



The **SENTRY**

**Public Lands for the People Inc. Est. 1990**

**12 chances for the price of 10 in the Legal Fund Raffle ?**

1. Fill out and send in this ticket with \$10 for 12 chances. (preferred) or
2. Call Jim Lewis 805-485-7513 or email > Goldcado1@aol.com, or
3. Pay through PayPal at www.plp2.org (5% cost to PLP)

Public Lands for the People Inc. A 501 (c) (3) Non-Profit Educational Corporation Legal Fund Raffle December 17, 2009	12 Tickets = \$10
	24 Tickets = \$20
1. 4" Proline Dredge--Proline Mining Equipment. \$3575.00	36 Tickets = \$30
2. 4" Keene Dredge 4400PH--Keene Engineering. \$3000.00	
3. 1 oz Placer Gold--North Fork Dredger Assn. \$900.00	60 Tickets = \$50
4. Garrett Scorpion Gold Stinger Metal Detector--Randy Myers. \$550.00	
5. 3 Day Gold Trip--Oregon Gold Trips--Dave Ratan. \$500.00	120 Tickets = \$100
6. Gold Nugget Jewelry 6.1dwt--Armadillo Mining Shop. \$300.00	
7. Deluxe Blue Bowl Kit--Pioneer Mining Supplies. \$209.00	_____ Tickets \$ _____
8. 1/10 oz Gold American Eagle--Ronald Martin. \$150.00	
9. GPAA Buzzard Special+Clean-up Kit--GPAA. \$150.00	
10. HystWare Mines & Mineral V1.0--Gary Hiestand. \$100.00	12 Tickets for every \$10
NAME _____ PHONE _____	

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**NEW! – PLP has a Yahoo Group**

For timely information. See Page 10  
Join now and know what's going on. Its FREE  
We Fight Back keeping your access open  
[groups.yahoo.com/group/Public\\_Lands\\_for\\_the\\_People](http://groups.yahoo.com/group/Public_Lands_for_the_People)

**PLP Files lawsuit against Eldorado Natl Forest's Travel Management Plan**

**Suction Dredging is being attacked from all sides, BUT PLP is on it.**

1. Court Injunction ordering DFG to stop issuing dredging permits
2. Legislation SB670 stops Suction Dredging
3. S787 US taking away from all states control of all Waters
4. S796 Suction dredging removed from "Casual Use"

**PLP Files lawsuit alleging California law illegally prohibits Suction Dredging**

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Dues \$35 single - \$50 family - \$100 organizations

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**PLP Takes On State Anti Dredge Mining Law**

**The Mountain Messenger**

VOL. 156, NO. 13 THURSDAY, AUGUST 27, 2009  
SAN FRANCISCO—Public Lands for the People (PLP), a group established to promote multi-use of public land, and as a watchdog of agencies who confuse “public” land with “government” land, is asking for help in its fight against California's recently enacted anti-dredging law. That bill, which bans all dredge mining in the state, was signed into law August 10. As it was an "emergency" measure, it went into effect immediately. The ostensible aim of the bill was to protect salmon, particularly on the Klamath River, although the shutdown affects all watercourses in the state, whether or not salmon are involved. The Governor had previously vetoed a similar bill, but signed the bill this year in face of objections of miners and the Regional Council of Rural Counties. The Sierra County Board of Supervisors is expected to go on record next week condemning the action. PLP is seeking a federal injunction to overturn the recently enacted state law. PLP's argument is that the mineral resources of the United States are under federal jurisdiction. As states do not have the right to authorize mining, they do not have the right to prohibit it. Certainly the state is authorized to regulate mining, in keeping with local laws, but may not prohibit mining. The state, PLP insists, has it backwards: it must allow mining until it has environmental documentation showing harm. Previous state studies have shown that fisheries resources and mining can easily co-exist through timing the dredge season before and after the spawning and hatching of fish. Should the PLP win, miners will almost certainly be able to prove a "taking," and have a reasonable expectation of reimbursement from the state. At any rate, the "emergency" ban is a violation of a social contract. Miners invested in equipment based on the assurances of the state: valid permits were issued for the season. The state has unapologetically refused to even refund the price of the permit. PLP admits its court actions will be costly. It is asking for members and others with a stake in the issue for donations. Those interested may contact PLP at 3700 Santa Carlotta St, LaCresenta, CA 91214, or via email at [editor@plp1.org](mailto:editor@plp1.org)

**Coming soon to a “theatre” near you!**

**Come join PLP in the fight for your rights. We have to win them all.**

**They only have to win one.**

**NO COMPROMISE**

**07/14/09: DOI Secretary Salazar Tells Senate Energy and Natural Resources Committee: Time to Reform Outdated Mining Law**

“The 1872 mining law from the point of view of the Department of the Interior and the administration is a law that must be changed. It is a law that has been on the books now for 137 years. And despite decade after



decade of fights about how it is that we should reform the mining law, all of those efforts have failed. Many a senator and congressman who has sat in these committees has tried to make those changes and yet getting across the finish line has proven to be very, very elusive. I would hope

that now in 2009 the time for change has finally arrived and that we can get the different stakeholders, which include the environmental conservation community as well as the mining community to help us forge a way forward for a common sensical reform of the 1872 mining law.”

**What is a Mining Right?**

A mining right is a powerful, and not commonly understood concept that is all too often watered down by agency regulatory interference and exacerbated by the lack of knowledge from most of the mining community in the 21<sup>st</sup> century. This right to mine is an action also referred to as a “right of self-initiation”. I will repeat again, this right to mine is an action (prospecting and extraction), as distinguished from idle ownership. Very few people understand the difference between a right (granted by Congress under statute) as distinguished from a permit (granted by an agency through regulation). One’s right to choose to actively engage in mining stems from the 1866 and 1872 mining law grant from Congress (codified at 30 U.S.C. § 22-54).

