

STATE OF OREGON
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HALF A STATE

Unlike states east of the Rocky Mountains, where the public lands were given to the settlers and all of the Federal Government's ownership was divested in one way or another, more than half of Oregon's 96,000 square miles is still Federally owned and controlled. The policy of State-Federal ownership of land within a state was established by Congress at the time the West was being settled. It affected only the western states and has given rise to the name "public-land states". Previous to the adoption of this policy, it was generally believed that the Federal Government held title to the public lands as trustee for the people of the new states and that these lands should get on the tax rolls as quickly as possible after the states were admitted to the Union.

Starting with the homestead laws and the mining acts in the period 1860-1875, special and then general land laws were passed by Congress to parcel out the western public lands for use of special interests. Soon laws were enacted which related to national parks; to water and power development; to reclamation of arid lands and to flood control; to management of timber and forage, fish and wildlife; and to recreation resources on the public lands, as well as to other forms of entry such as stock raising and desert-land homesteads.

Conflicts in land use, of course, were inevitable and a breakdown of special interest use began in 1920 with an exception to the Mining Act. This law withdrew certain minerals such as coal, phosphate, oil and gas, and oil shale from location and possible patent and made them subject to leasing; actual ownership of the land was retained by the Federal Government. Some time later another special use was curtailed when the Taylor Grazing Act became law. To all intents and purposes private acquisition of land through homesteading was thus suspended. Since that time more minerals have been taken from the "locatable" category and placed in the "leasing" list, and timber resources have been exempted from mining patents in special instances such as in the Mt. Hood National Forest and on Oregon and California Railroad revested lands.

Two conflicting trends of western public-land utilization have developed in the past ten years. From 1953 to 1955, three important changes were made in the mining laws and one in the power-site withdrawal laws. These changes allowed for duplicate use of the same piece of land for "locatable" minerals and "lease" minerals; provided for use of the surface of mining claims for timber harvest by the Government; granted access for roads, hunting, fishing, and almost anything else to the public as long as it did not materially affect mining operations; restricted still more the minerals that could be located; provided for surface management by the Government of claims located prior to passage of the law; and allowed staking of claims with controlled mining on power-site withdrawals. In short, a principle of "multiple use" of land was initiated.

In contrast to the laws for the multiple use of public land, there has been a rash of special-use withdrawals that are destined to lock up control of public land in some particular Federal agency for a single use. Some of these actions have already been taken under provisions in laws for land use given to Federal agencies and others are proposed in new legislation. There is hardly a state in the West that does not have a new national park, monument, or some such reservation of land pending, and all the western states have the Wilderness Bill to contend with. The total amount of land involved in all these withdrawals runs into the tens of millions of acres.

The outcome of the conflict between the Multiple Use proponents and the Locking Up advocates will be of great economic importance to all the western public-land states. It will certainly go a long way in determining if they are to become fully developed or just half a state.

