



Clackson Voter



THE LEAGUE OF WOMEN VOTERS OF CLACKAMAS COUNTY

MARCH 2019

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Marge Easley
Nancy Murray

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Betty Barber
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Katie Lu
June Routson

March Unit Meetings

Hard Rock Mining Consensus

March 18 - 22

League members should have received the long-awaited Hard Rock Mining Study. In March unit meetings we will discuss the legal, environmental, and economic impacts of mining in Oregon. Join us to help arrive at a consensus to enable the League of Women Voters of Oregon develop a position statement for use in addressing these import impacts. A summary of the study and consensus questions are included in this issue beginning on page 3.

Unit Meetings:

Monday, March 18: 5:30 p.m., Oswego Pointe Clubhouse

Wednesday, March 20: 3:00 p.m., Mary's Woods Sandpiper Room

Thursday, March 21: 9:30 a.m., Sylvia Smith's home

Friday, March 22: 9:30 a.m., Willamette View, 12945 SE River Road. The unit will be held in the 4th floor meeting room of the "Court Building."



Lunch & Learn

Friday, March 29, 11:30 a.m. to 1:00 p.m.

Szechuan Kitchen, 15450 Boones Ferry Road, Lake Oswego

\$15.00, payable at door

RSVP: Sonja Kollias, 503-636-2187, vskollias@aol.com

Julia Doty of NW Housing Alternatives will discuss the current state of housing in Clackamas Co., especially in light of the recent Metro bond, how the NHA fits in and its next steps.



Day at the Legislature
April 29

Board of County Commissioners Report

Janice Green, Observer

The Clackamas County Board of County Commissioners are moving on larger projects which are calling forth their balancing of a basic conflict inherent in democracy. On the one hand, there is the elected leaders' mandate to represent the views of the electorate which put them in office. On the other, there is the elected leaders' mandate to, well, of course, LEAD the county and its people in creating desirable outcomes for all. Nowhere is this conflict more evident than in deciding on asking for more tax income to achieve admittedly desirable goals.

The vehicle registration fee (VRF) is a case in point. At \$30 per year, it will cause a \$60 charge during the biennial car registration process. Considering that Clackamas County voters turned down a gas tax intended for local funds for road maintenance in years past, it is not easy for the BCC to again go to the voters for such funds. The issue has been the subject of outreach meetings with business leaders and voters' groups. The Board of County Commissioners have now taken the first step, by passing the VRF ordinance in late February.

The ordinance is subject to referral to the voters after petition, which process (called "remonstrance") is likely to occur. The path forward looks like a public relations challenge. In the meantime, not having sufficient funds for road maintenance obstructs a basic service the county presumably provides its residents. The commissioners are clearly and unambiguously in favor of accepting the leadership challenge of convincing the voters to approve the tax, but they also seem aware that their "popularity" will be at risk during the campaign.

The VRF issue is taking place against a background of another "taxing" issue. The county has been engaged for several years in the long process to replace the county courthouse, a building that has not served the county government for years, is small, unreinforced, outdated, and over 80 years old. State funds are involved, as the state assists with the costs of building county courthouses, in part because the state judiciary is quartered in them. There is a request before the state legislature now for millions of design and engineering matching funds, and eventually the assumption is that the state will also help with the cost of building the new courthouse. However, there will be a bond issue required, and again, the commissioners will need to LEAD an electorate that has shown itself very reluctant in the past. The commissioners have employed a political campaign company for help with the upcoming outreach to the public designed to lead to approval of the bond issue. They are looking to Multnomah County's recent experience with the same process for guidance in avoiding pitfalls and listening to the expertise of their excellent staff. But against a background of needed housing and services for the homeless, affordable housing in the face of the skyrocketing monthly rental market and trying to keep up with services for an increasingly elderly population, bond issues and new taxes are a heavy lift.

The League sends heartfelt condolences to Sonja Kollias, past LWVCC Co-President, on the recent passing of her husband, Van Kollias.

Hard Rock Mining 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 under 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 additional financial assurance was necessary, and the rule was signed on December 1, 2017. (Continued on page 4.)

Mining Summary (Continued from page 3.)

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. (Continued on page 5.)

Mining Summary (Continued from page 4.)

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.