As an example, the Forest Service is a creature of an act of Congress charged with the responsibility and stewardship of the National Forests and the Dept. of Interior was charged by Congress to manage the rest of the public lands. The miner or miners operating under the Mining Act should be operating on a level playing field just as the Forest Service relationship with the BLM and Park Service. Have you ever heard of the Forest Service telling the BLM that they cannot do their job? In other words, can the Forest Service tell a miner

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he cannot mine on land open to mineral entry? The answer is no. Can they ask to help mitigate the surface impacts? Yes (according to the 9<sup>th</sup> circuit court), so long as their actions do not unreasonably prohibit, hinder, or clash with the miner's property right to mine (see 30 U.S.C. 612(b)). The same interaction can apply to State agencies and their interplay with the miner on federally managed lands if the state agency has a memorandum of understanding with the federal surface management agency such as the U.S. Forest Service (see 16 U.S.C. 559g(c)).

If the miners were to reorganize into mining districts, as they did in the past, they could promulgate regulations just as any other federal agency and regulate themselves under customary practices provided by the federal mining law.

### **What is a discretionary agency action?**

In short – a state or federal agency action and its associate approval that is optional. In other words the agency has the authority to grant a go ahead or deny it. Why is this “discretionary” agency action language so important? Answer, because environmental laws only apply in this setting. Namely the National Environmental Policy Act (NEPA-federal), the Endangered Species Act (ESA), Council for Environmental Quality Act (CEQA-state), and the Clean Water Acts. More importantly, is the miner subject to discretionary agency action in a true permit scenario? The answer is no unless the miner willingly consents to it in writing thereby waiving an unlawful jurisdiction by the agency. The miner has the right to mine, therefore rendering any other agency relationship to one of non-discretionary advisement and notice, which is a large distinction from a discretionary permit. This distinction is very important in light of the ongoing CA Dept. of Fish & Game (DFG) and Karuk litigation. Apparently the mining community has forgotten the important points in the Karuk v. Forest Service case where the tribe had lost and has now overcome namely because the miners failed to point out to the court (in the DFG cases) and fully understand the power of the mining right and the fact the DFG's relationship with the miner is non-discretionary in character, that by definition should not admit to a permit system. A permit system has been allowed to exist by the willing consent of the permittees. Those individuals dredging under the Federal mining law upon federally managed lands open to mineral entry are exempt from a permissive system such that DFG regulates whereas recreationalist dredgers and those on private and State lands are not.

The Court stated in Karuk v. Forest Service 379 F.Supp.2d 1071 at 1094 (N.D. Cal. 2005):

“...mining operations take place pursuant to the General Mining Law and the Surface Resources Act, which confers a statutory right upon miners to enter certain public lands for the purpose of mining and prospecting. This distinction is significant, as it differentiates mining operations from "licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid," which are permissive in nature. Last, Plaintiff has not identified any sufficiently analogous case law that supports its argument that the Forest Service's "discretion" to determine what constitutes a "significant surface resource disturbance" is the type of "discretionary control" over the NOI process that invokes the ESA.

*In fact, although Plaintiff vigorously argues that any act requiring "discretion" invokes the ESA, it is well established that not every agency action triggers the consultation requirement of § 7(a)(2) of the ESA. As the Ninth Circuit has made clear:*

*Within the limits prescribed by the Constitution, Congress undoubtedly has the power to regulate all conduct capable of harming protected species. However, Congress chose to apply § 7(a)(2) to federal relationships with private entities **only when the federal agency acts to authorize, fund, or carry out the relevant activity.***

*Sierra Club v. Babbitt, 65 F.3d 1502, 1508 (9th Cir.1995) (emphasis added)."*

And at 1095 the court stated:

*"Finally, pursuant to Marbled Murrelet, the Court finds that Plaintiff's generalized challenge to the "discretionary" nature of the Forest Service's implementation of the NOI review process is insufficient to invoke the ESA. Although, here, the Forest Service engaged in an interactive process with the miners prior to the start of the 2004 mining season, which process involved a discussion of the types of activities that would be considered a significant disturbance of surface resources, this process is most properly considered the type of "advisory" conduct that does not trigger the ESA. Marbled Murrelet, 83 F.3d. at 1074. Indeed, as the Ninth Circuit stated in Marbled Murrelet:*

*Protection of endangered species would not be enhanced by a rule which would require a federal agency to perform the burdensome procedural tasks mandated by § 7 [of the ESA] simply because it advised or consulted with a private party. Such a rule would be a disincentive for the agency to give such advice or consultation. Moreover, private parties who*

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wanted advice on how to comply with the ESA would be loathe to contact the [agency] for fear \*1103 of triggering burdensome bureaucratic procedures. As a result, desirable communication between private entities and federal agencies on how to comply with the ESA would be stifled, and protection of threatened and endangered species would suffer. *Id.* at 1074-75.

Here, Plaintiff has not established that the NOIs are "permits" that are "authorized" by the Forest Service. Nor has Plaintiff established that the Forest Service's initial consultation process with the miners is a federal action that triggers the ESA."