Hollis M. Dole, Director

PROGRESS REPORT OF AREAS IN U. S. NATIONAL FORESTS
APPROVED FOR DETERMINATION OF SURFACE RIGHTS

Forest	Name of Area	Acres Nat'l Forest Land	Acres Examined	Approved for Examination	Date of First Publication	End of 150-day Period
Deschutes	Chemult	45,500	45,500	5- 4-56	2-27-57	7-29-57*
	Bend	29,760	29,760	5- 1-57	12-24-59	5-23-60
	Tolo	9,750	9,750	5- 1-57	12-24-59	5-23-60
	Ground	1,120	1,120	5- 1-57	12-24-59	5-23-60
Fremont	Chemult	8,500	8,500	5-17-56	2-27-57	7-29-57*
	Fremont	31,200	31,200	3-25-59	12-24-59	5-23-60
	White King-Thomas Cr.	50,000		8-11-59		
	Mill Flat	29,000		5-19-59		
Malheur	Twin	39,600		7- 5-56		
	Dixie	36,070	36,070	7- 5-56	9-25-58	2-23-59*
	Baldy	47,830		7- 5-56		
	Canyon	22,680	22,680	4-25-57	12-24-59	5-23-60
Ochoco	Round "A"	10,440	10,440	7- 5-56	11-20-57	4-21-58*
	Round "B"	14,015	14,015	7- 5-56	9- 4-58	2-23-59*
	Marks	21,900	21,900	7-31-57	12-24-59	5-23-60
	Green Mountain	22,920	22,920	7-31-57	12-24-59	5-23-60
Rogue River	Applegate "A"	17,785	17,785	7- 5-56	9-24-58	2-23-59*
	Applegate "B"	35,660	35,660	7- 5-56	12-23-59	5-23-60
	Applegate "C"	59,865		7- 5-56		
	Union "A"	39,295	39,295	4-25-57	9-17-58	2-16-59*
	Union "B"	191,105		4-25-57		
	Ashland "A"	28,184	28,184	4-25-57	12-23-59	5-23-60
	Ashland "B"	946		4-25-57		
	McLoughlin	368,640		9-21-59		
	Panhandle	74,880		9-21-59		
Siskiyou	Wildhorse	53,000	53,000	2- 2-56	2-21-57	7-22-57*
	Elk "A"	14,570	14,570	7-11-56	9-12-57	2- 9-58*
	Elk "B"	110,706	110,706	7-11-56	9-11-58	2- 9-59*
	Elk "C"	4,487	4,487	7-11-56	2-26-59	7-27-59*
	Elk "D"	8,457		7-11-56		
	Fuller	8,800	8,800	7-11-56	2-21-57	7-22-57*
	Taylor	34,230	34,230	7-11-56	9-11-57	2- 8-58*
	Illinois "A"	26,880	26,880	7-11-56	3- 4-59	8-24-59*
	Illinois "B"	18,470		7-11-56		
	Pistol	39,950	39,950	7-11-56	3- 5-59	8- 3-59*
	Galice "A"	27,280	27,280	7-16-58	12-17-58	5-16-59*
	Galice "B"	111,440	111,440	7-16-58		
	Foster	23,220	23,220	9-11-58		
	Agness	45,007		3-25-59		
	Taggart	83,187		3-25-59		
	Smith	53,302		3-25-59		
	Rough	61,713		3-25-59		
	Chetco	133,321		3-25-59		
	Eden	32,618	32,618	3-25-59		
	Bolan	76,793	76,793	3-25-59		
	Silver	97,230		3-25-59		
Umatilla	John Day "A"	8,942	8,942	7-11-56	9-25-57	2-23-58*
	John Day "B"	20,223	20,223	7-11-56		
	Desolation	92,560		4-16-59		

* Determination completed (time expired for submitting verified statements).

Forest	Name of Area	Acres Nat'l Forest Land	Acres Examined	Approved for Examination	Date of First Publication	End of 150-day Period
Umatilla (Cont.)	Olive Lake	61,400		5- 5-59		
	Silver Butte	62,960		5- 5-59		
Umpqua	Bohemia	157,000	157,000	7- 5-56	9-17-58	2-16-59*
	Steamboat	24,000	24,000	7-31-57	12-24-59	5-23-60
	Cow Creek	58,000		7-31-57		
Wallowa-Whitman	Dooley Mtn.-Buffalo	44,000	44,000	6- 1-56	2-21-57	7-29-57*
	Pine	82,230	82,230	7- 5-56	2-21-57	7-29-57*
	Woodley	35,250	35,250	7- 5-56	2-27-57	7-29-57*
	Unity	37,500	37,500	7- 5-56	2-21-57	7-29-57*
	Baker "A"	79,120	79,120	3-22-57	5-28-58	10-27-58*
	Baker "B"	63,557	63,557	3-22-57	12-24-59	5-23-60
	Baker "C"	119,093		3-22-57		
	Bull Run	22,200	22,200	3-22-57		
	Whitney	53,300		3-22-57		
	Eagle	89,600		3-22-57		
	Limber Jim-Sheep Cr.	39,780	39,780	3-22-57	5-21-58	10-20-58*
	Snake River	31,750	31,750	3-22-57	5-22-58	10-20-58*
	Summit	35,720	35,720	3-22-57	12-24-59	5-23-60
Willamette	Little N. Fork Santiam	22,600	22,600	2-21-56	2-27-57	7-29-57*
	Quartzville	28,000	28,000	2- 2-56	11- 1-56	4- 1-57*
	Blue	17,600	17,600	7- 5-56	9-25-57	2-22-58*
	Blue River	170,200		7- 8-57		
	Cascadia	218,000		7- 8-57		
	Detroit	281,950		7- 8-57		
TOTAL		4,228,841	1,688,225			

