

ABOUT  
9-14-71  
COURIER

# Calcite Files Appeal

The Oregon Calcite Co. has filed notice of appeal with the Bureau of Land Management in Portland in the wake of a ruling that its limestone claim near the Oregon Caves are "null and void."

Roger Dierking, an attorney with the BLM in Portland, said today the Los Angeles — based firm filed notice of appeal Sept. 9, six days after the BLM ruling was announced by state director, Archie Craft.

Craft declared the claims "null and void" on the basis of discovery of a 1907 order declaring all lands in Sections 9, 19, 15 and 16 withdrawn from appropriation, including mineral entry. The order was structured as a prelude to a 1909 presidential proclamation creating the Oregon Caves National Monument.

Dierking said Oregon Calcite now has a specified period of time in which to file what he

termed "a statement of reasons" why it should be allowed to develop its limestone claims not far from the caves.

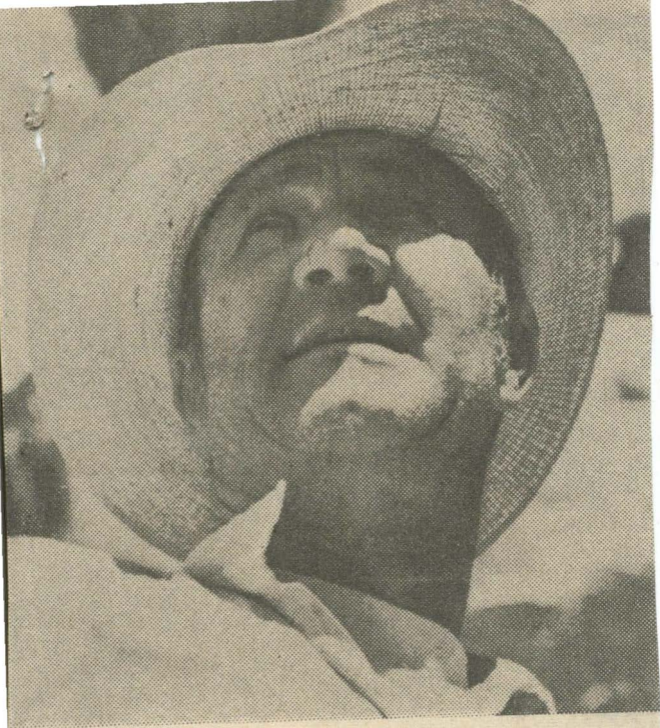
Dierking explained that the statement of reasons could be filed along several procedural lines. "They can allege that we are wrong in declaring the claims null and void under terms of the 1907 order," he said. "Or, they may attempt to allege that they were misrepresented, at least, insofar as they were presumably proceeded as far as they did with their claims in good faith with no governmental interference. It's a procedural thing at this point. The rules for appeal provide several avenues."

Dierking said that, to the best of his knowledge, Oregon Calcite has not filed its statement of reasons yet. Once filed, the matter is placed in the hands of the land appeals board to review and approve or deny the appeal.

Dierking said he doesn't think it will take the appeal board long to reach its decision although he declined to predict what that decision would be.

If the company's appeal is denied, the door to legal recourse remains open. Dierking predicted the matter would probably be heard in federal court. He noted a similar case involving mining claims filed on withdrawn Colville Indian lands in Washington is now on appeal in the Ninth Circuit Court of Appeals in San Francisco.

Oregon Calcite's notice of appeal came as no surprise to BLM officials in Portland. Both Dierking and lands specialist Irving Anderson quietly predicted the case would be appealed before the official ruling was announced. However, both have declined to predict the outcome of either appeal of litigation because of their fear that the case might be tried in newspapers.



Jiggs Morris – Null and Void



WED., SEPT. 8, 1971 DAILY COURIER, Grants Pass, Oregon—Sec. B

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... How's the miner supposed to know?

COURIER  
Sept. 8, 1971

# Calcite Miner Balked by BLM Move

By JIM PETERSEN  
Of the Courier Staff

"If the federal agencies don't know, how is the miner supposed to know?"

That, in a nutshell, is what the man who first filed mining claims near the Oregon Caves thinks of his latest go-round with the federal government.