**And at 1075 the court stated:**

***"Forest Service's acceptance of four notices of intent (NOI) to conduct mining operations in a National Forest, on basis that the operations were not likely to cause a significant disturbance of surface resources, did not constitute a "federal action" within the meaning of the Endangered Species Act (ESA) and thus did not violate its duty under ESA to comply with consultation requirements; miners were all private entities, Service's review of the NOIs did not amount to an authorization, mining operations were authorized by statute rather than merely permissive, and Service had no discretionary control over the NOIs process. Endangered Species Act of 1973, § 7(a)(2), 16 U.S.C.A. § 1536(a)(2); 50 C.F.R. § 402.02, 402.03. Emphasis added***

**State law under CEQA also is defined as to only apply to discretionary projects as quoted from § 21080 of the Public Resource code:**

CALIFORNIA CODES  
PUBLIC RESOURCES CODE  
§ 21080-21098

**21080.** (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies..."

The Federal code states at 50 CFR § 402.03 (Applicability)

*"§ 7 and the requirements of this Part apply to all actions in which there is discretionary Federal involvement or control."*

The U.S. Supreme Court in 2007 clarified the meaning of "discretionary agency action" in Home Builders v.

Defenders of Wildlife 127 S.Ct. 2518 at 2534 where they stated:

*" Agency discretion presumes that an agency can exercise "judgment" in connection with a particular action. See Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 415-416, 91 S.Ct. 814, 28 L.Ed.2d 136 (1971); see also Random House Dictionary of the English Language 411 (unabridged ed.1967) ("discretion" defined as "the power or right to decide or act according to one's own judgment; freedom of judgment or choice"). As the mandatory language of § 402(b) itself illustrates, not every action authorized, funded, or carried out by a federal agency is a product of that agency's exercise of discretion.*

*[14] The dissent's interpretation of § 402.03 is similarly implausible. The dissent would read the regulation as simply clarifying that discretionary agency actions are included within the scope of § 7(a)(2), but not confining the statute's reach to such actions. See post, at 2541 - 2544. But this reading would render the regulation entirely superfluous. Nothing in either § 7(a)(2) or the other agency regulations interpreting that section, see § 402.02, suggests that discretionary actions are excluded from the scope of the \*2536 ESA, and there is thus no need for a separate regulation to bring them within the statute's scope. On the dissent's reading, § 402.03's reference to "discretionary" federal involvement is mere surplusage, and we have cautioned against reading a text in a way that makes part of it redundant. See, e.g., TRW Inc. v. Andrews, 534 U.S. 19, 31, 122 S.Ct. 441, 151 L.Ed.2d 339 (2001).*

*This history of the regulation also supports the reading to which we defer today. As the dissent itself points out, the proposed version of § 402.03 initially stated that "Section 7 and the requirements of this Part apply to all actions in which there is Federal involvement or control,"48 Fed.Reg. 29999 (1983) (emphasis added); the Secretary of the Interior modified this language to provide (as adopted in the Final Rule now at issue) that the statutory requirements apply to "all actions in which there is discretionary Federal involvement or control,"51 Fed.Reg. 19958 (1986) (emphasis added). The dissent's reading would rob the word "discretionary" of any effect, and substitute the earlier, proposed version of the regulation for the text that was actually adopted.*

*In short, we read § 402.03 to mean what it says: that § 7(a)(2)'s no-jeopardy duty covers only discretionary agency actions and does not attach to actions (like the NPDES permitting transfer authorization) that an*

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*agency is required by statute to undertake once certain specified triggering events have occurred. This reading not only is reasonable, inasmuch as it gives effect to the ESA's provision, but also comports with the canon against implied repeals because it stays § 7(a)(2)'s mandate where it would effectively override otherwise mandatory statutory duties."*

**A miner operating under the Mining Law statute has a non-discretionary agency "advisory" relationship.**

**A miner cannot be legally tortured into a CEQA, NEPA or ESA scenario. The law also, as the Supreme Court ruled, "stays" the application of the ESA "where it would effectively override otherwise mandatory statutory duties", like (for the purposes of this discussion), the Mining Law.**

Can The Agencies Regulate Us Miners operating under the U.S. Mining Law?

*The answer is yes in many cases – so long as the agency regulatory authority over the miner does not become prohibitive. If the miner can work out a reasonable agreement, i.e. contract generally through an "informational", then all is well. If not, then the miner can complain to the surface management agency through written administrative complaint or the appeal process and assert that the agencies actions are unreasonable, material interfering, prohibitive, and why, pursuant to 30 U.S.C. 612(b) (see also U.S. v. Curtis-Nevada Mines 611 F.2d 1277 at 1285). Agency actions can often amount to prohibitions that impermissibly encroach upon the right to the use and enjoyment of placer claims for mining purposes (see 30 U.S.C 26). To reinforce this point, in South Dakota Mining Assoc. v. Lawrence County 155 F3d 1005 (8<sup>th</sup> Cir. 1998), at 1011 the court stated: "...government cannot prohibit a lawful use of the sovereign's land that the superior sovereign itself permits and encourages. To do so offends both the Property Clause and the Supremacy Clause of the federal Constitution. The ordinance is prohibitory, not regulatory, in its fundamental character." *Emphasis added.**

*And at 1010 the court stated:*

*"...County ordinance is preempted because it conflicts with federal law. Specifically, we address whether the ordinance conflicts with the Federal Mining Act because it stands as an obstacle to the accomplishment of the full purposes and objectives of Congress embodied in the Act. Granite Rock, 480 U.S. at 581, 107 S.Ct."*

Generally speaking, when this prohibition scenario occurs, the agency is violating their own rules. The distinction between "reasonable regulation" and

"prohibition", offers locators an avenue to resist the application of rules that severely impact upon their operations, but the miner must assert unreasonableness at the outset and pursue those objections through agency and judicial review processes. And, as in other instances, intricate semantic arguments seldom prevail if an ordinary, common sense interpretation is available.