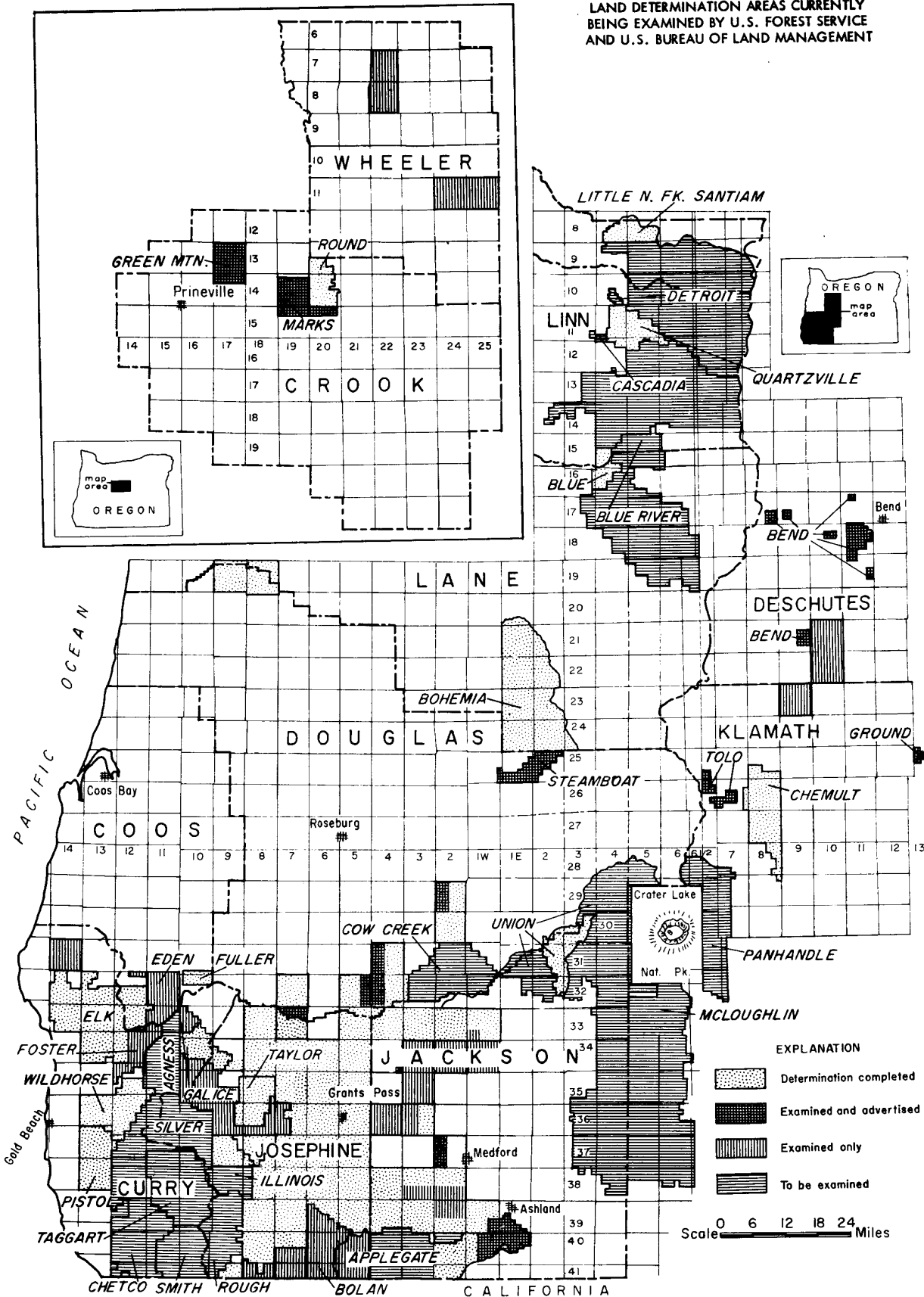
DETERMINATION OF RIGHTS OF GOVERNMENT TO
MANAGE SURFACE RESOURCES ON MINING CLAIMS
(Bureau of Land Management Lands and National Forests)
(Act of July 23, 1955, Public Law 167)
(As of June 30, 1959)