E. W. "Jiggs" Morris, a 58-year-old prospector, is mostly frustrated about the fact that state Bureau of Land Management director Archie Craft has declared his mining claims on limestone cliffs near the Oregon Caves "null and void."

Craft voided the claim Friday after reviewing a 1907 withdrawal order located after a lengthy search of records in Portland and Washington, D.C.

The order, a prelude to the 1909 Presidential Proclamation creating the Oregon Caves National Monument, was signed by then Acting Secretary of the Agriculture Jesse Wilson. It provided for withdrawal from appropriation of all lands in Sections 9, 10, 15 and 16, the area in which the Oregon Caves are located and the area in which Morris filed eight mining claims in 1954 with the Josephine County Clerk's office.

Morris tried his best to develop his claims on a large scale, but he lacked the necessary capital. His claims cover a limestone cliff 1,000 feet long, 500 feet deep and 500 feet high. Mineral analysis shows limestone about 90 per cent pure. He candidly estimates there is enough limestone on his claims to sustain a 500-ton-a-day operation for 120 years.

Morris put about \$100,000 into his surface mining venture in 1962 and 1963. The mine yielded about 50 tons per day when it operated for a few months before the money ran out. The rock was crushed and marketed as agricultural lime.

Ultimately, Morris' persis-

tence led to formation of a three-man venture known as the Oregon Calcite Co. The search for financing got under way and it was California Time Petroleum, Los Angeles, that purchased 81 per cent of Oregon Calcite in exchange for the capital needed to begin large scale operation.

"Frankly, in lieu of the mistakes and oversights that have been made by the government, I think Oregon Calcite ought to be allowed to go ahead with its work," Morris said today. "We've got a tremendous source of agricultural lime in those cliffs and we've made a sizeable investment in good faith. Had we been able to develop this, we would have helped a lot of people. We could have employed about 100 people annually as long as we ran."

Morris doesn't question the existence of the withdrawal order revealed Friday. Nor does he care to venture a prediction of what the future holds for the company. However, he is certain of one thing. Federal and state unawareness of the withdrawal order points to governmental inefficiency.

"I don't expect them to be perfect," he said. "These things happen. But I think the administrative breakdown needs to be repaired so other miners don't fall into the same trap. I've got a lot of money invested up there."

If its any consolation, L. B. Day, field representative for Interior Secretary Rogers Morton, says the agencies involved are aware of new found administrative difficulties. He says those problems will be solved. He also has a word of advise for miners. Patent your claims with the BLM. In the aftermath of the confusion and criticism leveled against the company in the past month, it now appears that if Morris or Oregon Calcite had applied for a patent, the

withdrawal order would have been discovered. Apparently, federal officials assumed the claims were patented. Therefore, there was no need to assume that a withdrawal order ever existed.

That doesn't get Morris off the hook. He has insisted for some time that the proposed operation would not harm the caves, the surrounding wooded area, wildlife or the mountain stream at the base of the cliff.

In fact, Morris has designed some milling equipment he feels will curb possible air pollution if the crusher ever operates again. A Grants Pass firm was working on the milling machinery when the State Environmental Quality Commission slapped a 60-day delay on the company's start-up date on Aug. 13. Work on the equipment has halted.

Morris had planned to test his equipment on a pilot project basis at the site before beginning full production.

"I don't want to harm the environment either," Morris said recently. "Ecology is important. I live here. I like the country. But I think we need to give some consideration to the need for jobs along with the need to protect our environment. And we also need to make use of our natural resources. All that business about harming the Oregon Caves is a log of hogwash. I know a man who worked blasting in those caves. He's told me many times how hard that rock is and how tough the work was."

It bothers Morris that Oregon is not tapping its richest known source of agricultural lime.

"Most of the ag lime used in Oregon comes from out of state," he explains. "We have a source here, we have the capability to add to the state's economy and we can provide more jobs. I don't see how Gov. (Tom) McCall can argue with that."

McCall may not know it, but he has a standing invitation from Morris to visit the site he has called "a rapacious invasion of one of Oregon's most scenic areas." To the best of Morris' recollection, McCall has never viewed the now quiet, largely untouched mining site.

"If we can go to the moon, we ought to be smart enough to solve whatever problems we might encounter along the way with this project," Morris concludes.

