

PUBLIC LANDS FOR THE PEOPLE, INC.

A 501(c)(3) Non-Profit Organization

NEWS LETTER

PLP NEWS LETTER

FEBRUARY, 2012

Volume 1, Issue 1

Special points of interest:

- **PLP WINS!!! Injunction Overturned - Suction Dredging Permits**
- **PLP's Next Hearing—Feb. 22, 2012**

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PLP WINS!!! Injunction Overturned - Suction Dredging Permits

On December 28, 2012, **PLP Attorney David Young** presented oral arguments in the California Court of Appeal Case A126402 in the Alameda County Superior Court..

The original case know as **Hillman v. California Department of Fish and Game** placed an injunction prohibiting the California Department of Fish & Game from issuing Suction Dredging Permits.

After nearly two years waiting for PLP's

Appeal Case to Be heard, Judge William R. McGuiness ruled in PLP's favor, **reversing in full**, the lower court's injunction.

Disposition

Reversed in full

Disposition status as of 2011-12-28: Final **Notes:** The order granting plaintiffs' motion for a preliminary injunction is reversed. Each party shall bear its own costs on appeal.

Case Summary

Trial Court
Case: RG09434444
Court of Appeal
Case: **A126402**

Court of Appeal Opinion: [[PDF](#)]

[[DOC](#)] **Caution:** For information on when opinions may be cited or relied upon, [click here](#).

Division: 3 Case Caption: Hillman v. California Department of Fish and Game Case Type: CV Filing Date: 08/28/2009 Oral Argument Date/Time: 12/22/2011 09:00 AM

For more information on this case, go to: <http://appellatecases.courtinfo.ca.gov...40&f=199157634>

PLP's Next Important Court Case to be Heard Feb. 22,2012

PLP's Case CIVDS1012922 against Kamala Harris, Attorney General of the State of California; Charlton H. Bonham, Director of the California Department

of Fish & Game is scheduled to be heard by Judge Donald Alvarez in San Bernardino County Superior Court on February 22, 2012.





A Mining Law Whose Time Has Passed—A Rebuttal by Claudia Wise and Joseph Greene

On January 14, 2012 the New York Times published an OP-ED written by Robert M. Hughes and Carol Ann Woody (which can be found at http://www.nytimes.com/2012/01/12/opinion/a-mining-law-whose-time-has-passed.html?_r=1&ref=lawandlegislation).

The following is a rebuttal written by Claudia Wise, a retired Suction Dredge Researcher and Physical Scientist from the USEPA, and Joseph Greene, a retired Suction Dredge Researcher and Research Biologist also from the USEPA.



"We are retired USEPA scientists and have spent considerable time researching the potential effects of suction dredging on the environment."
says Claudia Wise and Joseph Greene

We have known Bob Hughes for many years. He is a respectable scientist. However, he is clearly a "fish out of water" on small-scale suction dredge mining issues. I do not know what motivated him to write comments regarding hardrock mining and carelessly interjecting comments on the Chetco River and suction dredge mining. This juxtaposition of one size fits all information infers that small-scale suction dredge mining is killing fish and spilling chemicals into America's waterways. This was very sloppy work and is unbecoming a published scientist. I also question why a theoretically unbiased fisheries scientist would leave the realm of science to write an op-ed piece for the New York Times. He and his co-author carelessly threw out data not related to suction dredge mining and used it as if the data could somehow be projected across years of improved mining techniques.

We are retired USEPA scientists and have spent considerable time researching the potential effects of suction dredging on the environment. I have come to see that there are many benefits of suction dredging. Benefits of habitat restoration by suction dredge mining include, but are not limited to: loosening compacted or embedded gravels; cleaning spawning gravels of embedding sediment allowing for spawning in these otherwise unavailable reaches of waterways; creating deep hole resting and protection areas in streams (refugia) used by fish to get out of the current and in some cases cool down and avoid predation; improved population diversity; and food stirred up by dredging increases fish weight and health.



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OUR TROOPS—
REMEMBER,
FREEDOM IS NOT
FREE!**

I would love to know what peer-reviewed journal articles specifically written on the effects of suction dredge mining that Bob Hughes and Carol Woody used to form their opinion when they stated, "*Suction dredges would vacuum up the river bottom searching for gold, muddying water and disrupting clean gravel that salmon need to spawn.*" Why do they believe it is acceptable to blatantly disregard the published data that have demonstrated that the effects of small-scale suction dredging on the

A Mining Law Whose Time Has Passed—A Rebuttal by Claudia Wise and Joseph Greene (Cont.)

environment is less than significant and potentially beneficial to fish habitat. At the same time they refer to adverse effects from other forms (not modern suction dredging) of historic mining and use that data as factual information to smear small-scale suction dredge miners. This is just wrong, poor judgment, and bad scientific interpretation of published science regarding small-scale suction dredging.