States	Contests Referred to Hearings Examiner		Hearings Pending (Cases)	Cases Closed, No Hearing	Hearings on Merits (Cases)	Decisions		
	Cases	Mining Claims				As of 6/30/59 (Cases)	For Government	For Claimant
California	10	29	1	6	4	4	3	1
Idaho	16	117	7	7	1	1	1	
Oregon	12	59	7	2	3	3	3	
Washington	8	38	3	3	3	3	3	

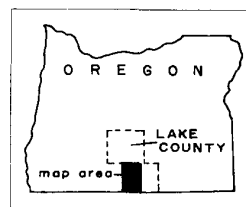
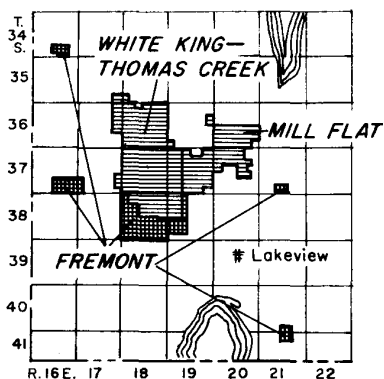
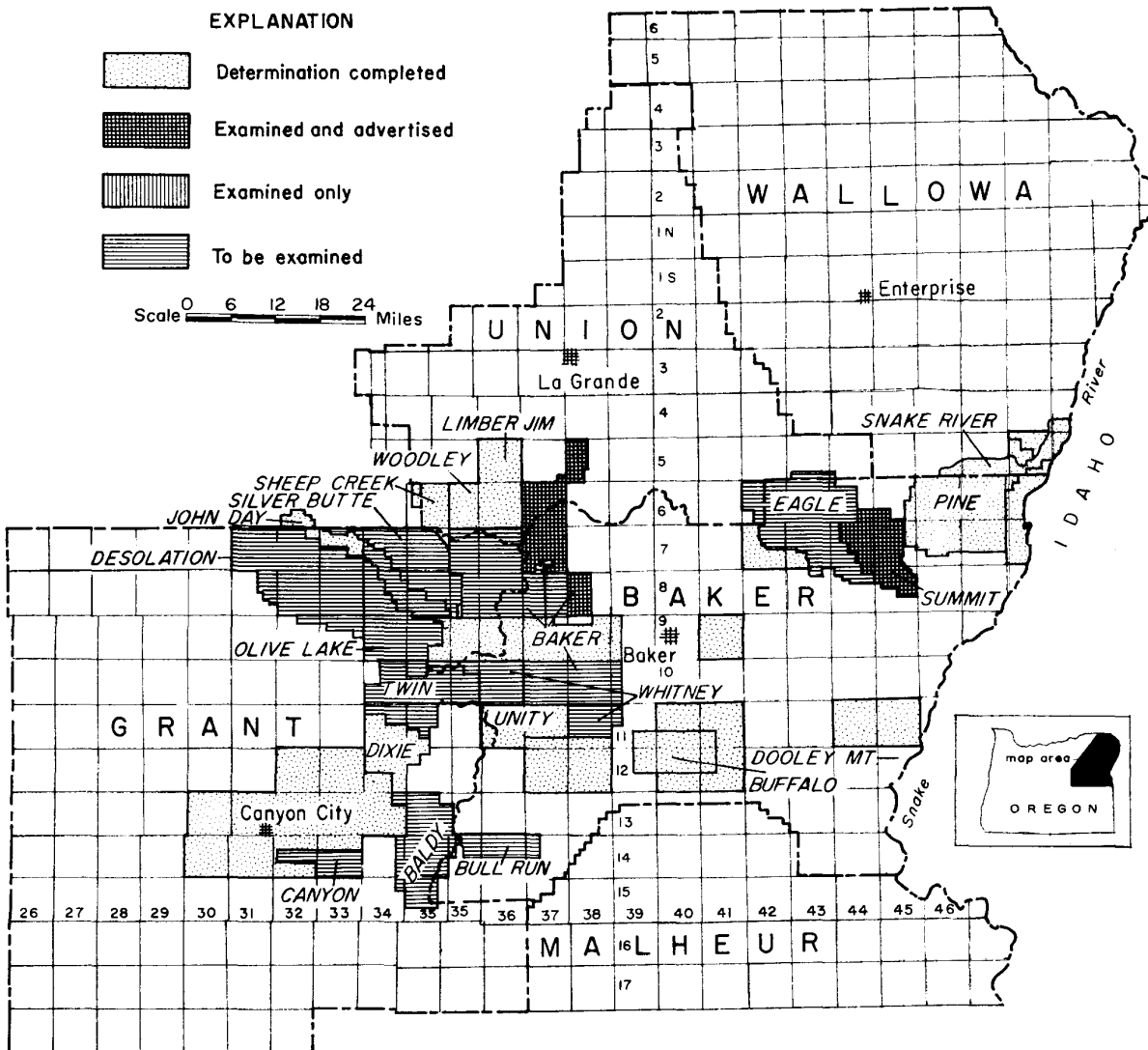
STATUS OF DETERMINATIONS UNDER PL 167
(Act of July 23, 1955, Public Law 167)
(As of June 30, 1959)