# into Courts as Next Development

Day will not discuss the case now on appeal. Instead, he simply reiterates that Oregon Calcite's rights must be protected.

He did say that federal officials now are exploring the possibility of expanding the withdrawal area around the Oregon Caves.

"I think the question of compatibility of the national monument with the company's proposed development should be resolved once and for all," Day said. "This is our intent."

Bennett isn't certain what will come of his company's "recourse" if it materializes.

"It seems remote that we can survive this between all the bird watchers and do gooders," he said. "We have stopped all work pending a ruling on this matter."

Oregon Calcite was having some machinery for its operation constructed in Grants Pass before Bennett decided to suspend all operations. However, the operation never reached the scope some officials led the public to believe. Morris was doing much of the work himself as he had since he filed claims in 1954. There never was any echoing of dynamite blasts down the Illinois Valley. The development is visible through the trees for only about 400 feet along the highway leading to the caves. The buildings federal and state officials complained bitterly about last month stood for eight years before anyone decided they represented a threat to the caves monument.

The 95 per cent pure limestone cliffs — about 1,000 feet long, 500 feet high and 500 feet deep — are still shaded by aging Douglas fir trees. It is difficult to tell that Morris operated a crusher near the cliffs for a brief period in 1964 before he realized extensive development would take more money than he could scrape together at that time.

Some of the production machinery being developed to prevent air and water pollution at the project site was the product of Morris' imagination and his years as a prospector. Recently, he talked about plans for a pilot period to test the equipment before large scale operations began. That period now appears to be far in the future, if ever.

Through much of the controversy, Morris has insisted the operation could have been conducted without harming the caves, abundant wildlife, vegetation or a small mountain stream that flows at the foot of the cliffs.

He readily admits that some trees would have to be removed from the cliffs but he explains that they are aging Douglas fir, hardly worth the price of jobs his development would have created or the limestone that could have been removed over the next 120 years. He estimated it would take that long to scrape the high grade deposit from the mountain it rests on.

Ironically, it now appears that had anyone ever tried to patent the claims with the

BLM, the withdrawal order would have been found.

Day admitted it never occurred to anyone to check to see whether it had been patented. "everyone just assumed the company had a valid patent," he explained. "Acting on that assumption, there was no need to assume that such a withdrawal order ever existed. Had they attempted to patent their claims, we would have discovered the order."

Day said he was certain the controversy would pave the way toward development of new administrative procedures to prevent the recurrence of such situations.

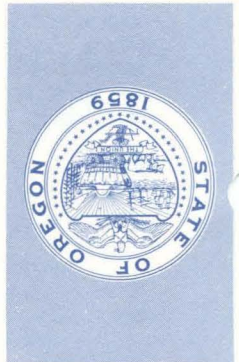
"As for miners, I think this points to the importance of patenting mining claims," Day concluded.

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GRANTS PASS FIELD OFFICE

DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES



# Calcite Battle Could Move

(OVER)  
COURIER  
9/4/71

(Picture on Page 1A)

The battle over proposed development of a limestone mine not far from the Oregon Caves probably is not ended yet.

A Bureau of Land Management ruling Friday that mining claims in Sections 9, 10 15 and 16 are "null and void" may be tested by the Oregon Calcite Co., according to company president John Bennett, Los Angeles.

"We'll probably seek recourse," Bennett told the Courier Friday afternoon. "We're turning the matter over to our attorneys. At this point, we can only say that we don't know what the effect of the ruling is."

The surprise ruling from Oregon state BLM director Archie Craft came three days after William D. Ruckelshaus, administrator of the Federal Environmental Protection Agency, told Gov. Tom McCall no federal authority existed to stop the company from developing its deposit.

Craft's ruling is based on a 1907 withdrawal directive from Jesse F. Wilson, then acting director of the Department of Interior.

The order, titled "Proposed National Monument in Siskiyou National Forest, Oregon," and dated Aug. 12, 1907, declares:

"Gentlemen, the tracts in the Siskiyou National Forest, Oregon, described below are withdrawn from appropriation and use of all kinds under the public land laws including the mineral laws subject to all prior valid adverse claims for a proposed national monument."

"In Township 40 South, Range 6 West, Willamette Meridian, all sections 9, 10, 15 and 16, this withdrawal is made upon the recommendation of the Acting Secretary of Agriculture."

