MINING: What can the county do?

FROM PAGE ONE

district, with a special use permit. If you want to say we don't even want to consider it, that could be in your ordinance too."

The closest the General Assembly has come to saying "you can't ban mining", Lerch added, was in 1984. At that point, legislation was filed that would have prevented cities and counties from banning the activity through their ordinances. However, that bill was rewritten, turned into something completely different by the time it was approved.

"That bill ended up becoming the (uranium mining) moratorium the state set up," Lerch said. "I think that's where some of the confusion is."

GOLD MINING VS. URANIUM MINING

Another part of the confusion comes from how the courts handled uranium mining. For almost 40 years, Virginia has had a moratorium on the practice. In 2020, Virginia Uranium filed a lawsuit, arguing the moratorium was unconstitutional, as it prevented the company from doing what it wanted with private land.

In the City of Norton Circuit Court, Judge Chadwick Dotson upheld the moratorium, saying that while the moratorium does take some property rights away from owners, the state had a right to do so because uranium mining is "an inherently dangerous activity with potentially dangerous interdict effects."

Buckingham supervisors were afraid of something similar happening here, being taken to court if they banned the practice of gold mining. Instead, during their Aug. 8 meeting, they opted to wait until the state workgroup finishes its task and presents a report in December. Once that happens, and supervisors see what the General Assembly does with that report, they plan to revisit the issue.

But in going over this with the workgroup, Lerch pointed out gold mining doesn't have the same regulations as uranium. In fact, there are 427 active mineral mines across Virginia, according to the U.S. Geological Survey, including some focused on gold.

Some are just prospect mines, where a company isn't sure what they'll find. Others are occurrence mines, where you'll only find a small bit of gold or iron in one isolated drill hole. And then there are the industrialized mines, the big operations. It's up to local governments to design and enforce ordinances in each case. That means managing the mine's impact on local traffic, mitigating noise levels, deciding hours of operation and land use zoning.

Lerch said he couldn't promise a company wouldn't try to sue if a county or city banned or put restrictions on mining. But he wasn't sure anything would come of it.

"If a locality adopts an ordinance and it complies with state law under its authority, I think it would be pretty sound," Lerch told the workgroup. "If somebody wants to challenge that in court, I think they could, but where that goes, I don't know."

IS THERE GOLD IN BUCKINGHAM COUNTY?

So why is this debate happening in Buckingham County? It stems from a situation that started more than two years ago. In April 2019, the Canadian prospecting company Aston Bay Holdings announced they were beginning to search for gold in Buckingham.

To be clear, Aston Bay isn't a mining company. It's a prospecting company. That means they search for gold, silver or other minerals, identify and purchase a location, then sell that information (and property) to the highest bidder. They can do this because under Virginia law, prospecting doesn't require a state permit if you're searching for anything other than uranium.

In statements given in March 2019 and July 2020, company officials declared their drilling confirmed a "a high-grade, at-surface gold vein system at Buckingham, as well as an adjacent wider zone of lower-grade disseminated gold mineralization." In other words, they found enough to keep going. At the beginning of 2020, the company secured the right to prospect on 4,953 acres of land in Buckingham County.

In an interview earlier this month with *The Herald*, Aston Bay CEO Thomas Ullrich said the gold vein they've found is almost vertical, approximately one to two meters wide, 200 meters in length and extends into the subsurface to about 100 meters deep.

"This is contained in a very small footprint, on the order of a few acres," Ullrich said. "It is possible that the vein extends deeper and farther laterally along (the) strike."

But they still don't know how far it stretches, as Ullrich added the company was "still in the early stages of exploration."

As for a timeline on when work might be finished, first it has to be restarted. The company hasn't done any work in Buckingham since early 2020.

"We have conducted only preliminary exploratory drilling on the local landowners' properties at Buckingham, and none for the past two years," Ullrich said. "We have several quality potential projects, but a limited amount of funds. Over the last year and a half, we have been investing in the landowners in another county. We look forward to investing in Buckingham again."

WHAT HAPPENS NEXT?

Monday's meeting, held at 9 a.m. in Dillwyn, was the latest in a series for the workgroup. Created by the General Assembly in 2021, the group consists of two parts.

One of those is a technical committee, evaluating the scientific aspects of gold mining. That group is led by officials from the National Academies of Sciences, Engineering and Medicine (NASEM). The other group, which is the one that met Monday in Buckingham, includes representatives from Virginia Energy, the Department of Environmental Quality, the Virginia Department of Health, the Council on Environmental Justice, the Monacan Indian Nation and local citizen groups.

