



The SENTRY

Public Lands for the People Inc. Est. 1990

1. CHECK THE WEBSITE

Gold gone in German rush

Risk-averse Germans are turning to gold in troubled times - but there's none left. German gold dealers say demand has skyrocketed this past week to 10 times normal so no more orders can be taken for the foreseeable future. "The demand exceeds our capacities by a great deal," said Heiko Ganss, head of precious metal company Pro Aurum. "The requests cannot be satisfied right now," a dealer from the Düsseldorf WGZ Bank confirmed. "Demand for gold as a conservative investment has risen dramatically," said Stephan Henkel. "Right now the demand is about 10 times as high as in normal times." four and six weeks. The US mint said on Monday it had exhausted some of its supply of bullion coins and was struggling to meet demand for gold, silver and platinum. South Africa's Rand Refinery, producer of the world's most popular gold bullion coin, the Krugerrand, temporarily ran out of the coins in August.

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DECEMBER WINNERS PG 7

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HvstWare Mines and Minerals V1.0

Gary Hiestard (HyatWare) \$ 100

Nugget Hunting Essentials Vols 1&2

Arizona Outback \$ 60

Sierra County Board of Supervisors to prohibit dredging dies. & so failed.

Sierra county Board of Supervisors (CA.) proposed to prohibit dredging inside the Downieville Township. At the public hearing the chamber was packed with citizens objecting to the amendment. After several speakers from the area objecting, PLP reminded the Board that they could be held personally liable under Title 18, U.S.C., Section 241. It is unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person ...in the free exercise or enjoyment of any right or privilege secured by the Constitution or the laws of the US, (or because of his/her having exercised the same). And Title 18, U.S.C., Section 242 makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the US. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc. It seems there was no 2nd to the motion to adopt it after they were "enlightened".

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Public Land Fee Repeal - We've been alerted to a poll where you vote in favor of S.2438 Please vote your support for the Fee Repeal bill (one vote per computer) and pass it on. There is a link to the Senate website where you can express support of S.2438 to your Senator.

http://www.washingtonwatch.com/bills/show/110_SN_2438.html

SUMMARY - S.2438, The Fee Repeal and Expanded Access Act will restore language that worked well for over 30 years. It will preserve the ability of the public lands agencies to charge reasonable fees for specialized facilities and for National Park entrance. It will restore free use of basic facilities such as picnic tables and toilets and free general access to scenic trails, roads, and overlooks, drinking water, wayside exhibits, sites, visitor centers, scenic drives. It will restore Congressional oversight of the expenditure of fee revenues.

NPS will no longer charge additional fees for backcountry access or interpretive programs when an entrance fee has been paid. Increases to NPS Entrance Fees will be required to be submitted to Congress 60 days before taking effect. The \$80 America the Beautiful Pass will be eliminated, and the \$50 National Parks Pass and Golden Eagle Pass will be reinstated. Forest Service and BLM will be prohibited, as they were under the Land and Water Conservation Fund Act, from charging fees, either singly or in any combination. Forest Service and BLM fee revenue will be paid, less 15% for administrative costs, to the Treasury for appropriation by Congress. This will eliminate the current system where those agencies keep all the money they can raise, which has resulted in fees being charged for parking, scenic overlooks, picnic tables, driving scenic roads, toilets, and many other basic services that should be supported with existing appropriated budgets.

Do you have a story that others should know about??? – send it to editor@plp1.org

Prez Sez

For those individuals, and most particularly, some prospecting and metal detecting clubs, and or associations, that like to refer to themselves as recreational, PLP would like to let you know that it may not be in your best interest to classify any type of activity that you do on a mining claim, as anything other than mining or prospecting under the mining law (such as recreational mining) for the following reasons.

At the Bottom of Pg 31: of the U.S. Forest Service new and final Federal Register Notice, now in place for enforcement is the following entry regarding what the FS believes to be a description of small scale mining activities.

"One thing which often is unique insofar as functions, work, or activities are proposed by individuals, members of mining clubs, or mining clubs themselves whose interest in locatable mineral operations is primarily recreational, is that they far exceed the scope of the United States mining laws. **Such functions, work, or activities that are not authorized by the United States mining laws include educational seminars, treasure hunts, and use of mining claims as sites for hunting camps or summer homes.** Accordingly, a major impetus for this rulemaking culminating in the final rule being adopted is to prohibit operations conducted under the color of the mining laws that clearly are not within the scope of bona fide operations consistent with the United States mining laws. Thus, the final rule being adopted by this rulemaking applies to every person or entity conducting or proposing to conduct locatable mineral operations on Forest Service lands under the United States mining laws."