Suction dredging in Oregon is regulated federally by the 1866 and 1872 Mining Laws and the appropriate Federal agency governing the lands where the mining will occur. It is also heavily regulated by State agencies. Suction dredge rules are in place to ensure that clean water is protected. In our state, it is regulated by the Oregon Department of Environmental Quality. In-Water work times are governed by the Oregon Department Fish and Wildlife to ensure suction dredge mining does not occur during the fish's sensitive early life stages.

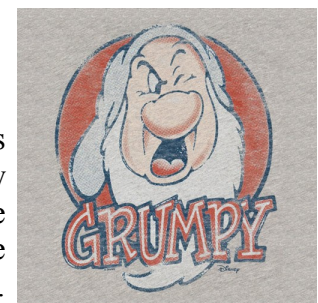
In most of the rivers and streams in the Western United States small-scale gold suction dredging occurs for less than 4-month out of each year. No suction dredging occurs during spawning season as so many of these irrationally emotional written letters to the editor repeat time and again. Furthermore, small-scale suction dredging seldom occurs in locations on a river or stream where salmonids spawn. Salmonids prefer areas with water flow that would be sufficient to aerate the redds (nests). Suction dredgers work in low pressure areas of rivers and streams that salmonids would seldom select for spawning because of unsuitable water flow conditions.

We totally reject Dr. Hughes implied suggestion that chemicals would be used during a suction dredge operation. This is totally false and misleading. This goes to the issue of Hughes and Woody improperly inserting comments about small-scale suction dredging while discussing the effects of large scale land mining. Let me say loudly and clearly for Dr. Hughes and his cohorts to hear...**SUCTION DREDGING USES NO CHEMICALS IN THE PROCESS OF DREDGING.**

A small-scale suction dredge does not generate mining waste! It simply lifts bottom material (sand and gravel usually less than 4-inches in diameter) in low-pressure areas of the waterway, flows it across a sluice box and returns the riverbed material not captured back into the waterway where it settles to the bottom. The sluicebox method is exactly the same as the hand boxes Dr. Hughes refers to as being less destructive and the outfall is the same class size that habitat restoration groups use to improve spawning gravels that are lacking adequate spawning material. The gold, other heavy metals, and trash such as lead weights used for fishing, nails, bolts, etc. are captured in the sluice box. Trash taken out of the water by dredgers is removed from the waterway and recycled. As is the trash left on shore by campers, fishermen, and picnickers.



"We totally reject Dr. Hughes implied suggestion that chemicals would be used during a suction dredge operation. ."



THIS BULLS@#\$
MAKES ME VERY
GRUMPY!



PLP News Letter is the responsibility of Gary Goldberg,

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A Mining Law Whose Time Has Passed—A Rebuttal by Claudia Wise and Joseph Greene (Cont.)

Dr. Hughes also points to increased turbidity as a pollutant effecting fish. Turbidity although listed by USEPA as such is no more than a measurement of transmitted light from particles in the water that could be sediment or coloration from dissolved organic compounds. When I first started researching the effects of suction dredging on the environment I discussed this very issue of turbidity and its effect on fish with Dr. Hughes. His answer to me was that "fish do not care about turbidity" this sentiment is supported in the scientific literature as well. Suction dredging is not performed with the intensity or the duration to cause harm to fish.

Claudia Wise

Suction Dredge Researcher

Physical Scientist, USEPA retired

Joseph Greene

Suction Dredge Researcher

Research Biologist, USEPA retired

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Public Lands for the People Inc (PLP) joined the State of Washington Miners in their battle to get extended seasons for the suction dredge community. It seems as though the Washington Department of Fish and Wildlife (WDFW) have decided that a two week time frame per year is sufficient for a suction dredge miner to profitably mine his mining claim. Bruce Beatty a Washington Prospector Properly filed for an extended season and was denied the extension for no legitimate reason. PLP and the Washington miners have joined forces and on this issue and retained James Buchal of Portland Oregon to appeal the denial for the HPA permit (special use permit for extended season). The complaint papers have been filed in a timely manner in late december, This an important issue in all states because the time frames for dredging season continue to get shorter and shorter at every turn. This is a taking of property use whether it is temporary or permanent and needs to be challenged. Stay tuned for the up coming results and please help with your support of funding. Funding can be directed to the Washinton Bedrock Prospectors, Washington Resources Coalition and to Public Lands for the People Inc.

Thank You
Jerry Hobbs

PLP wins appeal in court overturning injunction

preventing the CA. Dept Fish & Game from issuing dredge permits. That doesn't mean we can dredge. PLP still has to win the fight to overturn AB120 & SB670 - please send donations to PLP to continue the legal fight. It is the only legal challenge & we all need to get behind it.

