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MINING CLAIM HOLDERS, TAKE NOTE

Do you hold a valid mining claim? This is what the U.S. Bureau of Land Management and the U.S. Forest Service are going to determine. Starting this year, every claim on lands under their jurisdiction will be examined, a job that the Forest Service expects to complete by 1965. The Bureau of Land Management and Forest Service have always had authority to do this, but now they have greater incentive than ever before because management of the surface of mineral claims can be theirs if the claim can be shown to be invalid or if the claim holder does not take certain measures required by a new law.

Public Law 167 amended the mining law to the effect that all claims located after July 23, 1955, are subject to the right of Government bureaus to manage the surface resources and to use as much of the surface as may be necessary as long as this does not materially interfere with prospecting or mining. It also provides that mining claims located before passage of the law can be challenged and, failing to be proved valid, the surface of the claim can be managed by the bureaus in the same manner as if the claim had been located after passage of the law. With the authority to manage the surface at stake, appropriations to finance the examinations of claims were pressed for and obtained by the bureaus, and procedures have been put into operation for determination of surface rights. The first area to receive the Forest Service's attention in the Pacific Northwest Region is on the North Fork of the Snoqualmie River, Washington. Districts in Oregon that will reportedly receive examination early this summer are Hunters Creek (Curry County), Quartzville (Linn County), and Blue River (Larimer County). The Bureau of Land Management has not made announcement of the areas it expects to investigate first.

The following, extracted from the Forest Service's manual, "Policy and Instructions for Determination of Surface Rights on Mining Claims," is the procedure the Forest Service announces it will follow in making determinations. The Bureau of Land Management, to the best of the Department's knowledge, does not have such a manual, but it seems likely that a similar procedure would be followed.

The preliminary step by the Forest Service will be the examination of an area for evidence of persons in actual possession of or engaged in working claims. This will be a physical examination and will be made to determine if location notices are posted on the lands; if there is any kind of house, cabin, shack, camp, or other evidence of living or other actual occupancy of the area; if there is any new work, assessment work, development work, pits, shafts, drifts, surface diggings, or other workings; if there is any road construction, clearing of timber, machinery in place, or other evidence of mining activity. At this time, the tract indexes in the county courthouse will be searched in an attempt to find the name or address of persons found in possession or actually working a claim. Following the physical examination of a property,

a notice will be filed in the office of the Secretary of Interior requesting publication of a notice to mining claimants for determination of surface rights. The notice will be published in a newspaper having general circulation in the county in which the lands involved are located. Within 15 days after the first publication of the notice by the Department of Interior, letters will be sent to each person in possession of or engaged in working a claim in the examined area and to each person who has filed a request for notice. The requirements of the law are met by mailing of the notice; it does not require that the notice be received.

After publication of the notice in the newspapers, the claim holder must file a verified statement,* setting out certain facts about his claim, otherwise the Government bureaus will automatically have the legal right to manage the surface resources. If the mining claimant does file a verified statement, the Forest Service will send a mineral examiner to the mining claim to determine whether the claim should be recognized as valid. Where appropriate, according to the Forest Service manual, the mining claimant will be contacted and stipulations provided for in the law will be discussed. In the case of a clearly valid claim for which the locator has filed a verified statement, an agreement may be entered into which will make it unnecessary to go to hearing as to the claim. In some instances this agreement will state that the United States does not contest the asserted rights of a mining claim for which a verified statement has been filed.

If a verified statement is filed by a mining claimant on which the Forest Service thinks there may be some doubt as to the validity of the mining claim, the Department of Interior will fix a time and place for a hearing. The place of the hearing will be in the county where the lands in the claims are located unless the mining claimant agrees otherwise. Any single hearing will be limited to a maximum of 20 mining claims unless otherwise agreed. The procedures with respect to notice and conduct of hearings as well as appeals therefrom will follow those relating to contests or protests already set up within the Department of Interior. The hearing will determine whether the mining claim is valid and effective or whether it is invalid and ineffective. On the claims declared valid and effective, the owner of the mining claim may conduct his operation as if Public Law 167 had never been passed. Claims declared invalid or ineffective will have their surface subject to management and disposition by the Government bureaus.

