

Natural Resources The Mineral Sourcing Coordination Proposal of the South Western Oregon Mining Association for the County of Josephine

Mineral Exploration and Mining

The mining industry makes up an important part of the property tax base of the County, and its payroll and expenditures for supplies and is important to the economic stability of the County. Mining is one of the historical uses of public land and agency management of such use is statutorily compatible within the multiple use principles, where applicable.

Mineral resource production provides an important contribution to the economy of not only the county of Josephine but the State and nation as a whole, directly and indirectly. Any proposed agency act relating to the mining law 30 USC 21a seq. will be carefully, and by consultation with affected mineral or mineral related parties, evaluated through coordination as to any undue adverse impact on the mineral industry in the County, or by the Law of Possession. Recommendations regarding any proposed agency act will be sent to the Agency and to Congress. Any and all Process, investigations, or enforcement, shall be directed through the county Sheriff with due protection of private property or rights.

Guiding Principles

1) To ensure that the economic viability of all Mineral Prospecting, Exploration, Development, Occupation, Purchase and of vested Mineral Title shall be an accepted and protected practice in the county of Josephine to the full extent of the Law. All lands within the County not lawfully removed from mineral entry will remain available for such lawful or beneficial use not limited to exploration, development, occupation, and purchase. Any and all existing withdrawn areas shall be reevaluated by the agency for compliance with this Plan and brought into compliance without delay.

Objectives:

Ensure that exploration, development, and production of all mineral and energy resources are integrated within the planning and management of federal agencies.

Insist that Federal agencies recognize the private property rights and non-discretionary nature of locatable mining as being distinct from United States, U.S., owned mineral operations of leaseable or saleable contract of agency discretion.

Ensure the integration of all mineral resources with the planning and management of renewable resources in the Federal agency's land and resource management planning process consistent with the prevailing nature of the mineral estate, in particular the locatables.

2) Ensure that all lands with geological potential for mineral development whether locatable, leaseable, or saleable or of geothermal developmental character remain available and accessible for prospecting, exploration, occupation, development, and purchase.

Objectives:

Ensure free and open access of public lands for development of mineral and energy resources that help economics as well the contribution to customary needs such as supporting strategic and national defense, industry, and financial security.

Prior to initiating an administrative withdrawal of Federally managed lands from mineral entry or in reevaluation the agency shall ensure (a) documentation of the full consideration of the national interest in local community development, (b) that the considered lands are not mineral in character being these lands have been disposed by act of Congress for future economic development, (c) the value of other or common mineral resource foregone and compensated for, (d) the economic value of the resource being protected as weighed against the mineral resources, where it is lawful to do so, by measurable scientific data, (e) the agency conducts a Certified Survey for Value of locatable mineral losses for purposes of just compensation, f) compensation for any and all losses do to a withdrawal, g) interference-free valid existing rights.

3) Assure that all land management agencies plans and policies provide for all mineral development needs through specific management directives; that management directives and or policies do not interfere with any right of access, property, or occupation to prospect and develop any and all mineral resources.

Ensure that private property rights are acknowledged, recognized, and protected. That state and federal agencies and statutes protect and accept the access, occupation, and property right development of any mineral grantee that is prospecting and developing those privately owned minerals within the county of Josephine; With just compensation paid by the Agency for any and all encroachment.

Ensure for U.S. owned minerals clear guidelines for leaseable and saleable mineral contracts at the level of comprehension of the lessee or contractor.

Ensure that U.S. owned mining or federal claim Plans of Operation are approved in a timely manner (within 90 days of submittal), and that other discretionary analysis does not take place ahead of any discretionary mining analysis. And that just compensation be paid by the Agency to the adversely affected party for any failure to comply with this principle, as for any other harm found under these principles.

4) Ensure that reclamation bonds for U.S. owned mineral operations on public lands within the county are commercially available, fair, reasonable, and adequate to reclaim the land so as not to remove it's identity as a mineral in character land for use of future generations in prospecting, further development, and towards preserving the Mining Heritage.

Objectives:

Ensure that reclamation bonds are calculated based on the cost to government of hiring a third party bid contractor in the county of Josephine to perform the work as determined by state labor law.

Ensure that all reclamation bonds are calculated under the Service Contract Act state labor provisions when reclamation consists solely of removal of surface improvements, refilling, contouring, vegetating and landscaping the surface, all activities where the Davis Bacon Act, and Federal Acquisition Regulations (FAR) do not apply due to no congressional moneys being appropriated for the bond.

Ensure that national agency direction on bonding is consistent with local policies.