PLP has been attempting to prevent the use of the word recreational mining for 15 years, only to have it fall on the deaf ears of some. Recently we are assisting a man in Montana for getting cited under 36 CFR 261 (c) *Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization.*

In this case the Montana man was giving a seminar to a couple of people on how to pan, sluice and use a rocker box and was cited for it. We suggest that those who want to categorize anything other than

mining, when on a mining claim that the FS is looking to cite criminally for activities that they determine are not mining related or incidental to mining. PLP would also like to mention that we feel the Mining Law of 1866 and 1872 is **not a special use authorization nor discretionary**, therefore we feel that 36 CFR 261 does not apply to mining. However until this has been brought before a court for adjudication, the Forest Service will most likely be looking for reasons to cite miners under 36 CFR 261 for activities that they deem not mining related or incidentally related to mining.

Be Careful **Jerry Hobbs** 

Forest Service will now cite You Criminally

The FS has adopted Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations This final rule amends certain Forest Service regulations to allow, for a criminal citation to be issued for unauthorized mineral operations on National Forest System (NFS) lands effective December 8, 2008.

The documents used to develop this final rule, along with comments, including names and addresses when provided, are placed in the record and are available for inspection and copying. In *United States v. McClure*, 364 F. Supp.2d 1183, 1183-84 (E.D. Cal. 2005), the Forest Service cited the defendant for operating a gold mining suction dredge without obtaining prior Forest Service authorization. The citation charged the miner with violating 36 CFR 261.10(k) which prohibits use or occupancy of NFS lands without a special use authorization. *Id.* 1183. The judge determined that the miner's gold dredging operations were subject to 36 CFR part 228, subpart A (*id.* at 1185) and consequently, pursuant to 36 CFR 251.50(a), those operations were not special uses for which a special use authorization may be issued (*Id.* 1186). Accordingly, the court dismissed the charge that the miner violated 36 CFR 261.10(k) by occupying NFS lands without a special use authorization. *Id.* 1187.

Given the McClure decision, this Department believes it is again advisable to amend 36 CFR part 261, subpart A to clearly provide that conducting unauthorized locatable mineral operations subject to 36 CFR part 228, subpart A, or other unauthorized mineral operations subject to different subparts of 36 CFR part 228, is prohibited by 36 CFR part 261, subpart A and may lead to the operator's criminal prosecution. The Regions dealing with suction dredge operators are particularly concerned about the effects of the two adverse rulings on their use of prohibitions set forth in 36 CFR part 261.

The amendments to 36 CFR part 261, subpart A rely on the Forest Service's clear statutory authority to adopt regulations providing for the issuance of a criminal citation to persons who commit prohibited acts on NFS lands. The amendments reflect the clear distinction between a special-use authorization and an operating plan as those terms are defined at 36 CFR 261.2. They

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also define the term "residence" to clarify a prohibition concerning shelters and structures on NFS lands used as living or sleeping quarters. The amendments apply to all persons conducting mineral operations subject to any subpart of 36 CFR part 228, including locatable mineral operations subject to subpart A.

The Forest Service recognizes that it cannot preclude use and occupancy of NFS lands for locatable mineral operations, including camping or residential use, if those operations are conducted so as to minimize their adverse environmental impacts, the operations are limited to locatable mineral prospecting, exploration, development, mining, processing, reclamation, closure and those uses reasonably incidental thereto, and the operations are appropriate in terms of their type, duration, and stage. However, this does not preclude Forest Service adoption of rules requiring written authorization for some or all of these operations by means such as a notice of intent to conduct operations or an approved plan of operations when the Forest Service deems it appropriate.

Nonetheless, this rulemaking has no effect whatsoever on a miner conducting operations specified by 36 CFR 228.4(a)(1) that do not require prior notice to the Forest Service. Nor does this rulemaking have any affect whatsoever on a miner's duty to submit a notice of intent to conduct locatable mineral operations, including reasonably incidental camping, which might cause significant disturbance of surface resources. Nor does this rulemaking have any effect whatsoever on a miner's need to obtain approval of a plan of operations, and if necessary, a reclamation bond, to conduct locatable mineral operations, including reasonably incidental camping, which will likely cause significant disturbance of surface resources. Those matters continue to be governed by 36 CFR 228, subpart A.