The withdrawal, made through the General Land Office, predecessor of the Bureau of Land Management, was apparently never withdrawn. The Oregon Caves National Monument was subsequently created by presidential proclamation in 1909. Hence, the BLM has ruled that claims filed on those sections are not valid.

Eight claims on Oregon Calcite's proposed development site were filed with the Josephine County Clerk of Court by E. W. "Jiggs" Morris in 1954. However, there is no record of the claims ever having been patented with the BLM land office in Portland.

Morris made several attempts to get the development under way. However, he lacked the

capital necessary for large scale development until he and his two partners in the company sold 81 per cent of their holdings to California Time Petroleum, Los Angeles. With that merger and California Time financing Morris began planning in earnest for development of the strip mining operation. It was then that Morris, Oregon Calcite and California Time Petroleum ran headlong into Gov. McCall, the Environmental Protection Agency and subsequently the Bureau of Land Management.

Oregon's Environmental Quality Commission slapped a 60-day waiting period on the operational starting date on Aug. 13. The halt order never has been officially rescinded, but its effect was diluted considerably when Ruckelshaus told McCall there was nothing the federal government could do about the proposed mine. McCall had sought to have Oregon Calcite's plan permanently blocked.

The search for the 1907 withdrawal order began in earnest three weeks ago when Courier reporter Jim Petersen alerted a BLM attorney Roger Dierking, Portland of the possible existence of the order. Peterson told Dierking confidential information relayed to him indicated there was reason to believe that the order existed and that it included withdrawal from mineral entry. Petersen further said his interest was in determining the exact nature of the order before the company began its operations since later discovery of the order would only force the company to discontinue its operation until the matter was resolved.

Petersen's inquiry triggered an intensive search that moved quickly from Portland to Washington, D.C., where officials from several agencies spent many days searching for the order and any other order that might have cancelled the 1907 document.

The search eventually involved the Forest Service, BLM and Department of Interior. The BLM is responsible for administration of mining laws on all federal lands in cooperation with the agency having jurisdiction of the land, in this case the Forest Service. The Department of Interior became involved because of its control of the Oregon Caves through the National Parks System and its interest in streams and fish through the Bureau of Sports Fisheries and Wildlife.

The original document was located in the archives in Washington, D.C. A copy was locat-

ed in Portland. No order rescinding the 1907 withdrawal was located. Hence, the BLM has ruled that the 1907 order still stands.

Although the ruling has been made, no one in any of the agencies who participated in the search for the document is anxious to talk about what it really means.

L. B. Day, field representative for Interior Secretary Rogers Morton, Portland, puts it this way:

"We tried very hard to do our homework before we said anything about this. I think it was a superb, well coordinated effort on the part of every agency involved. I personally was pressured several times to make a public statement. However, I refused because I don't want this matter adjudicated in the newspapers. Oregon Calcite is entitled to an opportunity to exercise its rights."

Oregon Calcite's rights appear to be two-fold. Round one would include the company's right to appeal the decision under the Administrative Procedures Act as it applies to mining law. If that appeal fails, the company is free to test the ruling in court where they would probably argue that the 1907 withdrawal order is illegal under terms of the Mining Law of 1872.

If Oregon Calcite does elect to take the matter to court, it won't be the first time the BLM has faced such a test.

A U. S. District Court in Spokane, Wash., ruled in favor of the bureau in a case involving a withdrawal order for lands on the Colville Indian Reservation. Mining claims were filed on the lands after a temporary withdrawal order was issued and the court held those claims were invalid. The case is on appeal in the Ninth Circuit Court of Appeals in San Francisco.

CONTINUED  
OVER

# Calcite Plant Will Locate in Area

Oregon Calcite Corp., a Los Angeles based mineral resources company, announced today it has acquired one of the largest known deposits of major high grade calcite on the west coast near Grants Pass and plans to build a \$2.5 million ore processing plant in the vicinity.

California Time Petroleum Inc. owns 81 per cent of Oregon Calcite and the rest is owned by a private investment company.

J. H. Bennett, Oregon Calcite

president, said that upon completion of the facility, 50 persons will be employed. He also gave assurance that the plant will conform with all non-pollutant regulations.

