________________________

Single membership — $65.00  Spouse/student—$32.50

May we publish your information in the LWVRV Directory? Y N

Send check /application to P.O. Box 8555 Medford OR 97501

Would you like a phone call reminder about meetings? Yes  No

Areas of Interest:

◊ Land Use Issues   ◊ Local Government
◊ Education       ◊ Children at Risk
◊ Election Issues ◊ Climate Change
◊ Transportation ◊ National Issues
◊ Observer Corps ◊ Voters Service
◊ Healthcare Issues
◊ Environment
# League Activities March 2019

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