5) To ensure mineral value added industry development within the county of Josephine such as milling, refining, and end consumer product development, such as, jewelry, metal, sculptures, yard oddments, etc., be protected and accepted. Work to foster and encourage mineral and energy resource development.

Implementation

In coordination with federal and state agencies and state government planning laws, encourage development of a mineral plan for all lands not lawfully withdrawn from mineral exploration and or development on public lands to be inventoried for the geological potential of locatable, leaseable and saleable mineral lands as well the geothermal potential. Ensure those lands will remain accessible for prospecting, exploration, development, occupation, and purchase as stated in U.S. Code, U.S.C., Title 30.

Proposed and or existing agency clarifications (such as personnel policy manuals) to the mining law 30 USC 21a seq. will be carefully evaluated as to any undue adverse impact on the mineral industry and the resultant economic and social impact in and to those in and about the county of Josephine.

Implementation Evaluation

With adequate agency assistance periodic review shall be done of federal land management agencies annual reports, land use plans, planned amendments, land classifications documents and any federal agency filing in the Federal Register pertaining or possibly pertaining to the availability of, access to, and occupation of mineral resources for prospecting, exploration, or development in the county of Josephine.

Ensure prompt response and adequate remedy by the county Board to complaints by anyone adversely affected by agency interference or infringement of mineral rights, or property protected under federal and state statutes.

Legal Authorities and Mineral Terminology Definitions Reference

The mining law of 1866 granted certain rights to citizens of the United States and was clarified and expanded in 1872 to the process for termination of federal jurisdiction over the valuable mineral estate and transfer of property and occupancy to the mineral grantee. The Federal Multiple Use Act of 1955, amending the 1947 Common Materials Act, clarified leaseable and saleable minerals and reiterated this country's need for minerals. The Federal Land Policy & Management Act reiterates that the Bureau of Land Management and Forest Service administered lands are to be managed in a manner recognizing the nation's need for domestic minerals and other resources as well as the power by the Law of Possession and property by the 1866 and 1872 mining Acts to the mineral grantee. The National Materials and Minerals Policy, Research and Development Act of 1980 restates the need to implement the 1970 Act and requires the Secretary of the Interior to improve the quality of minerals data in lands use decision making.

Classes of Mineral

A.1 (a) *Locatables* as defined in the grant of 1866 clarified in the mining act of 1870 & 1872 codified in statutes 30USC 21a to 30 USC 54. Some examples are Gold, Silver, Copper, Platinum, Zinc, etc. BLM def *General Mining Law* means the Act of May 10, 1872, as amended, (codified as 30 U.S.C. 22–54).

Please Note: Locatables are discovered and claimed in the public domain, not on public lands.

A.1 (b) *Leaseable* as defined in the grant of 1866 clarified in the mining act of 1872 revised by Mineral leasing Act of 1920 Geothermal steam act of 1970 mining The 1955 Multiple Use Surface Act and mineral policy act of 1970; codified definition under 30 USC 505 regulated under 30USC 21a seq. Some examples are Coal, oil, lignite, natural gas, phosphate, salt, etc.

A.1 (c) *Saleable* minerals defined in the 1955 Multiple Use Act as codified in 30 USC 611 and regulated under Leaseable mineral law. Some examples are lime stone, aggregate, building stone, crushed stone, etc.

Commercial Mining; there is no statutory distinction between commercial or noncommercial mining activity on federally managed lands. All mining is of commercial economic contribution.

Independent Miner; also known as a Mineral Estate Grantee, the acceptor of the congressional grant of locatables and prior acknowledged rights and Powers, such as miner Law of Possession, claiming exclusive possession of any valuable mineral deposit on public domain, or as restored from public lands.

Mineral materials means those materials that—

(a) BLM may sell under the Mineral Materials Act of July 31, 1947 (30 U.S.C. 601–604), as amended by the Surface Resources Act of 1955 (30 U.S.C. 601, 603, and 611–615); and

Multiple Mineral Development Act means the Act of August 13, 1954, as amended (30 U.S.C. 521–531).

Recreational Mining; there is no statutory distinction or separate regulation addressing Recreational Mining as an activity on federally managed lands.

Small miner means, of operators, a claimant who, along with all related parties, holds no more than 10 mining claims or sites on Federal lands on the date annual maintenance fees are due,

Surface mining; codified definition in 30USC505 managed under Leaseable law 30USC612, not locatable law.

Vested Mining Claims: As Patented Mining Claims; Vested mining claims have all mineral and surface rights of property and occupation of Patented mining claim except the Paramount Title remains with the U.S. holding in case of reversion or abandonment, but not to interfere with the valid claimant.

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