**At this point it is recommended that the miner contact Public Lands for the People to help step one effectively through the process and in order to challenge the problem agency in a lawful manner.**

There are many more cases that make reference to the distinction between a right under the mining law and a permissive system, but miners will lose cases unless this concept is fully understood and exercised. It is fair to say the miner does not have an unfettered right to mine irrespective of substantive environmental consequences - as was pointed out in the infamous 1884 Sawyer decision that banned hydraulic mine debris. Presently, it is this writer's opinion that environmental laws were written not to apply to non-discretionary agency advisements that encompass mitigation recommendations too commonly misunderstood as a permit system of today.

## **Dredging will leave San Gabriel River** **Sierra Club backs NRA status for San Gabriel Mtns.**

For the first time ever, the San Gabriel Mountains and the land along the San Gabriel River could become a National Recreation Area (NRA), which would bring new money and resources. New trails and picnic areas, more park rangers and explanatory signs, and increased connections between the mountains and local parks could result from the process. "We are very excited that

the San Gabriels some attention of resources here by the federal Juana Torres, representative of National Park



are finally getting and that the shortage is being highlighted government," said associate regional the Sierra Club. The Service (NPS) initially considered creating a national park in the area. The agency deemed local natural resources unique and significant enough to be protected as a national park. But in a study, the agency determined a national park is not feasible. The upper reaches of the San Gabriel River meet the criteria for Wild and Scenic River designation. Instead, the NPS has proposed several options for new collaborations that could bring NPS rangers and resources to the region for the first time. "They are finally recognizing the tremendous recreational

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opportunity here." Torres said. "You have 15 million people, many from park-poor areas who can use this forest." The NPS is now looking for public input on its proposals. Three alternatives offer varying boundaries for a NRA, varying levels of involvement by the NPS, and different types of partnerships with the US Forest Service and local agencies. All would, in theory, bring increased resources and attention to the area, according to project manager Martha Crusius. Congress gave a portion of the San Gabriel Mountains wilderness protection - the highest protection under federal law. And much of the range is partially protected through the

the area can possibly support." Dumpis said forest access needs to be expanded, but so does access to regional and local parks. "Right now, the Angeles National Forest is 72 percent of all open space in Los Angeles County. We don't want that to be 90 percent in 20 years," he said. Because parks in the Valley along the San Gabriel River are part of the forest's larger watershed and ecosystem, they should be part of a future NRA, Dumpis and others said. One of the study's proposals would establish such a regional area - San Gabriel Watershed NRA. Under this proposal, the NPS could bring its expertise, and its well-recognized

### **TAX DEDUCTION for PLP supporters !**

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Angeles National Forest. But the area's recreational value has been "very undervalued" by the federal government, according to Jane Beesley, project manager for the Rivers and Mountains Conservancy, which collaborated on the NPS study. Beesley and others say the Santa Monica Mountains have received much more recognition for their recreational value than the San Gabriels. About 1.5 million people visit the San Gabriel Canyon portion of the forest every year. But some popular areas have few rangers and bathrooms, Torres said. Picnic tables and parking spaces fill quickly, and a few times a year access is completely shut down. "It is very difficult to manage all the recreational use we get," said Marty Dumpis, deputy forest supervisor for the Angeles National Forest. "The demand is greater than

arrowhead logo, to informational signs along the area, often referred to as the Emerald Necklace, Beesley said. In addition to recognition of recreational value, the latest federal attention underscores the national geological, biological and cultural significance of the nearby range, Crusius said. "We know we live in a nationally significant area, and we think our river is nationally significant ... so it's nice to have that recognition," Beesley said.

**Look at these websites for the "BIG" picture**

### **LANDRIGHTS.ORG**

**THOMAS.LOC.GOV** for tracking bills

**CONGRESS.ORG** for all your elected officials

### **Remember This:** - from (36 CFR 228.4)

228.4(a)(1) - A **notice of intent** is **not** required for...

(vi) Operations which will **not** involve the use of mechanized earthmoving equipment, such as bulldozers or backhoes, or the cutting of trees

### **And**

228.4 (a)(3) - The **requirement to submit a plan of operations** also shall **not** apply to operations which will not involve the use of mechanized earthmoving equipment, such as bulldozers or backhoes, or the cutting of trees, unless those operations otherwise will likely cause a significant disturbance of surface resources.

**Or in plain English: anything less than heavy equipment or the cutting of trees will "probably" not require a "Notice of Intent" or a "Plan of Operation".**

**Everyone PLEASE write your experiences and comments @ these websites.**

1. [forum.goldgrubbin.com](http://forum.goldgrubbin.com)
2. [goldprospectors.org](http://goldprospectors.org)
3. [www.goldgold.com](http://www.goldgold.com)
4. [www.shacksgold.com](http://www.shacksgold.com)
5. [www.golddredger.com](http://www.golddredger.com)
6. [www.plp2.org/](http://www.plp2.org/)
7. [www.plp1.org/](http://www.plp1.org/)
8. [www.49ermike.com](http://www.49ermike.com)

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S B 796 is trying to equate suction dredge mining with bulldozers and dynamite

SB 796 defines the term 'casual use' does **not** include  
Section 2 DEFINITIONS

## (4) CASUAL USE.—

(C)EXCLUSIONS. -The term “casual use” does not include

(i) the use of mechanized earth-moving equipment, suction dredging, or explosives;

(ii) the use of motor vehicles in areas closed to off-road vehicles;

## This is how YOUR Government handles comments that don't fit into their

### “Do what we want” gameplan

*“Many comments to the proposed rule were very similar in content. These comments will **not** be listed since they do not apply to this rulemaking. Consequently, similar comments were combined and responded to only once. Several respondents' comments were obvious copies from comments sent in responding to the Federal Register Notice of July 9, 2004, (69 FR 41428) Clarification as to When a Notice of Intent to operate and/or Plan of Operations is needed for Locatable Mineral Operations on National Forest System lands. “Change the words around when you copy comments or another letter*

**This was taken from the Forest Service's final rule on the 36 CFR Part 261 about the comments they received.** (If you're not sure what “261” is you need to get informed. Because you will get you're butt kicked with it if you don't know you're rights.)