So far, everything given above has been concerned with the procedures the Government bureaus might take to determine if they could manage the surface of mining claims. The claim holder or person having an interest in the claim cannot prevent this determination. However, the claim owner or any person owning an interest in a claim can take one precautionary measure in order to be notified of a determination by the bureaus. The law provides that any person desiring to receive a copy of a published notice to mining claimants may file in the county office of record a request for a copy of any such notice. The request for notice should set forth:

- (1) Name and address of the person requesting copies.
- (2) The date of location.
- (3) The book and page of the recordation of the notice or certificate of location.
- (4) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

*Verified statement: a statement under oath. Notary publics and most county officials are qualified to perform this service.

Failure of the Government department or agency to comply with this request would cause the publication of the notice to be ineffectual as to the mining claim of that person.

Whether or not a "request for copy of notice" has been filed, the claim holder must file a verified statement within 150 days from the time of first publication in the newspapers of the notice to determine surface rights, if he wishes to keep the status of his claim the same as before passage of Public Law 167. The verified statement should give the following information:

- (1) The date of location.
- (2) The book and page of recordation of the notice of certificate of location.
- (3) The section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.
- (4) Whether such claimant is a locator or purchaser under such location, and
- (5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim.

This statement must be filed with the office specified in the published notice. The office, according to the Bureau of Land Management and Forest Service, will likely be the State Supervisor of the Bureau of Land Management or the Land Office of the Bureau of Land Management.

Failure to file the verified statement within 150 days of the date of the first notice shall be considered as conclusive evidence that the mining claim owner:

- (1) Waives and relinquishes any right, title, or interest under such mining claim as regards the surface rights.
- (2) Constitutes a consent by the mining claimant that the mining claim shall be subject to the limitations and restrictions of Public Law 167.
- (3) Precludes thereafter any assertion of such mining claimant of any right or title or interest in the mining claim contrary to or in conflict with Public Law 167.

The Department, as a public service through The Ore.-Bin, will try to keep miners and prospectors notified of the determinations of the Forest Service and Bureau of Land Management as they proceed. It should be emphasized, however, that The Ore.-Bin comes out but once a month and it is possible the Department will not be informed of all determinations in the State. Therefore all claim holders or persons holding interests in claims should file in the appropriate county courthouses their "request for copy of notice."

H.M.D.

IMPORTANT MINING BILLS INTRODUCED IN CONGRESS

A series of bills has been introduced in Congress that, if passed into law, would assure the nation of at least a minimum live strategic-minerals industry -- an industry that is so essential to a sound mobilization base. Also, the bills would strengthen the economy of the western states by allowing strategic mineral mining to continue at about the same level as in the past few years. Although all the bills are only "stop gap" measures they are absolutely necessary ones. If legislation of this type is not passed, practically all strategic mineral mining in the United States will cease, for the present Government purchase programs are either filled or are so close to their termination dates that exploration and development for new deposits are not warranted.

Of particular interest to Oregon are Senate bills Nos. 3453, 3497, and 3504. S. 3453 would continue all present mineral programs through June 30, 1961, by paying the producers a production bonus of a sum equal to the difference between the present Government purchase program price and the price actually obtained by selling on the open market. If successful in becoming law, the provisions of S. 3453 will go into effect when the present purchase program on each of the minerals ends. The administration of the act would be by a new agency within the Department of Interior and not under the control of the General Services Administration or the Office of Defense Mobilization, the agencies which presently control the purchase programs. The mechanism of S. 3453 is patterned after the Wool Act which was approved by President Eisenhower.