States	Preliminary Examination (Acres)	No. of Claims Found	Areas Under Publication (Acres)	Verified Statements Filed		Determination Completed (Acres)	Surface Rights Retained by Claimants	
				No.	Claims		Claims	Acres
California	104,314	445	103,356	152	332	97,496	48	765
Idaho	1,573,171	1,004	1,573,171	171	1,417	1,573,171	288	5,760
Oregon	470,663	1,645	407,619	86	273	391,026	56	1,120
Washington	--	--	--	--	--	--	--	--

LAND DETERMINATION AREAS CURRENTLY
BEING EXAMINED BY U.S. FOREST SERVICE
AND U.S. BUREAU OF LAND MANAGEMENT



LAND DETERMINATION AREAS CURRENTLY BEING EXAMINED BY
U.S. FOREST SERVICE AND U.S. BUREAU OF LAND MANAGEMENT



RESUME OF U. S. BUREAU OF LAND MANAGEMENT PUBLIC LAW 167 WORK *

AREAS EXAMINED AND ADVERTISED

<u>Douglas County</u> October 28, 1959	<u>Josephine County</u> June 11, 1958
T. 29 S., R. 2 W.	T. 39 S., R. 7 W.
T. 31 S., R. 4 W.	
T. 32 S., R. 4 W.	
T. 32 S., R. 5 W.	
T. 32 S., R. 7 W.	
T. 33 S., R. 7 W.	<u>Josephine County</u> April 1, 1959
	T. 33 S., R. 5 W.
<u>Jackson County</u> December 10, 1958	T. 35 S., R. 5 W.
	T. 35 S., R. 6 W.
T. 33 S., R. 2 W.	T. 38 S., R. 6 W.
T. 37 S., R. 2 W.	T. 33 S., R. 7 W.
T. 40 S., R. 2 W.	T. 35 S., R. 7 W.
T. 33 S., R. 3 W.	T. 40 S., R. 7 W.
T. 39 S., R. 3 W.	T. 33 S., R. 8 W.
T. 33 S., R. 4 W.	T. 34 S., R. 8 W.
T. 34 S., R. 4 W.	T. 35 S., R. 8 W.
T. 38 S., R. 4 W.	T. 34 S., R. 9 W.

AREAS EXAMINED AND NOT ADVERTISED

<u>Crook County</u>	<u>Josephine County</u>
T. 17 S., R. 19 E.	T. 34 S., R. 9 W.
<u>Curry County</u>	
T. 31 S., R. 14 W.	
<u>Deschutes County</u>	<u>Klamath County</u>
T. 21 S., R. 10 E.	T. 23 S., R. 9 E.
T. 22 S., R. 10 E.	
<u>Jackson County</u>	<u>Wheeler County</u>
T. 34 S., R. 2 W.	
T. 34 S., R. 3 W.	T. 7 S., R. 22 E.
T. 35 S., R. 3 W.	T. 8 S., R. 22 E.
T. 34 S., R. 4 W.	T. 11 S., R. 24 E.
T. 36 S., R. 4 W.	T. 11 S., R. 25 E.