**PLP Board of Directors** meets on the 2<sup>nd</sup> WEDNESDAY of each month @ is 7 PM @ Memorial Park, on 3<sup>rd</sup> and Orange in Azusa. You are invited to attend. Questions, Barry Wetherby @ 818-957-1455

**PLP/SFV Prospectors GPAA** meets at Keene Engineering @ 20201 BAHAMA St., Chatsworth in the San Fernando Valley! These meetings are held on the 3<sup>rd</sup> Thursday of every month. 7 PM. Any questions please call Pat Keene. (818-993-0411) We are having great attendance, great outings and some really fun raffles.

## CA Senator Wiggins who introduced SB 670

“She's not competent,” said Connie Coddling, executive vice president of Coddling Investments in Rohnert Park and an influential supporter of Wiggins in past campaigns. Public officials say privately that they believe Wiggins may be losing her mental grip. Roseland School District trustee David Rosas, said Thursday that her “mental faculties are failing.”

## Where is mining in the THIS list?

### US Fish and Wildlife findings

### 8 reasons for Salmon declines –

1. Over fishing
2. Logging
3. The Trinity River Diversion
4. Irrigation Diversions
5. The 1964 Flood
6. The 1976 - 77 drought
7. Sea Lion predation
8. Brown Trout predation

## Winners PLP Legal Fund Raffle June 18

1. 160 ac. Wet Claim-Donated by Western Mining Claims. - Richard Godbout-CA
2. Keene 4" Dredge Model #4400ph-Donated by Keene Eng. - Ken Summers-AZ
3. Goldmaster GMT Detector-Donated by Whites Electronics. . - S.M.G.P.-KS
4. \$250.00 Gift Certificate-Donated by Armadillo Mining Shop. . - Bryon Hackett. -AZ
5. Underwater Dredging (Yuba River) # Print-Donated by John Agrella. . - R J Blanyer-TX
6. Deluxe Blue Bowl Kit-Donated by Pioneer Mining Supplies. . - Mike Carson -AK
7. Custom Gold Earrings-Donated by Natural Gold Jewelry. - .Jon Cromer-ID
8. GPAA Buzzard Special + Tom & Perry Clean-Up Kit-Donated by GPAA. - CUP-CA
9. Dri-Wash-n-Guard Detailing Kit-Donated by Barry & Ginna Wetherby. - Estes-ID.
10. HystWare Mines and Minerals V1.0-Donated by Gary Hiestard (HyatWare). - Richard Green-CA
11. Nugget Hunting Essentials, Vols 1 & 2-Donated by Arizona Outback. - Al Wilkins-CA

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## PLP Recent Accomplishments

1. The most recent activity has been Hobbs new party status and intervention in Karuk v CA Dept of Fish and Game (DFG).
2. PLP is in a new lawsuit, outside the Karuk vs. DFG case, against the DFG for the California Environmental Quality Act (CEQA) and the Administrative Procedures Act (APA) violations in promulgating new suction dredge regulations for 2009.
3. PLP & Hobbs have intervened in the Hillman-Karuk Tribe-Taxpayer lawsuit and the injunction on the same case. PLP & Hobbs have now filed an appeal in the Hillman Karuk injunction.
4. PLP assisted Dee Stapp vs. BLM Dept. Of Interior on the BLM 43 CFR 3809 mining regulations. PLP prevailed.
5. PLP is waiting to see what the USFS is planning with the 228 final rule which they use to regulate mining now!
6. Jerry Hobbs and PLP attorney David Young intervened in The Siskiyou Regional Education Project (SREP). A consolidated case by Robert and Lisa Barton. Waldo Mining District has received a recommended ruling from the magistrate court to the district court in favor of the miners. The district court has upheld the magistrate's recommendation! The case has been dismissed in our favor! SREP appealed all the way to the 9th circuit court and the miners prevailed at that level. All this ain't cheap folks and it's protecting your rights.
7. PLP assisted in cases that helped the small mining community: USFS vs. Lex & Waggener, USFS vs. McClure US vs. Eno, PLP continues to assist Oregon miners with DEQ challenges and WA state miners in issues with the Gold And Fish Book.

8. PLP worked with Gale Norton & the interior department to get small-scale mining recognition at the higher level of the department of interior and the bureau of land management. This didn't work out!
9. PLP and/or Hobbs and Stapp have intervened in the following cases and PLP is still active in some of them: the SREP vs. USFS; Center for Biological Diversity (CBD) vs. USFS; CBD vs. BLM; Stapp vs. BLM on the BLM 43 CFR 3809 mining regulations. A settlement in the Stapp vs. BLM was decided in favor of the miners.
10. PLP and its members commented on the following government proposals: Eastern Mojave plan; West Mojave plan; Sierra Nevada frame work; California Endangered Species Act (CESA) plans on listing the California milk vetch; the listing of the Arroyo Toad and the Santa Ana Sucker. Washington miners and the Washington Fish and Wildlife, USFS 36 CFR 261's, USFS 228 mining regulation and are now working on comments for the CA DFG suction dredging regulations for 2009.
11. PLP & Azusa Canyon Off Road Assn. kept the off road area open in Santa Ana Sucker habitat of the San Gabriel River.
12. PLP has actively participated in assisting the summer home permittee problems with the USFS in keeping their cabins and rebuilding them in the Los Padres, Angeles and Cleveland National Forests.
13. PLP is investigating special use permits for summer homeowners, California suction dredging; the recent closing of six miles of the Pacific Crest Trail (Angeles National Forest). PLP is still fighting to re-open Piru Creek in the Los Padres National Forest, Littlerock Reservoir closure to all off road vehicles users, and various other closures across the country.