S. 3497 would provide for extension of the purchase program for mercury until June 30, 1961, with the price to be paid for domestic metal increased to \$275 per flask. The existing purchase program for mercury has been wholly unsuccessful due to the unrealistic price of \$225 per flask now offered. (Average New York price for 1955 was \$290 per flask.) Of the quota of 125,000 flasks authorized to be purchased, only a token 5 flasks has been acquired.

S. 3504 would provide for continuation of the existing chromite purchase program to June 30, 1961. Price, quantity, administration, and buying depot (Grants Pass, Oregon) would remain the same as at present. Under the existing program, which was initiated in 1951, a little more than 50 percent of the authorized 200,000 long tons had been acquired by the end of 1955. This would mean that the chrome miners would have 5 years to produce under 100,000 long tons. The 1955 shipments to the Grants Pass purchasing depot from Oregon, California, and Alaska was 34,567 long tons.

Other Senate bills (many of which do not have companion bills from the House) introduced are:

S. 2876 - Would provide for a five-year extension of existing purchase programs for tungsten, manganese, chromite, mica, asbestos, beryl, and columbium-tantalum-bearing ores and concentrates.

S. 3379 - Tungsten. Would provide for continuation of existing purchase program to June 30, 1959.

S. 3496 - Antimony. Would provide for setting up a purchase program for antimony to continue to June 30, 1961.

The following bills would provide for continuation of existing purchase programs to June 30, 1961:

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- S. 3455 - Mica.
- S. 3485 - Columbium-tantalum-bearing ores.
- S. 3486 - Beryl.
- S. 3499 - Asbestos.
- S. 3523 - Manganese.

Essentially, all these bills but S. 3453 are the same as H.R. 6373, of the last session of Congress, which was vetoed by the President reportedly on the advice of ODM. Theoretically, ODM could continue all strategic mineral programs without benefit of new legislation but their actions of last year would indicate they have no desire to do so. Because of this S. 3453, which would not be under ODM and which carries its own authorization for an appropriation, would appear to offer the best chance of continuing a domestic strategic mineral industry.

As encouraging as this proposed legislation is, it still does not answer the need for a policy that would assure a long-range, healthy, domestic strategic-mining industry capable of expanding in times of extreme crisis. Such a policy was outlined by official delegates of the Governors of Western States and Alaska at a meeting in Sacramento, November 7-9, 1955, but the Government has yet to propose one. Until such a program is forthcoming it appears the miner and Congress must press for this "stop gap" legislation if a nucleus of a producing industry is to be kept alive.

H.M.D.

PUBLICITY ON GOVERNMENT BUREAU ACTIONS REQUESTED

The Governing Board of the State of Oregon Department of Geology and Mineral Industries requested Regional Forester Herbert J. Stone of the U.S. Forest Service and State Supervisor Virgil T. Heath of the Bureau of Land Management to give widespread publicity to their agencies' actions in determining who is to manage the surface of mining claims, authority for which was granted under Public Law 167. The letter of request sent April 12, 1956, to the two Bureau heads in Oregon is given below:

Mr. Herbert J. Stone, Regional Forester
U.S. Forest Service
729 N.E. Oregon Street
Portland, Oregon

Mr. Virgil T. Heath, State Supervisor
U.S. Bureau of Land Management
1001 N.E. Lloyd Blvd.
Portland, Oregon

Dear (Mr. Stone):

The Governing Board of the State of Oregon Department of Geology and Mineral Industries has requested that I write you asking that this Department be kept informed of the (U.S. Forest Service) efforts in making determinations on surface rights of mining claims in Oregon as provided under Public Law 167.

Further the Board earnestly requests that the(U.S. Forest Service)make public announcements and give wide publicity to the progress of the determinations. In this manner our Governing Board feels that the best interest of the public can be served in that the miners and prospectors of the State would be aware of what the(Forest Service) is doing under Public Law 167, fewer misunderstandings would arise, and cooperation could be better established between the(Forest Service)and mining people.