Orion Mine Board of Directors'
Opinion of Citizen's and Miners'
Rights as Clarified under the Grant of
1866 and the 1872 Mining Act

Mining provides an economic foundation for hundreds of rural communities in America and the country as a whole, usually paying well above average wages. State and local taxes paid by mining companies and miners support our schools, help build our roads, and contribute to numerous

programs and services that make these communities and our country a better place to live. More directly, mining provides the base materials that keep our economy running and growing. Personal computers, hybrid cars, airframes, mountain bikes, light bulbs, body armor used by our troops and police officers, the very building you're sitting in right now - none would be possible without materials provided by mining. Mining is also vital to our national security through the provision of strategic materials used for national defense purposes. To paraphrase a bumper sticker popular with miners, if it isn't grown, it has to be mined. As our population and economy grow, the demand for mined materials will only increase, not decrease. It is the opinion of the board of the Orion Mine Board based on legal consultation that a citizen's mining rights begin BEFORE location, beginning with the right to prospect before location. The courts have reasoned that you cannot locate without a prior right to go look. And this acknowledges the "pedis possessio" right of the "claim." Thus merely by placing one's foot on the ground with the intention to exploit the mineral estate; you as prospector with "no claim" have congressionally recognized rights that may not be abridged. Filing a claim provides notice to governments and all others, prospectors/ miners, of one's intent to develop the mineral resource under the Organic Act of 1866 and the Mining Act of 1872. It is well established in law that one need not apply for a patent to maintain those congressionally recognized rights. The right to the mineral estate and all appurtenant rights attach the moment one has an INTENTION to exploit the mineral estate of the property grant of 1866 and then verifies that intention by filing a mining claim under the 1872 Mining Law. One need not wait until location to assert right to the granted mineral property right. And that right attaches immediately and the time of its acceptance relates back to the time of the grant. This is so for any "present grant" identified by the words "do hereby grant" or something very similar in the Act. The granting date of this property right prevails against any subsequent Acts. It is the opinion of the Orion Mine Board that if any government agent requires a permit and/or fee for a "bond" or wants to impose any regulation (CFR) or policy upon the right to occupy a locatable mining claim, the miner should ask, in writing, for the USC statute and specific wording that conveys such authority from

Congress to that agent to nullify the Mining Grant of 1866 or the Mining Law of 1872 to require the permit and or fee (bond), or where there is other congressional authorization for such regulatory nullification of private property rights for locatable mining claims, before or after you exercise and enjoy your rights granted by the mineral estate grant of 1866. This jurisdictional challenge is a required first step. One should ask government agents just where they get their perceived jurisdiction for regulating any citizen's right of private property development, then properly quote the appropriate USC for the locatable mining

Legal Fund raffle June 18- tickets>655 E La Loma Ave. Somis, Ca. 93066 **805-485-7513** Goldcado1@aol.com

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law to the agency personnel, emphasizing that Congress restricts the agency from interference with a mining operation. We of the Orion Mine Board believe that agency interference with mining operations is why there has been such a steady decline of exploration and development of US mineral resources, both those of the private locatable mineral estates (locatable minerals) and those of the U.S. mineral estate (Leasable & Saleable Minerals). The Orion Mine Board believes it would be more appropriate for the Orion and other artisanal mines to address the illegality of the agency's interpretation of U.S. mining law rather than retry court cases in which the U.S. attorney general lawyer representing the agencies was not willing to acknowledge the congressionally recognized rights of the individual miner or even state them properly to the court. We of the Orion believe, based on statute, that citizens who engage in locating, "**prospecting**" the developing and extracting of mineral resources, "**exploration and processing**" and uses "**reasonably incident therefore**" in and on the public domain "**free and open to exploration and purchase**" "**shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations**" (30 USC 21a, 22, 26) for locatable minerals under the grant authorized by the 1866 & 1872 Mining Acts. There are no subsequent statutes that counter this belief. Where there is a valid location of a mining claim the area becomes segregated from the public domain and the property of the locator. He is entitled to the most plenary and summary remedies for quieting his claim cognizable in equity. As was said by the Oregon Supreme Court the general government itself cannot abridge the right of the miner. "**There are equitable circumstances binding upon the conscience of the governmental proprietor that must never be divested without the violation of all principles of justice and reason. The same fundamental rules of right and justice govern nations, municipalities, corporations, and individuals. The government may not destroy the locator's rights by withdrawing the land from entry or placing it in a state of reservation.**" "[t]he owner of a mining claim owns property, and is not a mere social guest of the Department of Interior to be shooed out the