* In most instances only part of township has been examined. Exact areas examined can be obtained from U. S. Bureau of Land Management.

DATA* ON PUBLIC LAW 167
(As of June 30, 1959)

4,663,799 acres have received preliminary examination by Bureau of Land Management. This is less than 1 percent of the lands administered by the Department of the Interior.

35,543 mining claims in area examined by Bureau of Land Management.

Bureau of Land Management has published notices of examination covering 4½ million acres.

451 "verified statements" of ownership and occupancy covering 2,369 mining claims (approximately 1 percent of area examined) have been received by the Bureau of Land Management.

Examinations following "verified statements" have resulted in exclusive surface rights to miners on 415 claims (17.6 percent of "verified statements") on Bureau of Land Management land and 197 claims (1.6 percent of "verified statements") on Forest Service land.

Forest Service has completed field examination of 444 areas containing 53,000,000 acres (32 percent of land administered by this agency).

In 337 Forest Service areas, the period for asserting surface rights by the claim holders has expired. These areas contained an estimated 427,000 mining claims.

Less than 3,000 "verified statements" covering 12,471 claims on Forest Service land have been filed by mine owners. This is equal to about one-half of 1 percent of the area advertised.

96 percent of a total of 39,000,000 acres is under complete Forest Service management.

Out of 1,585 completed "verified statement" cases on Forest Service land, 1,377 cases were withdrawn by claim holders, 197 cases were covered by stipulations of validity, and 11 cases went to hearing. All hearing cases were held invalid.

* Furnished by U. S. Department of the Interior and U. S. Department of Agriculture.

THE MINER AND THE TROLL

A royalty of $2\frac{1}{2}$ cents per ton on all mineral products transported over roads constructed across public lands almost became a reality in recent months. That this additional burden on the mining industry was not imposed, and will not be imposed in the future, is due to the spirited and persistent efforts of F. I. Bristol, miner and president of the Oregon Mining Association. Bristol came to the aid of Mabry Ogle of Grants Pass, who was preparing to open the old Jones Marble Quarry near Provolt in Josephine County. Both the quarry and the road leading to it are 50 years old. The Bureau of Land Management served notice on Ogle that a royalty would be charged against every ton of limestone hauled over the road. Bristol became interested in the problem since he realized the tremendous effect it would have on all minerals hauled across public lands throughout the eleven western states. On June 10, Bristol wrote Secretary of the Interior Fred A. Seaton and asked the following questions: (1) Is it the policy of the Bureau of Land Management to collect a royalty from mining claims? (2) Is it the policy of the Bureau of Land Management to collect an indirect royalty by denying access to mining claims if a royalty is not paid? (3) Is it the policy of the Bureau of Land Management to collect a toll on a road that has been open to public use for 50 years? Five months later, in a letter dated November 9, the Secretary of the Interior wrote Bristol as follows:

"It is the opinion of the Solicitor that the U. S. Mining Laws give to the locators and owners of mining claims as a necessary incident the right of ingress and egress across public lands to their claims for purposes of maintaining the claims and as a means of removing the minerals. He states that because this is a statutory right, use fees may not be charged for roads constructed pursuant to this right. If a miner wishes to use a road built or acquired by the United States or if he applies for and obtains a right-of-way, which would grant him exclusive use, he must pay whatever fees are required. However, no charge may be made for use of a road constructed and used as a necessary incident to the maintenance of a mining location and its development."

The letter above reinforces one of the statutory rights granted to miners under the U. S. Mining Laws. In recent years regulations by Federal bureaus have imperiled and even destroyed some of these rights, but thanks to Fay Bristol there will at least be no toll paid to the troll.

Ralph S. Mason, Mining Engineer

WAH CHANG PLANS FURTHER INTEGRATION

Stephen Yih, general manager of the Wah Chang Corporation, has announced that a new research center will be established in connection with the plant at Albany. This new department will be concerned primarily with the physical metallurgy of the refractive metals, especially problems in fabrication. Basic properties of such metals as zirconium, hafnium, columbium, tantalum, and molybdenum will be studied.