PLP is in constant communication by phone & letters with the people from across the United States helping them to resolve issues and problems with governmental agencies, in their part of the country. This communication helps to educate people on their rights and the laws under which they may or may not be governed. This is one of the methods that PLP uses to educate and unite in a common cause

## Tidbits: Eldorado National Forest Travel Management Plan.

### **Dispersed Camping:**

Dispersed camping is a form of camping where you are not in a developed campground and there are none of the amenities; such as, toilets, piped water, picnic tables, etc. Visitors can camp just about anywhere in the national forest unless it is specifically prohibited. The big change on the Eldorado National Forest, along with other national forests, is that visitors cannot drive off of designated roads and trails, except where specifically allowed. The forest designated a number of routes that lead to areas popular for dispersed camping, and we are asking visitors to tell us of other locations they would like to see designated for motor vehicle use in the future.

### **Parking:**

Forest visitors park on the forest for a wide variety of reasons; such as, to access areas to hike, fish, picnic, ride horses, bicycle, ride OHVs, swim, hunt, bird watch, snowmobile, snowshoe, etc. Parking along roads designated or authorized for public travel, as shown on the Motor Vehicle Use Map, is permitted within one vehicle length from the edge of the road surface. This distance is part of National Forest Service direction.

### **Opportunity For Changes!**

Implementation of Forest Supervisor Villalvazo's decision also includes looking for ways to make the designated route system better. This may include identifying those routes that are closed that some people believe should be open and some routes that should be closed that are open. The key to implementing this Travel Management decision is the opportunity in the future to make changes!

Your support with membership & donations is the only way we will continue into the future.

## **Auburn's gold-supply store faces closure if dredging legislation signed**

### **The AUBURN JOURNAL**

by Gus Thomson, Journal Staff Writer

Downtown's Pioneer Mining Supplies offers equipment for gold seekers. The clock is winding down on a living link to Auburn's Gold Rush past. And the closure of Pioneer Mining Supplies could be hastened by the stroke of Gov. Arnold Schwarzenegger's pen.



Frank Sullivan and Pioneer Mining Supplies have been selling dredges, pans and other gold mining supplies from a Downtown Auburn storefront for the past 28 years. In a store loaded with everything a gold-seeker needs to set out in search of fortune, Sullivan and his staff of two other full-timers and a part-time worker are watching the steady march in Sacramento of Senate Bill 670. The bill would shut down dredging and take away what he said would be 40 to 50 percent of his business. The state Senate and Assembly have both passed the bill and — with the Senate's 28-7 vote Monday — it could be signed by Schwarzenegger. The bill places a moratorium on suction dredge mining in all California Rivers, streams and tributaries until a state environmental review is completed. Sullivan said his business — already stung by lower revenues because of the recession — is hoping the governor will hold off signing the bill so dredging can continue through the current dry season. A state Department of Fish & Game environmental review would eventually provide new guidelines. With visitors coming into his store for recreational dredging from as far away as Europe and Australia, Sullivan said the loss of the opportunity to seek gold with the suction equipment will have an impact on local tourism — from accommodation facilities to restaurants. For Pioneer Mining Supplies, the

only fully-stocked mining equipment store in the area, it would mean closure, he said. Outside the Capitol, the dredge debate pits gold seekers against Indian tribes, fishing advocates and environmental groups. The Karuk tribe of Northern California initiated the attempt to ban suction dredging in response to what it says is damage to its wild-salmon food fishery. Craig Tucker, Karuk tribal spokesman, said Tuesday that there are an estimated 3,000 suction dredgers around the state going up against fishing hobbyists who are issued 2.4-million permits a year. The tribe has "every reason to think" the governor will sign the bill, he said. The tribe, which occupies the Klamath River basin, had an Alameda County judge grant a preliminary injunction against issuance of new suction dredge permits last Friday. The order doesn't prohibit dredgers who already have permits to continue but Schwarzenegger's signature would. State Sen. Sam Aanestad, R-Grass Valley, said in a statement he's "extremely disappointed" with a vote that could result in closed businesses and lost jobs in his 4th Senate District. "This bill will cause economic hardship to the rural communities and the small business owners who depend on this industry as a source of income," Aanestad said.

The Journal's Gus Thomson can be reached at [gust@goldcountrymedia.com](mailto:gust@goldcountrymedia.com) or comment at [www.Auburnjournal.com](http://www.Auburnjournal.com)

### **Amazingly simple home remedies:**

1. Avoid cutting yourself when slicing vegetables by getting someone else to hold the vegetables while you chop.
2. Avoid arguments with the females about lifting the toilet seat by using the sink. It all goes to the same place anyway.
3. For high blood pressure sufferers ~ simply cut yourself and bleed for a few minutes, thus reducing the pressure on your veins. Even George Washington did this! Remember to use a timer.
4. A mousetrap placed on top of your alarm clock will prevent you from rolling over and going back to sleep after you hit the snooze button.
5. If you have a bad cough, take a large dose of laxatives. Then you'll be afraid to cough.
6. You only need two tools in life - wd-40 and duct tape. If it doesn't move and should, use the wd-40. If it shouldn't move and does, use the duct tape.
7. If you can't fix it with a hammer, you've got an electrical problem.