The company said that the main line of the Southern Pacific will service the new plant which also will be located within a short hauling distance of Crescent City, a deep water port. Information regarding a specific location was not available today due to the lack of direct communication with Los

Angeles resulting from today's earthquake damage in that area.

There is an estimated 250 million tons of calcite in the deposit located here and samples assayed indicated calcite of 98 per cent purity, according to the announcement. A sector of 100 million tons is exposed on three sides and has access for immediate open pit operation.

High-grade calcite is used as a basic industrial chemical, in neutralization of industrial and agricultural wastes, water softening and purification, and in

the manufacturing of petroleum chemicals. Among other uses as a fluxing agent in the steel and iron industry, and in solid stabilization of roads, runways and similar projects.

Bennett said the demand for calcite on the west coast market increases significantly year by year.

Oregon Calcite can meet all supply criteria, he said, which is vast deposits, high calcite content, pure white color, easy access and cheap transportation.

*Front Page Courier 2-9-71*

By RUTH RAUSCH

The announcement regarding the proposed mining and ore processing operation here by the Oregon Calcite Corp., a Los Angeles based mineral resources company, has resulted in mixed opinions locally.

The owner of the mining claims, E. W. (Jiggs) Morris, who has been negotiating with Oregon Calcite, says that as far as he knows, the story is true.

Norm Peterson of the State Geology and Mineral Industries Department, expressed strong doubts regarding virtually all the statements made in the

news release Tuesday from the firm's Los Angeles office.

He questioned the reference to the deposit as being one of the largest on the west coast and also to the term "high-grade ore." He was doubtful that enough work had been done at the site to determine the extent of the deposit and challenged the "easy" access to the mine and the reference to "cheap transportation."

"This sounds too much like a promotion and I feel it is a pre-mature thing. However, if it turns out to be a valid proposal, we'd be the first to back it," he said.

Dale Farley, land and recreation officer for the Siskiyou

National Forest, said his office knew nothing about the proposal, adding that mining could not start until there is a determination whether calcite (or limestone) is a "locatable" mineral under federal mining laws.

In a telephone interview Tuesday afternoon with J. H. Bennett, president of the Oregon Calcite Corp., he indicated that the deposit is adjacent to and just north of the Oregon Caves, about 50 miles by road from the mill site which will be on the railroad near Grants Pass. He indicated that a Forest Service road now being built would shorten the haul by about 15 miles.

Bennett said he plans to be in Grants Pass next week and that, hopefully, preliminary engineering and design work may start within two weeks.

Morris, who has owned the claims since he located them 1963 he spent over \$100,000 trying to put them in operation, only to find he was under-financed.

"Now I have a large corporation backing the deal which will employ many people. This is what the county needs and I'm sure the people will be for it. Now, if the Forest Service or other government agencies do not interfere, we have it in the bag," he said.

## Calcite Mine Reaction Mixed

*2/10/71  
COURIER*

# Caves Mining Opposed

COURIER  
7/23/71

PORTLAND (UPI) — The Oregon Environmental Council Thursday voiced its opposition to a proposed limestone mine near Oregon Caves National Monument, approximately 20 miles south of Grants Pass.

Larry Williams, Portland, executive director of the organization, said water pollution and other environmental problems could result from the mine. He said he has talked with representatives of the U.S. Environmental Protection Agency in Seattle about the possibility of seeking an injunction to prevent the mining.

Don Wood, assistant director of lands and recreation for the Siskiyou National Forest, said the Forest Service may not permit the operation to begin. He said blasting could damage the caves and there was no special need for the low grade lime in the deposit.

The Oregon Calcite Corp., Los Angeles, earlier this year, bought the mining claim from Mr. and Mrs. Wayne Morris, Grants Pass. The firm planned to begin mining operations in August.

It would stockpile the lime until processing could begin in a new mill near Grants Pass, according to Mrs. Morris. She said precautions would be taken to prevent any form of environmental damage.

from: Eugene Register-Guard 7-24-71

## Lane wins special award for co-op computer center

PORTLAND (AP)—Oregon environmentalists have asked the federal Environmental Protection Agency whether an injunction can be sought to halt limestone mining near the Oregon Caves National Monument about 20 miles south of Grants Pass.