Hard Rock Mining Consensus Questions

1. What factors should be included in the regulation and oversight of hard rock mining and processing?

- a. Clear, comprehensive permitting process that includes adequate opportunities for public input
- b. Environmental and health impacts on local communities (e.g., water quality, air quality, soil quality, wildlife preservation)
- c. In-depth cost/benefit analysis that includes economic benefits to the local economy (e.g., increased jobs & wages, higher tax revenues) vs. cost to taxpayers (e.g., increased revenue needed for roads & other infrastructure, public safety, long term monitoring)
- d. Impacts on other industries (e.g., agriculture, fishing, tourism, hunting, recreation, foraging, timber harvesting)
- e. Public Safety (i.e., mine worker safety; impact from natural disasters, such as earthquakes, landslides, floods)
- f. Long term monitoring and restoration costs
- g. Other _____

Optional Comment _____

2. What changes, if any, should be considered in the reform of federal hard rock mining laws?

- a. Re-evaluate the historic directive that hard rock mining takes precedence over other uses of public land
- b. Charge royalties for metal extraction on federal land to help pay for enforcement and monitoring
- c. Place limits on ownership of hard rock mines by foreign companies
- d. Ensure that hard rock mining operations, not taxpayers, bear the costs of mining clean up, reclamation, and long-term monitoring
- e. Hold former owners of mining companies financially liable for reclamation costs
- f. Strengthen protection of areas of critical environmental concern
- g. Ensure that areas with special designations such as National Wild and Scenic Rivers, BLM Areas of Environmental Concern, forest Service Research Natural Areas, and Botanical Areas are off limits to mining
- h. Streamline leasing, permitting, and oversight process
- i. Other _____

Optional Comment _____

3. What changes, if any, should be made to Oregon mining laws?

- a. Make it mandatory for mining operations to provide security or an annuity for post-reclamation monitoring.
- b. Make bonding requirements sufficient to cover long-term site care and monitoring needs.
- c. Take a more regional approach when crafting Oregon mining regulations to account for variations in population density, topography, climate conditions, and economic need.
- d. Ensure that all Oregonians have a say in the use of public land
- e. Other _____

Optional Comment _____

Consensus Questions (Continued)

4. To promote economic development in parts of Oregon, should some taxpayer money be used to mitigate the high upfront costs of mine development, such as mapping, chemical analysis, and exploratory drilling?

Optional Comment _____

5. Should the state of Oregon develop programs to encourage recycling of metals and their alloys? (e.g., an initiative similar to the E-cycling program for electronic devices; grants or subsidies to encourage local companies to process, use, or manufacture products using recycled metals)

Optional Comment _____

Dine & Discourse



Sorry we had to cancel the February gathering, but the weather was just too iffy to be encouraging folks to risk driving just to relieve some of their stress build-up. So, we will try again this month. "What will happen in the next exciting episode of 'Making Democracy Work' at the state and national levels?" We offer an opportunity to share your thoughts with others who can sympathize and offer suggestions for how best to handle outrage fatigue. Join us for the next Dine & Discourse on Monday, March 25, 6:45 to 8:45 p.m.

We gather for intelligent conversation about current events and our League's role in making a difference while enjoying a delicious dinner at White Orchid Thai Food, 18740 Willamette Drive, West Linn (on the lower level below Bugatti's). We have a special area at the back of the restaurant, which provides a more private atmosphere and less background noise. We receive individual checks for ease in paying. You can review their menu at <http://whiteorchidthaicuisine.com/>.

Non-League members are also welcome, so feel free to bring along a friend or significant other. Please RSVP by March 23 to Libby Medley, medleylj@gmail.com, or try calling 503-668-8520 (there is no answer machine).

Coming Events

Unit Meetings: Monday March 18 – Friday March 22. See page 1 for details

Dine & Discourse, Monday, March 25, 6:45 to 8:45 p.m.: White Orchid Thai Food, West Linn

Lunch & Learn: Friday, March 29, 11:30 a.m. to 1:00 p.m., Szechuan Kitchen, 15450

Boones Ferry Road, Lake Oswego

Cost: \$15.00, payable at door

RSVP: Sonja Kollias, 503-636-2187, yskollias@aol.com

LWVCC Board Meeting: Tuesday, March 26: 9:30 a.m. Social, 9:45 a.m. Meeting, Pacific West Bank, West Linn



THE LEAGUE OF WOMEN VOTERS
of Clackamas County
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Join the League of Women Voters!

Name(s) _____

Address _____

Phone _____

Email

- I am renewing my membership.
- This is a gift membership. (Please provide the recipient's contact information above.)
- I am interested in volunteering for the League. Please contact me.

Annual dues: \$70 Individual. \$105 Household. Full-time student attending an accredited institution or adult under age 25 free! Membership grants are available.

Total Enclosed _____

Please make checks payable to League of Women Voters of Clackamas County.

Mail to: LWVCC, PO Box 411, Lake Oswego, OR 97034