Sincerely yours,

/ s / H. M. D.

PROSPECTING IN CENTRAL OREGON

The Redmond Spokesman of January 30, 1956, carried a story by Mr. Thomas Boeke, Redmond attorney, on an application of a Denver, Colorado, group to the Bureau of Land Management that would tie up for the group the sole prospecting rights on 127,300 acres of acquired land in Jefferson and Crook counties, Oregon. Following Mr. Boeke's article, conflicting stories appeared in the Portland daily papers quoting Bureau of Land Management officials on the applications, prospecting permits, and staking of claims in the central Oregon area. As it appears likely that central Oregon will receive considerable attention this summer from uranium prospectors due to the interesting finds on Bear Creek and Powell Butte (Crook County), Mr. Virgil T. Heath, State Supervisor of the Bureau of Land Management, was asked for help in clarifying the confusion concerning prospecting in central Oregon. Mr. Heath's reply is given below:

Certain public lands situated in Jefferson County were withdrawn by Executive Order No. 7672, dated July 19, 1937, from settlement, location, sale or entry and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with Oregon Land Project LA-OR2.

The withdrawal provided, however, that, "Nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws."

A list of the lands withdrawn by Executive Order No. 7672 was published in the Federal Register of July 22, 1937, at page 1263. The area withdrawn involves portions or all of the following townships:

Tps. 12 and 13 S., R. 11 E.	Willamette meridian, Oregon		
Tps. 11, 12, and 13 S., R. 12 E.	"	"	"
Tps. 11, 12, and 13 S., R. 13 E.	"	"	"
Tps. 10, 11, 12, and 13 S., R. 14 E.	"	"	"
T. 10 S., R. 15 E.	"	"	"

The area of public lands involved in the Executive Order is reported to be about 13,000 acres and the area of lands acquired within the project area is reported to be about 93,000 acres. There are also lands within the project area that have not been acquired and, as well, there are some power site lands and some other lands which may be included in a Bureau of Reclamation, First Form Withdrawal.

The mineral rights on the lands included in the project may be acquired, if available, as follows:

(a) The public lands in the project:

The public lands withdrawn are open for prospecting, location, developing, mining, entering, leasing, or patenting under applicable mineral land laws.

Mineral materials such as common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay described in Public Law 167, 84th Congress (69 Stat. 367) may be pur-

chased under the Materials Act from the agency having jurisdiction, in this case, the U.S. Forest Service.

Lands withdrawn for power site purposes were opened to location and patenting of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources by Public Law 359, 84th Congress, August 11, 1955, (69 Stat. 687). Such locations, however, must be filed for recordation in the Land Office as set out in the Act.

The First Form Reclamation lands, if any, are not available for mineral location unless opened under the act of April 25, 1932, (47 Stat. 136; 43 U.S.C. 154),

(b) The acquired lands in the project:

Under present regulations, prospecting permits will be issued, upon application, to the first qualified applicant after permission is secured from the agency having jurisdiction, and provided the deeds for the acquired lands show the mineral rights were transferred to the Government. For procedure see Circular 1919.*

Mineral materials such as those enumerated in Public Law 167, supra, cannot be purchased under the Materials Act but must be secured by application for a prospecting permit and upon discovery, a preference lease may be secured as outlined above. (See also Circular 1919).

If any of the acquired lands were originally patented as Stockraising Homesteads, such lands are open for prospecting, location, development, leasing, or patenting under applicable laws.

A prospecting permit is for a period of two years and may be renewed for a period of two years. If a valuable mineral deposit is discovered by the permittee within his permit area, he is entitled to a preference right lease for any or all of the lands in his permit area for any period of five to ten years, upon advice of the agency having jurisdiction over the surface and the U.S. Geological Survey.