Larry Williams, Portland, executive director of the Oregon Environmental Council, talked with EPA officials in Seattle. He said the federal agency will investigate but there is doubt whether it has power to intervene through the courts.

The Oregon Calcite Corp. of Los Angeles plans to begin removing 40 tons of rock daily in late August. The company says it will process limestone for such industries as glue manufacturing, water softening and purification and petrochemicals.

From: Eugene Register-Guard 7-24-71

### 'Round the State

## Court action eyed in mine operation

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Larry Williams, Portland, executive director of the Oregon Environmental Council, talked with EPA officials in Seattle. He said the federal agency will investigate but there is doubt whether it has power to intervene through the courts.

The Oregon Calcite Corp. of Los Angeles plans to begin removing 40 tons of rock daily in late August. The company says it will process limestone for such industries as glue manufacturing, water softening and purification and petrochemicals.

Earlier this year the company bought mining claims on about 250,000 tons of limestone deposits immediately north of the caves in the Siskiyou National forest.

Williams, whose organization consists of citizen environmental protection groups, says questions concerning possible water and air pollution, truck traffic, dust and other potential problems haven't been answered.

However, J. H. Bennett, a vice president of California Time Petroleum Inc., Los Angeles, said mining high-grade limestone is a clean business and the environmentalists have no facts to indicate any prospect of damage. The firm owns 81 per cent of Oregon Calcite.



## Oregon Caves neighbor

Oregonian 8-11-71

# McCall asks help in blocking mine

Oregon Gov. Tom McCall says "no," the Department of Environmental Quality says "yes," mining authorities say it will never work, and Jenks Morris is caught square in the middle with a limestone mine on the edge of a national monument.

Morris, who heads Oregon

Calcite Corp., now a subsidiary of California Time Petroleum Inc., located claims near Grants Pass in 1954. While they were within a national forest, they were not, at that time, adjacent to the Oregon Caves National Monument.

Nearly a decade later, the Forest Service expanded the boundaries of the monument by simply withdrawing additional forest lands from commercial use. It was through this, Morris said Wednesday, that he wound up an unwilling neighbor to the Oregon Caves.

McCall Wednesday called on U.S. Environmental Protection Agency Administrator William Ruckelshaus to intervene against Morris' operation, despite a finding by Oregon's Department of Environmental Quality that the Oregon Calcite proposed plant "meets all specifications," as to air and water pollution prevention.

Added to the complicated political stew is a strong belief on the part of mining men that Morris cannot profitably operate the facility because his transportation costs will "price him right out of the market."

### Cost noted

The Oregon Calcite property is some 40 miles by road from the nearest shipping point, Grants Pass. At 10 cents per ton, per mile, average hauling cost, "he's already got \$4 a ton just getting it out of the mountains," a mining engineer told The Oregonian.

Exact cost quotes were not available from Portland suppliers, but two years ago a source said \$5 per ton was tops, which included the raw material and delivery from Texada Island, British Columbia.

One supplier also questioned the quality of Oregon lime, and said most of the domestic supply is suitable only for agricultural purposes.

Oregon Calcite plans to produce "burnt lime" calcium oxide — which is used in filtering and bleaching operations in paper and plywood mills and sugar refineries.

Morris also said lime has applications in water purification and sewage treatment.

His plant, Morris said, "is pollution-free."

McCall, whose office said recently that halting the Oregon Calcite operation was "a top priority," Wednesday asked for a formal evaluation of the planned operation by the EPA.

### Governor quoted

"It is completely inconceivable to me that this rapacious invasion of one of Oregon's most scenic areas, contiguous to a national monument, could be sanctioned in any way without benefit of an environmental impact statement."

Oregon Calcite's operations predate the federal requirements for such statements by some years.

McCall said there has been no showing that there is a need for calcium oxide to be produced, and no clear plan provided "for erasing the scar tissue that forever will blemish the land should surface mining occur."

McCall has also directed the DEQ to hold off issuing the state permits for Oregon Calcite's operation until after filing and evaluation of environmental impact statements.

The claims, while they abut the national monument boundary, are not visible from the Oregon Caves access road, due to a ridge separating the mine and the highway. The site is located in the Siskiyou National Forest.

The governor's office said the U.S. Forest Service may have to file a statement, if Ruckelshaus rules that an environmental study is necessary.