door when the Department chooses. Rather, pursuant to the Multiple Use Act, the Department must continue to coexist with a holder of a valid claim whose right to possession is vested." Shumway, 199 F.3d at 1103. **One should ask the governmental agency just where they get their perceived jurisdiction for regulating rights to private property development, then properly quote the appropriate USC for the locatable mining law to the agency personnel, emphasizing that Congress explicitly restricts any government agency from interference with mining operations.** 30USC612 the government itself cannot abridge the rights of the miner. So the question arises, did the Multiple Use Surface Resource Act reserve for the government surface land rights that interfere with miners' rights? And the answer is clear: the Multiple Use Surface Act includes an exception: [\(except mineral deposits subject to location under the mining laws of the United States\)](#) and this exception negates the MUSA as it pertains to the locatable Grant of 1866 thereby leaving intact the locatable minerals statute (30 USC 260). The locatable mineral estate still has the grant of "**exclusive right of possession and enjoyment of all the surface included within the lines of their locations**". This phrase has the merit of clearly conveying the meaning intended: that of exclusive dominion over the surface of the location, this includes the use of occupancy.

RELEVANT POINTS OF LAW

Various case law covering the finer points of mining claim ownership rights

In law, the word "claim" in connection with the phrase "mining claim" perfected with a valid mineral discovery represents a federally recognized right in real property.

The Supreme Court has established that a mining "claim" is not a claim in the ordinary sense of the word a mere assertion of a right, but rather, is a property interest, which is itself real property in every sense, and not merely an assertion of a right to a property.

A (unpatented) mining claim has been "perfected" where, assuming the performance of the requisite acts of location and recordation, a discovery of a valuable mineral deposit has been made within the physical limits of the claim. See, e.g., *United States v. Mavros*, 122 IBLA 297, 301-302 (1992); *United States v. Nickol*, 9 IBLA 117, 122 (1973); *Clear Gravel Enterprises, Inc.*, A-27967 (Dec. 29, 1959).

When the location of a mining claim is "perfected" under the law, it has the effect of a grant by the United States of the right of present and exclusive possession. The claim is property in the fullest sense of that term; and may be sold, transferred, mortgaged, and inherited without infringing any right or title of the United States. The right of the owner is taxable by the state; and is "real property", subject to the lien of a judgment recovered against the owner in a state or territorial court. The

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owner is not required to purchase the claim or secure patent from the United States; but so long as he complies with the provisions of the mining laws his possessory right, for all practical purposes of ownership, is as good as though secured by patent." *Wilbur v. U.S. ex rel. Krushnic*, 1930, 50 S.Ct. 103, 280 U.S. 306, 74 L.Ed. 445.

The claimant has the exclusive right to possession and enjoyment of all the surface included within the lines of the locations, but the United States retains title to the land. 30 U.S.C. § 26, 35; *Union Oil Co. of California v. Smith*, 249 U.S. 337, 349 (1919); *Wilbur v. U.S. ex rel. Krushnic*, 1930, 50 S.Ct. 103, 280 U.S. 306, 74 L.Ed. 445; *California Coastal Comm'n v. Granite Rock Co.*, 480 U.S. 572, 575, 107 S.Ct. 1419, 1422, 94 L.Ed. 2d 577 (1987); *Swanson v. Babbitt*, 3 F.3d 1348, 1350 (9th Cir. 1993).

"Under the mining laws a person has a statutory right, consistent with Departmental regulations, to go upon the open (unappropriated and unreserved) Federal lands for the purpose of mineral prospecting, exploration, development, extraction and other uses reasonably incident thereto." (See 30 U.S.C. § 21-54, 43 C.F.R. § 3809.3-3, 0-6).

There is no question that reasonable access to a valid mining claim cannot be denied. 36 C.F.R. § 228.12; see *United States v. James and Marjorie Collard*, 128 IBLA 266, 291 (1994).

16 U.S.C. § 481, Use of Waters: All waters within boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes under the laws of the state wherein such national forests are situated or under the laws of the United States and the rules and regulations established thereunder.

The discovery of a valuable mineral deposit within its limits validates a mining claim located on public land in conformance with the statute and its locator acquires an exclusive possessory interest (valid existing private property rights) in the claim; a form of real property which can be sold, transferred, mortgaged, or inherited, without infringing the paramount title of the United States. 30 U.S.C. § 26; *Cole v. Ralph*, 252 U.S. 286, 295 (1920); *Forbes v. Gracey*, 94 U.S. 762, 767 (1877).

If a discovery of a "valuable mineral deposit" is made, the claim can be held indefinitely so long as the annual assessment work is performed, the necessary filings are made, fees are paid, and a

valuable mineral deposit continues to exist. See *Best v. Humboldt Placer Mining Co.*, 371 U.S. 334, 336, 83 S.Ct. 379, 382, 9 L.Ed. 2d 350 (1963).