Sincerely yours,

/s/ Virgil T. Heath, State Supervisor

It would appear that anyone planning on prospecting in central Oregon would be wise to contact the Land Office of the Bureau of Land Management before going into a particular area in order to determine if prospecting permits are required or if the land can be staked according to the mining laws. If this precaution is not taken, there is always the possibility your "find" will be on acquired land, which requires a prospecting permit. If the "find" is made before a prospecting permit is obtained, the land must be put up for open, competitive bid with no priority or advantage given the discoverer.

The experience so far this year in central Oregon indicates that mineral leasing of government land is a dismal failure and certainly is not to be preferred to the tried and true method of staking claims.

H.M.D.

*"Mineral deposits in acquired lands and under rights-of-way," U.S. Bureau Land Management.

TO ATTEND SENATE HEARING

Fay Bristol and Bill Robertson, members of the "Chromite Industry Advisory Committee" of the Office of Minerals Mobilization, and Hollis M. Dole, Director of the State of Oregon Department of Geology and Mineral Industries, will attend a hearing in Washington, D. C., April 19 and 20, on the Senate bills given on page 32 of this month's Ore.-Bin. The hearings are to be held by the Senate Subcommittee on Minerals, Materials, and Fuels of the Senate Committee on Interior and Insular Affairs, James E. Murray, Montana, Chairman.

NEW PUBLICATION ON RADIOACTIVITY

The Department has received the Colorado School of Mines Quarterly, vol. 51, no. 1, which is devoted to the article "Instrumentation and methods for radioactivity detection in the mineral industry." The author of Part I is James O. Milmoie, Instrumentation Chemist, Colorado School of Mines Research Foundation, and of Part II is Stephen P. Kanizay, Instructor in Geology, Colorado School of Mines.

Part I deals with the theory, development, and applications of various radioactivity detection instruments. Some special uses devised by the Colorado School of Mines Research Foundation, are pointed out and explained. Instruments and methods of detection that are described include photography, cloud chambers, electroscopes, electrometers, ionization chambers, proportional counters, Geiger-Müller counters, scintillation counters, and crystal conduction counters. Radiometric assay methods for pitchblende, carnotite, and monazite-type ores are given, together with comparison curves for conversion of net counts per minute to percent thorium and uranium oxides. The importance of a petrographic examination for mineral identification is indicated.

Part II is an outline of current techniques in field exploration, based on characteristics of the instruments as developed in Part I. It outlines many considerations of radioactive prospecting and points out advantages and limitations of each method. The importance of correcting for variations in terrain level during airborne traversing is brought out. Geologic guides discussed emphasize the Colorado Plateau, but applications in other radioactive areas are mentioned. The author covers various types of drilling in current use with a comparison of costs. The methods of sampling and gamma-ray logging are shown in determining the ore grade and stratigraphy and in making a final evaluation of a deposit.

A copy of the Quarterly may be secured by sending \$1.00 to the Colorado School of Mines, Golden, Colorado.

DO YOU STILL OWN SOME GOLD?

In general, persons are required by law to have a government license in order to possess or deal in gold. Exceptions are given below as contained in the Gold Reserve Act of 1934 as amended to July 15, 1954.

Natural gold may be held, bought, sold, and transported within the United States without the necessity of obtaining a government license. Natural gold is defined by the Treasury as gold recovered from natural sources which has not been melted, smelted, or refined or otherwise treated by heating or by a chemical or electrical process. Thus the only gold which would come under the Treasury definition and which may be bought and sold in this country without any strings attached is metallic gold obtained from a natural source by mechanical means only - that is by such methods as sorting, washing, sluicing, screening, and tabling. Gold amalgam is also considered as unprocessed gold, but it must not be heated or treated before sale.

Gold obtained in the form of sponge, which results from retorting gold amalgamated with mercury, may be held and transported without a license by the person retorting the amalgam, provided that the person shall hold at any one time an amount not in excess of 200 troy ounces of fine gold. The person holding such gold may dispose of it only to the United States Mint or to a person holding the proper government license.