August 12, 1971

# Caves Mgr. Worried

CAVE JUNCTION (UPI) — Gov. Tom McCall is exploring every possible way to halt a limestone mining operation he says will spoil this scenic area.

Eighteen miles east of here — and just two miles from the Oregon Caves National Monument — the Oregon Calcite Corporation is starting up a limestone mining operation which last operated about six years ago.

Harry Christiansen, manager of the Oregon Caves Co., says he is worried about the truck traffic which will result on the mountain road which twists its way up to the caves from here.

“Already tourists complain about the logging trucks they met on the lower end of the road,” Christiansen said.

The mining operation, he said, is not visible to uphill traffic, but as tourists go back down the mountain from the caves it will be visible.

McCall has appealed to a number of federal agencies to stop the mining if they can.

The mining company has valid mining leases on federal forest lands adjacent to the caves monument.

Christiansen said he is also worried about how the blasting might affect the caves. “This

mountain is honeycombed with caves,” he said, “and I’m worried about what effect the vibrations from the blasting might have.”

“We’re trying to preserve this area,” he said, “not tear it up. In fact we complain bitterly when the Forest Service cuts down trees around here.”

## McCall Seeking Halt to Mining

COURIER

8/11/71

SALEM (UPI) — Calling it a “rapacious invasion of one of Oregon’s most scenic areas,” Gov. Tom McCall today appealed to William Ruckelshaus, administrator of the Environmental Protection Agency, to halt proposed mining near the Oregon Caves National Monument.

Oregon Calcite Corp., a subsidiary of the California Time Petroleum, Inc., of Los Angeles, is preparing to activate mining claims for limestone deposits on federal forest lands.

McCall said he cannot find any way to halt the mining under state laws. A new law which would have given the state authority does not become effective until next July 1.

McCall asked Ruckelshaus to use existing laws dealing with environmental policies “To move vigorously in requiring” an environmental impact statement from the firm before it proceeds.

The governor said the mining site, where preliminary activity is now underway “is in full view, with maximum visual impact, of the more than 200,000 tourists each year.”

Others which have voiced concern over the mining McCall

said, are the Oregon Environmental Quality Commission, the National Park Service superintendent at Grants Pass, and the Siskiyou National Forest.

McCall said he has asked state agencies to withhold any action on granting permits for the firm to discharge waste into local streams, until the mining firm files a statement with the EPA.

The governor said, “To my knowledge there has been no showing of need for calcium oxide to be produced (from the limestone) and no statement detailing the economic feasibility of the project.”

# Calcite Mining

Courier 8-14-71

## Delayed by EQC

PORTLAND (UPI) — Oregon's Environmental Quality Commission (EQC) Friday imposed a 60-day waiting period on the start of operations of a pilot mill and kiln under construction by the Oregon Calcite Corp. near the Oregon Caves National Monument.

John Bennett, president of

Oregon Calcite, requested the Commission to reduce the waiting period to 30 days, but the commission took no action on the motion.

State law gives the EQC up to 60 days for review of plans and specifications of operations affecting the environment. The lack of specific action to shorten the review was viewed as a delaying tactic.

EQC member Edward C. Harms, Jr., Springfield, noted that this was the effect of the commission's "no action." Harms then moved to direct the staff of the Department of Environmental Quality to set up standards for the air quality surrounding recreational areas in the State of Oregon, particularly in and around National Parks and National Monuments. The motion passed unanimously.

Recognizing that the EQC lacks authority to set standards for land use, Harms said, "however we can set air quality standards."

"Oregon Calcite's plans to extract limestone by strip mining from Forest Service land immediately adjacent to Oregon Caves National Monument presents a threat to the scenic and recreational resources of the area, over which EQC can exert authority by regulating air quality," Harms said.

The Mining Act of 1872 is the basis of the position of the U.S. Forest Service that mines on its lands are private, not public, operation and as such do not fall under the strict guidelines of the "environmental impact statement" affecting other activities on federal lands.

Bennett, who said the mill and kiln could be ready to operate soon after Sept. 1, told the EQC, "My firm is anxious to start as soon as possible so that it can check out the economic feasibility of our experimental kiln operation."