The idea is to evaluate the impacts of gold mining on the area. The work group looks into the effects gold mining will have on the environment, including public health in general and the air and water quality.

Are existing regulations strong enough to protect air and water quality? Are there areas where mining needs to be banned? To answer those and other questions, experts in mining, hydrology, toxicology and other fields are being brought in. Also representatives of potentially affected communities in localities with significant deposits of gold are also included.

There's at least one more of these public meetings scheduled. The next one will take place on October 18 in Buckingham. As we get details on time and location, we'll include them here in the paper and on our website.

Once those public hearings conclude, the two parts of the workgroup will come together to deliver that report we previously mentioned. That will be discussed in the next General Assembly session, which begins in January 2023.

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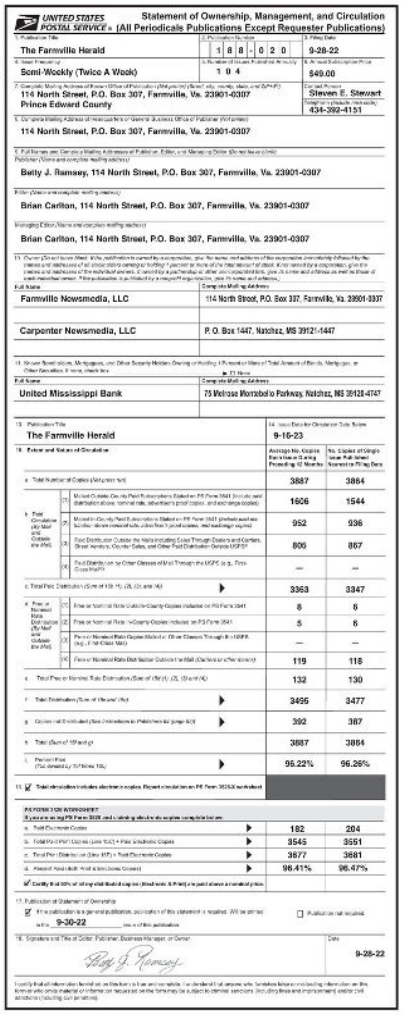

UNITED STATES POSTAL SERVICE® Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title: The Farmville Herald
2. Publication Number: 1 8 8 - 0 2 0
3. Filing Date: 9-28-22
4. Issue Frequency: Semi-Weekly (Twice A Week)
5. Number of Issues Published Annually: 1 0 4
6. Annual Subscription Price: $49.00
7. Complete Mailing Address of Known Office of Publication (Not printer): 114 North Street, P.O. Box 307, Farmville, Va. 23901-0307, Prince Edward County
Contact Person: Steven E. Stewart
Telephone (Include area code): 434-392-4151
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer): 114 North Street, P.O. Box 307, Farmville, Va. 23901-0307
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)
Publisher (Name and complete mailing address): Betty J. Ramsey, 114 North Street, P.O. Box 307, Farmville, Va. 23901-0307
Editor (Name and complete mailing address): Brian Carlton, 114 North Street, P.O. Box 307, Farmville, Va. 23901-0307
Managing Editor (Name and complete mailing address): Brian Carlton, 114 North Street, P.O. Box 307, Farmville, Va. 23901-0307
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
Farmville Newsmedia, LLC	114 North Street, P.O. Box 307, Farmville, Va. 23901-0307
Carpenter Newsmedia, LLC	P. O. Box 1447, Natchez, MS 39121-1447

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box → ☐ None

Full Name	Complete Mailing Address
United Mississippi Bank	75 Melrose Montebello Parkway, Natchez, MS 39120-4747

13. Publication Title: The Farmville Herald
14. Issue Date for Circulation Data Below: 9-15-22

		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		3887	3864
b. Paid Circulation (By Mail and Outside the Mail)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	1606	1544
	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	952	936
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	806	867
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)	—	—
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		3363	3347
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541	8	8
	(2) Free or Nominal Rate In-County Copies included on PS Form 3541	5	5
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	—	—
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	119	118
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		132	130
f. Total Distribution (Sum of 15c and 15e)		3495	3477
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		392	387
h. Total (Sum of 15f and g)		3887	3864
i. Percent Paid (15c divided by 15f times 100)		96.22%	96.26%

16. Publication of Statement of Ownership
☑ If the publication is a general publication, publication of this statement is required. Will be printed in the 9-30-22 issue of this publication. ☐ Publication not required.
17. Signature and Title of Editor, Publisher, Business Manager, or Owner: Betty J. Ramsey — Date: 9-28-22

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