A miner was crossing a road one day when a frog called out to him and said, 'If you kiss me, I'll turn into a beautiful Princess.' The miner picked up the frog and put it in his pocket.

The frog said, 'Hey, if you kiss me and turn me back into a beautiful Princess, I'll love you forever.' The miner took the frog out of his pocket, smiled at it, and put it back in his pocket.

The frog yelled, 'If you kiss me and turn me back into a Princess, I'll clean your house, cook for you, and love you forever.' The miner took the frog out, smiled at it, and put it back.

Finally the frog asked, 'What is it? I've told you I'm a beautiful Princess that I'll cook and clean for you and love you forever. Why won't you kiss me?'

The miner said, 'Look, I'm a gold miner. I don't have time for girlfriends, but a talking frog that's a different story.

Look what found me Last time I went dredging



The Library of Congress has an online exhibition of the interaction that went on during the formation of the US and its documents. Imagination and vision played critical roles in the creative act of forming a self-governing USA. This exhibition offers a remarkable opportunity to learn in a fresh new way how the founding documents that emerged from this period were forged out of insight, invention, and creativity, as well as collaboration and much compromise. [myloc.gov/Exhibitions/creatingtheus/Pages/default.aspx](http://myloc.gov/Exhibitions/creatingtheus/Pages/default.aspx)  
OR go to [myloc.gov](http://myloc.gov) >> Exhibitions >> view Creating the United States

## **PLP Starts Yahoo Group To Inform You – Check It Out At**

You can Join at [groups.yahoo.com/group/Public\\_Lands\\_for\\_the\\_People](http://groups.yahoo.com/group/Public_Lands_for_the_People) you can send an email to

[Public\\_Lands\\_for\\_the\\_People@yahoo.com](mailto:Public_Lands_for_the_People@yahoo.com)  
Public Lands for the People, Inc., opened a new method for communicating with the membership. This new method is called “Yahoo Groups”. Yahoo! Groups is a free community-driven Internet communication tool, a hybrid between an electronic mailing list and an Internet forum that can be posted and read by e-mail or on the Group homepage, like a web forum. Yahoo! Groups offer a convenient, privacy-protected, and spam-protected environment to connect with others who share the same interests and ideas. You can use the Yahoo! Groups service at the web site or through any email program. Members can choose whether to receive individual e-mails or daily digest e-mails, or to read the posts at the web site. PLP’s Group is only used for announcements. Group moderators will approve your post to avoid distribution of junk messages. PLP is intending on sending you time sensitive information through the group. Yahoo! Group’s service provides archiving facilities, file uploading, photo uploading into albums for others to view, voting, and calendar systems. The basic mailing list functionality is available to any e-mail address, but a free Yahoo! ID is required for access to other features.

This site is dedicated to distributing official news and alerts in order to limit the number of messages you will get. For other communication needs, please visit the Forums link at [WWW.PLP2.ORG](http://WWW.PLP2.ORG). If needed, you can email me at [plp\\_moderator@yahoo.com](mailto:plp_moderator@yahoo.com).

You can Join at [groups.yahoo.com/group/Public\\_Lands\\_for\\_the\\_People](http://groups.yahoo.com/group/Public_Lands_for_the_People)

Daily thought: Some people are like slinkies - Not really good for anything but they bring a smile to your face when pushed down the stairs



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## So, what is changing...?

The auto industry is changing ...and DWG International™ is the only company to adapt to these changes and supply you with the technology you need to take full advantage of a new phenomenon in auto paint cleaning, polishing and maintenance.

Since the beginning of the year 2000, major auto manufacturers have begun changing the paint formula they use on their cars. After suspecting that something was different in the paint on newer model vehicles, we contacted the major auto manufacturers and asked about these changes. After much investigation and cooperation with the auto industry, we learned that the changes being made were to accommodate new body panel materials being used in the manufacturing process, as well as new environmental protection laws that had gone into effect. These changes have resulted in clear coats that are stronger and more durable, yet more flexible, than before. In essence, the paint will actually flex and yield more, instead of remaining solid and polishing like marble or glass; however, these new high-tech paints are more sensitive to soaps, waxes and polishes. They have a tendency to streak, and because they are more flexible, they feather-scratch very easily.

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scientifically significant advancements in Waterless Technology since the introduction of original DRI WASH 'n GUARD®:

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Specifically designed for the 21st century paints used on cars manufactured since the year 2000, DWG ULTRA-ION™ will create a deeper, richer shine on these new, more flexible clear coat finishes. Combine this superior performance on new paints with the buffing action of the new DWG Buffing Towel and you have a winning combination for even the most demanding conditions. DWG ULTRA-ION™ can be applied to dark colors in ANY naturally occurring heat from the sun. This new formulation emulsifies dirt (and especially bugs, bird droppings and tar) better than any other product, and, like DRI WASH 'n GUARD® Classic, it works great on glass and chrome. But there's more! Personal consumers and your detailing customers will fall in love with the dust-repelling qualities of DWG

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**DWG ULTRA-ION™**

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## Two Exclusive Technologies Merge to Create One Outstanding Product!

The infusion of ionic technology with our award-winning Polymer technology has created a product that far exceeds all other car care products on the market today. When applied to the technologically advanced paints being used by auto manufacturers today, nothing can outperform DWG ULTRA-ION™. For best results, you should always use the new DWG Buffing Towel with DWG ULTRA-ION™. The new DWG ULTRA-ION™ formulation is odorless and comes in a distinctive new color.

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# Membership form on Reverse. All dues go to support. No Salaries are taken.