He added that if the pilot project, which is located within sight of the access highway to Oregon Caves National Monument, proved successful, the production plant would be located near Grants Pass on land the company has leased.

## U.S. to probe mine operation

The Interior Department has joined investigation into proposed limestone mining near Oregon Caves National Monument.

L.B. Day, Portland, Interior regional coordinator, said Monday he sent a team of investigators from Bureau of Sports Fisheries and Wildlife and National Park Service to check the proposed operation of Oregon Calcite Corp.

Day said he is concerned about preserving integrity of the caves and of fish in Lake Creek, which flows through the limestone deposit area in Siskiyou National Forest south of Grants Pass.

"Before they start moving any rock, we want to assess the environmental impact statement of the Forest Service," Day said.

Meanwhile, State Department of Environmental Quality engineers met in Portland with J. H. Bennett, Los Angeles, president of Oregon Calcite.

Bennett said the firm will submit plans for a kiln which would process chemical limestone. The company plans to move the kiln to the proposed mining site next week.

DEQ must approve any air or water discharges before the kiln is allowed to operate.

# Mine Halt Blocked

SALEM (UPI) — There is nothing federal agencies can do to halt a limestone mining project adjacent to the Oregon Caves, Gov. Tom McCall has been told.

William D. Ruckelshaus, administrator of the Federal Environmental Protection Agency (FEPA) said federal agencies can't act because valid mining claims are protected by the mining law of 1872.

McCall is upset over plans by the Oregon Calcite Corporation to reactivate its mine near the caves. He said it would spoil

the natural beauty of the area.

The State Department of Environmental Quality has withheld temporarily action in granting the mining firm necessary permits to proceed.

Ruckelshaus said the forest service "has already assured us that any mining activities on this claim will be monitored closely, and that EPA will be notified immediately should there be any signs of adverse air or water quality impact. We would then work closely with Oregon officials to initiate pollution abatement action."

COURIER 8/31/71

# Calcite Closes, Awaits Rulings

ABOUT  
9/1/71

PORTLAND (UPI) — Oregon Calcite Corporation has shut down all activity at its site near the Oregon Caves National Monument outside Grants Pass.

The move came because of unclear rulings and an "emotional outburst from Governor Tom McCall," said John H. Bennett, vice president of California Time Petroleum, Inc., of which the mining company is a subsidiary.

In a letter written to the Department of Environmental Quality, Aug. 31, Bennett said, "Since the EPA doesn't know whether or not it has jurisdiction and the Forest Service says the

'Environmental Impact Statement' is not required, it appears to me that the real issues stem from the emotional outburst of Governor McCall.

"I can only assume that various delaying tactics will continue. With that thought in mind I am shutting down all activity of the Oregon Calcite Corporation until your organization comes up with a definitive statement of requirements that are economically feasible and will allow Oregon Calcite Corporation to complete its pilot operation for the limited time required and serve the best economic and environmental interests of the State of Oregon."

# Calcite Mining Claim Is Null, Void

COURIER-9/3/71

Mining claims filed on Siskiyou National Forest lands adjacent to Oregon Caves National Monument are null and void, the Bureau of Land Management announced today.

Archie D. Craft, BLM state director, said that four sections of land were "withdrawn from appropriation and use of all kinds under the public land laws, including the mineral laws" in 1907. The withdrawal was made by the General Land

Office, predecessor of the Bureau of Land Management, upon the recommendation of the Secretary of Agriculture. It was approved by the Secretary of the Interior. Two years later, in 1909, Oregon Caves National Monument was established by Presidential Proclamation in the center of the withdrawn area, but the original 1907 withdrawal still stands, Craft said.

Regional Forester Rexford A. Resler of the forest service pro-

vided the Bureau of Land Management with the names of all known mining claimants in the area, requesting that they be officially notified that claims filed after Aug. 12, 1907, are null and void. BLM is responsible for administering the mining laws on all federal lands, in cooperation with the agency having jurisdiction of the land.

The general mining law of 1872, under which claims are filed, does not require all claimants

to file claim location notices with BLM, although BLM is the official custodian of all records of federal lands.

Proposed calcite mining operations which some claimed posed a threat to the Oregon Caves National Monument led to an intensive search of the land records. This search disclosed that the 1906 withdrawal segregated these lands from entry under the mining laws.