National Park Service & the "Greatest Land Grab in History"?

<http://plp2.org/forums/showthread.php?462> AND <http://www.landrights.org/ca/samo/index.htm>

The map shows the ripoff into downtown Los Angeles past Chinatown!!! link @ top of landrights webpage

Or just type in "San Gabriel Land Grab" into google. You won't believe what they are doing now!!

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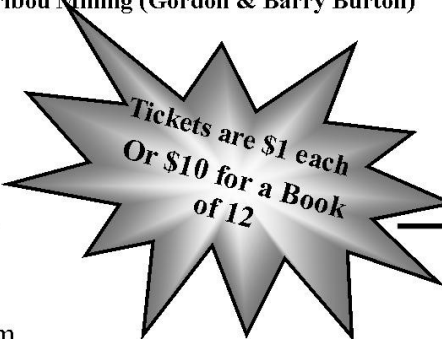
PUBLIC LANDS FOR THE PEOPLE

A 501(c)(3) non-profit organization whose mission is:

"TO REPRESENT AND ASSIST OUTDOOR USER GROUPS AND INDIVIDUALS INTERESTED IN KEEPING PUBLIC AND PRIVATE LANDS OPEN TO PROSPECTING, MINING, AND OUTDOOR RECREATION THROUGH PUBLIC EDUCATION, SCIENTIFIC DATA, AND LEGAL MEANS."

2012 FUNDRAISING RAFFLE JUNE 21, 2012

| PRIZES & DONORS | VALUE |
|--|-----------|
| 1 2 Week Trip to Alaska, all expense paid including airfare from any major US airport (G.P.A.A.) | \$3,500 |
| 2 Minelab #4800 Metal Detector (Minelab USA) | \$6,295 |
| 3 4405 P.H. Dredge (Keene Engineering) | \$3,175 |
| 4 Gold One Ounce (Roger Plata) | \$1,750 |
| 5 151 Vibro Static Dry Washer (Keene Engineering) | \$1,495 |
| 6 Pinch for PLP Gold-1/2 oz and climbing (all contributors) | \$ 875 |
| 7 Whites Metal Detector (Whites Electronics) | \$ 800 |
| 8 Fisher Gold Bug Metal Detector (Fisher Labs) | \$ 800 |
| 9 One Week Trip to Roaring Camp for 1 or 2 people (Roaring Camp) | \$ 750 |
| 10 20 - one ounce Silver Rounds (A.A.A. Metals) | \$ 700 |
| 11 Gold Cube with stand and pump (Mike Pung) | \$ 480 |
| 12 2 - One year memberships Golden Caribou Mining (Gordon & Barry Burton) | \$ 250 ea |
| 13 Colombian Amber (Guy Nesbitt) | \$ 300 |
| 14 Gold Nugget Earrings (Scott Warner) | \$ 100 |
| 15 Crystalline Gold (Scott Warner) | \$ 100 |
| 16 Broll Cart (Broll Tools) | \$ 85 |
| 17 And More | TBD |



To Order Tickets

Email: out4gold510@hotmail.com

Phone: Msg (818) 363-0963 (Leave call back number, address, and # of tickets wanted)

Mail: Public Lands for the People, Inc.

c/o Guy Nesbitt

PO Box 7908

Porter Ranch, CA 91326

Tax-deductible contributions are **ALWAYS** welcome at the address shown.





PUBLIC LANDS FOR THE PEOPLE, INC.

MEMBERSHIP APPLICATION & ORDER FORM (If just ordering merchandise fill out top 1/2 only)

Mail to: 3700 Santa Carlotta St, La Crescenta, CA. 91214-1048, 818-957-1455

- SINGLE 35.00
- FAMILY 50.00
- CLUBS 100.00
- BUSINESSES 100.00
- RAFFLE TICKETS (12) \$10.00
- T-Shirt \$16.00
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Please accept my enrollment as a member of PLP. Enclosed is my annual dues donation of _____. I will receive a membership card and the Sentry Post Newsletter along with being able to access our assistance network

I've enclosed an additional donation of _____ to help keep our Public Lands open.

Please circle your interest for use of our Public Lands:

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Would you be willing to:

- Circle several
- Help in clean up Projects... Write letter to Officials & Govt. Agencies... Serve on the Board of Directors
- Assist in Membership Drives and Fund-raisers... Serve on a Committee... make Phone Calls... Type...
- Attend USFS, BLM and DFG Meetings & Hearings... Participate in research Activities...
- Are you a member of other Clubs or Organizations? Yes ____ no ____

Please list club(s) _____

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Please tell us any ways you can help us keep your Public Lands Open;

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