## Why Join The PLP?

Where do you think you would be today had there been no one out there fighting for your rights? If you and I don't care enough to make the case for our rights, who will? Public Lands for the People has been working tirelessly for 19 years with land managers, politicians and other user groups to ensure that you get to use public lands where and when you want. We have had many successes and you have benefited. We can promise you the other side is always making the case that mining and prospecting is noisy, polluting, and the source of conflicts. They want us in smaller and smaller areas with fewer opportunities to access the public lands and backcountry. Ultimately, they want us off public lands altogether. This is your fight whether you like it or not. Doesn't it make sense to join and support others who are taking their time and money to protect your rights and opportunities? There is plenty you can do with \$35.00 other than join another organization. You could buy a couple gallons of gas, a drink, and a bag of popcorn at a movie or simply save it for that proverbial rainy day that Mom said would eventually come. However, if you value the preservation of your rights of the public to access, use, and enjoy our public lands, and you want to protect that right for yourself, family, friends, and future generations, you want to reconsider where that \$35.00 would be best put to use. You could do all of those things or none of them; it is your choice because it is your 35 bucks. Doesn't it make sense to equip those who are fighting for you with the resources needed for them to have a chance at success? Doesn't it make sense for you to invest \$35 in the Public Lands for the People?

**Yes, it really does** § %



## WHO IS PLP?

PLP was constructed for the purpose of representing all outdoor user groups and individuals that are interested in keeping public and private lands open to prospecting, mining, and outdoor recreation on a non-discriminatory basis! PLP assists groups to join forces to maintain the laws and rights of all citizens on public and private lands (Federal, State and City). PLP will assist with representation at public hearings of government agencies that are proposing limitations and restrictions on the lands that belong to the people.

**PLP DOES LITIGATE!** We will file injunctions, when necessary, to prevent governmental agencies from discussing public issues behind closed doors and calling them "personnel meetings".

We will come to the aid of, and give individual attention to, persons or groups who are being harassed, intimidated or misled by people in authority (in or out of uniform) who are attempting to enforce their own ideas or opinions of laws, rules or regulations, rather than the actual laws, rules or regulations, and what it actually means.

Remember....

**PUBLIC LANDS FOR THE PEOPLE**

means....

Our **right** to Use Public Lands,  
Not to Abuse Public Lands.

## What does PLP do for you?

1. PLP filed a lawsuit charging California for illegally passing a bill (SB670) into law prohibiting suction dredge mining.
2. PLP filed a lawsuit against Eldorado National Forest for their illegal closures of over 2200 miles of roads in their Travel Management Plan (TMP). PLP is also making comments in several other forests on their TMP.
3. PLP is in court fighting the California Department of Fish and Game who has violated a Court order by failing to do an Environmental Impact Report (EIR) on suction dredging in California.
4. PLP assists on many individual issues that concern small-scale miners.
5. PLP assists miners in other states, and those-state representatives.
6. PLP makes formal comments on the Federal Register (FR) for the US Forest Service (USFS) road closures, trying to cite miners criminally, & rule making changes.
7. PLP assists miner filing "takings" case against BLM for taking house & claims. BLM donated away leaving miner as legal owner/claimant & taxpayer w/o due process or compensation. Miner prevailed
8. PLP and the miners prevailed in Siskiyou Regional Education Project (SREP) vs. U.S. Forest Service when the USFS attempted to force dredgers into a Plan of Operation.
9. PLP was a party to 2 lawsuits in the Center for Biological Diversity (CBD), vs. USFS and CBD vs. the BLM. PLP and the miners prevailed
10. PLP and Dee Stapp prevailed in a lawsuit against the BLM on separating bond issues of occupancy and casual use mining operations.
11. PLP participated in the Washington, Oregon, and California Water Resources Board study on turbidity and mercury as a method to stop suction dredging and similar issues there.
12. PLP assisted with Washington State Resources Coalition and others in the rule making process on suction dredging.
13. Made legal & scientific comments & was instrumental in defeat of CA Bill AB 1032.

PLP strives to be involved with issues that affect the small-scale mining community. We would not be able to continue these battles without the past support of its membership.

Your continued support, membership & donations is how we will continue into the future.

Mail to: 3700 Santa Carlotta St, La Crescenta, CA. 91214-1048



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**Suggested Challenge Procedure**

While pursuing your outdoor endeavor of work, play, recreation or sport and you are challenged by a representative of a governmental Agency or Public Servant, regarding the legality of your activity in their area, you should **DO THE FOLLOWING:**

- 1. It is wise to politely ask if you are breaking any laws. If you are informed that you are breaking, then ask for an explanation of the law and any municipal code that pertain to the law.
- 2. You should do as you are asked by the government representative, then ask for their name, badge number, position and the agency and district the represent. Record this information along with the date, time and the location of the area you are in.
- 3. If you have a pleasant response from any of the agents, such as being informative, cooperative or helpful, we would like to hear about them.
- 4. Give this information to your local PLP office or representative and he or she will advise you of the appropriate procedure to follow.

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**What do all these CFR numbers mean?**

**TITLE 36--Parks, Forests, and Public Property**  
§ 100 to 199 Nat'l Park Serv., Dept of the Interior  
§ 200 to 299 pertains to the Forest Service  
§ 212 – Travel Management (closing your road)  
§ 219--Planning (conspiring to stop you)  
§ 228 locatable minerals  
§ 261 – Prohibitions (stopping you from doing)

**TITLE 43--Public Lands: Interior 1000-9999 BLM  
NFMA National Forest Management Act of 1976 (16  
U.S.C. 1600 et seq.)**

**30 U.S.C. 22** Lands open to purchase by citizens

**16 U.S.C. 478** Egress or ingress of actual settlers;  
prospecting