Gold coin of value to coin collectors may be acquired, held, transported within the United States, or imported without the necessity of holding a license. However, such coin may not be exported without a license from the Director of the Mint. Gold coin made prior to April 5, 1933, is considered to be of recognized special value to collectors of rare and unusual coin (See January 1956 Ore.-Bin, page 8).

A person engaged in an industry, profession, or art which requires gold for the legitimate conduct of such activities may import unmelted scrap gold and may acquire, hold, melt, and treat gold in any form without a license provided the aggregate amount of such gold does not exceed at any time 50 troy ounces of fine gold. This gold must be used by the person possessing it in his actual business of fabricating or in his profession or art.

A person may hold at any one time not more than 50 troy ounces of fine gold in the form of unmelted scrap. He may furnish it only in such form to persons authorized by license or otherwise, to acquire unmelted scrap gold, or he may sell it in unmelted form to the United States. Such persons may acquire gold for these purposes only from:

- (1) A person duly licensed by the government.
- (2) A person authorized under the regulations to hold and dispose of gold without a license.
- (3) A United States mint or assay office.

Persons as specified above may not sell or otherwise dispose of gold except as unmelted scrap gold, or fabricated gold, or in metals containing not more than 5 troy ounces per short ton, or gold in its natural state; provided that gold filings, clippings, and the like which result from the legitimate conduct of the work in which the person is engaged may be disposed of in the same form to licensed persons or to the United States.

No person may acquire, hold, transport, melt or treat, or import gold coin or gold derived by any person from gold coin or any gold which has been held in noncompliance with the Act of March 9, 1933, any executive orders or orders of the Secretary of the Treasury issued thereunder.

LIGHTWEIGHT CONCRETE IN SWEDEN

A company in Sweden manufactures a lightweight concrete called Durox that can be drilled, sawed, and nailed like wood. The material was developed in 1923 after Nobel prize winner Gustaf Dalen, a native of Sweden, discovered that local deposits of alum shale and limestone could be successfully combined to form the lightweight concrete. Since that time certain other substances have been found to be suitable. The Durox weighs 31 to 44 pounds per cubic foot as compared with 75 to 100 pounds for ordinary bricks, and can therefore be made into fairly large units. The process is described in Compressed Air Magazine, November 1955, as follows:

"The manufacturing process is somewhat similar to the baking of bread. The essential calcareous and silicious ingredients are ground into a flourlike powder, mixed, sprinkled with water and 'leavened' with aluminum powder. The mass is then worked like dough and poured into greased baking molds. These are transferred to a fermenting chamber where the mixture rises to twice its original height. After the cakes have been baked with steam they are cut with wire saws into blocks or slabs of desired sizes. The final step is hardening in cylinders containing high-pressure steam. This treatment is claimed to prevent the pieces from shrinking later on."

EASTERN OREGON MINING NEWS

The first chromite shipments from the John Day region for the 1956 season were made by the Comstock Uranium-Tungsten Company, Inc., which is working the Haggard and New mine, Grant County. The Company has mined and milled enough chromite ore for three truck-trailer shipments of chrome concentrates. With continued good weather, access conditions will permit sustained full-scale resumption of operations. Mr. E.E.W. Kearly is in charge of operations.

Al Dunn has started construction of a mill in Canyon City to treat ore from a leased chromite prospect situated on the William Gardner ranch about a mile northwest of the Haggard and New mine, Grant County. Development of the prospect was begun in 1955, and 16 tons of concentrates were produced and shipped from a test mill-run conducted late in the year.

Underground exploration work is being continued by H. K. Riddle on the Jordan brothers' cinnabar claims on Bully Creek, Malheur County. Mr. S. P. Wilson is in charge.

The Uranic and Strategic Minerals Company, Inc., of Boise, Idaho, Mr. William Schierding, Manager, is reportedly scheduled to start drilling at a cinnabar prospect located on Vale Butte, Malheur County. Access roads to the prospect have already been completed.