A second electron-beam melting furnace (see Ore.-Bin, Oct. 1959) has been installed and is now in operation to meet increased needs for high-purity columbium and tantalum alloys. Also under construction is a rolling mill to produce rods and sheets of the various refractory metals, and it is expected that pilot production will start in February. Since it is probable that many items produced will be of new types, the research department will be a necessary adjunct to these new facilities.

DEPARTMENT PROTESTS WITHDRAWALS

The Governing Board of the Department, in its meeting held December 10, submitted a protest to the U. S. Bureau of Land Management on three proposed withdrawals of land by the U. S. Forest Service. The proposed withdrawals are in strips bordering highways along the North and South Umpqua rivers, the Willamette highway, The Dalles-California highway, the Fremont highway, and in the vicinity of Sisters and Bend, Oregon (see September and April 1959 Ore.-Bin). Total acreage involved amounts to 12,350 acres. The Forest Service states that the withdrawals were for the following purposes: to protect and preserve the aesthetic values, for the eventual establishment of camp and picnic grounds, for the development of the natural resources, and to provide for road betterment and public safety. The withdrawals were for the sole purpose of preventing appropriation under the general mining laws; they except the mineral leasing laws and all other types of land appropriation or use.

A summary of the Board's statement on why the applications by the Forest Service should be refused is given below:

- (1) Purposes appear to be inadequate and are tenuous. The Board stated in part: "If the elimination of mining were really necessary to 'preserve aesthetic values', etc., then it would seem that all mining should be prohibited. It is difficult, for example, to understand why a gold or cinnabar mine with the appurtenant surface improvements would impair 'aesthetic values' while a coal mine or an oil derrick would not. These considerations seem to brand the proposed withdrawals as being merely further examples in the long series of attempts by the Forest Service to hamper and restrict the appropriation of public lands under the general mining laws."
- (2) The proposed withdrawals conflict with the principle of Public Law 167, the Multiple-Use Law. This conflict breaks down the high purposes of multiple-use of land.
- (3) There is no need for the withdrawal if it is to affect mining alone. The protest stated: "There seems no reason for singling out mining as the sole activity to be prohibited within the affected areas. Other activities of a commercial nature, including logging and grazing of livestock, would not be affected. Why is a quartz mill more abhorrent to 'aesthetic values' than skid trails, landings and logging debris, or loading pens, feed yards, lambing sheds, shearing pens, or the droppings incident to all livestock operations? The truth is, of course, that all commercial uses of public lands impair their natural 'aesthetic values' to some extent. If the withdrawals were actually necessary, there would be no excuse whatever for selecting mining as the only activity to be prohibited."
- (4) Withdrawals for recreation use at the present time are premature and should await the findings of the National Outdoor Recreation Review Commission.
- (5) Tying the withdrawals to the existing highways is too indefinite a reference point as highways are transitory in nature. It was noted in the protest that highways along the South and North Umpqua were under construction and quite obviously relocations, due to slides, were already under way. The Board stated they felt that tying the withdrawals to a "strip of land 330 feet on each side of the center line of the existing" highways was too insecure a reference point. To keep up to date on the change of center lines of highways would create a complex and conflicting group of withdrawals that would baffle and confound the most expert miner if he found a mineralized zone adjacent to a withdrawal. The complexities which would arise from these withdrawals would effectively discourage any prospecting or mineral development in the region.

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Soviet foreign mineral trade expanding (21:29, March)
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Spectrographic laboratory services of Department (21:75-77, August)
Steel imports increasing (21:40, April) (21:98, October)
Stewart, R. E., retires (21:66, July)

Thornburg, Garth (21:100, October)

Uranium:

Geology of Lakeview area, by N. S. Peterson (21:11-16, February)
Lakeview Mining Company reorganizes (21:82, August)
New Oregon mineral (21:28, March)
Progress at White King mine (21:37, April) (21:50, May)
U. S. Bureau of Mines at Albany continues developments (21:17-18, February)
U. S. Bureau of Mines, Northwest Region reorganized (21:99, October)
U. S. Geological Survey field projects (21:36, April) (21:65, July)

Wah Chang starts electron-beam melting, by T. C. Matthews (21:93-95, October)
Wah Chang plans further integration (21:121, December)