30 U.S.C. § 26 addresses the "locators' rights of possession and enjoyment" as follows: "The locators of all mining locations on the public domain so long as they comply with the laws of the United States, and with State and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations." **This possessory interest entitles the claimant to "the right to extract all minerals from the claim** without paying royalties to the United States." *Swanson v. Babbitt*, 3 F.3d 1348, 1350 (9th Cir. 1993).

The holder of a claim supported by a discovery need not seek patent; his unpatented mining claim remains a fully recognized possessory right. 30 U.S.C. § 39; *United States v. Locke*, 471 U.S. 84, 86 (1985).

Federal mining claims are "private property" *Freese v. United States*, 639 F.2d 754, 757, 226 Ct.Cl. 252 cert. denied, 454 U.S. 827, 102 S.Ct. 119, 70 L.Ed.2d 103 (1981); *Oil Shale Corp. v. Morton*, 370 F.Supp. 108, 124 (D.Colo. 1973).

Even though title to the fee estate remains in the United States, these unpatented mining claims are themselves property protected by the Fifth Amendment against uncompensated takings. See *Best v. Humboldt Placer Mining Co.*, 371 U.S. 334 (1963); cf. *Forbes v. Gracey*, 94 U.S. 762, 766 (1876); U.S.C.A.Const. Amend. 5; *North American Transportation & Trading Co. v. U.S.*, 1918, 53 Ct.Cl. 424, affirmed 40 S.Ct. 518, 253 U.S. 330; *United States v. Locke*, 471 U.S. 84, 107, 105 S.Ct. 1785, 1799, 85 L.Ed. 2d 64 (1985); *Freese v. United States*, 639 F.2d 754, 757, 226 Ct.Cl. 252, cert. denied, 454 U.S. 827, 102 S.Ct. 119, 70 L.Ed. 2d 103 (1981); *Rybachek v. United States*, 23 Cl.Ct. 222 (1991).

Such an interest may be asserted against the United States as well as against third parties (see *Best v. Humboldt Placer Mining Co.*, 371 U.S. 334, 336 (1963); *Gwillim v. Donnellan*, 115 U.S. 45, 50 (1885)) and may not be taken from the claimant by the United States without due compensation. See *United States v. North American Transportation & Trading Co.*, 253 U.S. 330 (1920); cf. *Best v. Humboldt Placer Mining Co.*, supra.

"Uncompensated divestment" of a valid unpatented mining claim would violate the Constitution. *Freese v. United States*, 639 F.2d 754, 757, 226 Ct.Cl. 252, cert. denied, 454 U.S. 827, 102 S.Ct. 119, 70 L.Ed. 2d 103 (1981).

A valid location, though unpatented, is a grant in the nature of an estate in fee and if such an estate is taken by the United States, just compensation must be made. See U.S.C.A. Const. Amend. 5, *North American Transportation & Trading Co. v. U.S.*, 1918, 53 Ct.Cl. 424, affirmed 40 S.Ct. 518, 253 U.S. 330.

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October 1, 1994 Secretary of Interior Babbitt took it upon himself to impose a temporary spending moratorium inserted in the annual Interior Appropriations Budget Act he controls, that effectively prohibited the BLM from accepting any new mineral patent applications. Which reads as follows; SEC. 311. (a) LIMITATION OF FUNDS- None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.(b) EXCEPTIONS- The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under § 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and § 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date. **This same mining patent moratorium language as been inserted in each annual Department of Interior Budget Appropriation Bill since 1994. In 1994** - Secretary Babbitt informed Congress he would impose the moratorium for a period of 5 years, to give Congress time to consider and act on the repeal of the existing mining law system.

With political pressure off the patenting issue, via this now outdated moratorium, Congress has chosen not to repeal any existing mining or patenting law. But, if given mandatory Congressional law, since those 5 years have now long past and existing mining land patent law has NOT been repealed, this mining patent moratorium may soon be challenged in court.

PLP comments posted for you to use www.plp2.org forum in categories of lawsuits, laws, state or federal. These comments can be used as a guide or you can use the comments by making a few changes and use them it in your letter.

My young granddaughter called the other day to wish me Happy Birthday. She asked me how old I was and I told her, "Sixty-one." She was quiet for a moment, then she asked, "Did you start at one?"

12-19-08 Raffle Prize Winners

1. Keene 4" Dredge- Frank Rutkowski-Carmel, IN
2. Gold Master GMT Detector Frank Rutkowski-Carmel, IN
3. \$250 Armadillo Gift Certificate .B.Lambert-Clovis, CA
4. Lucky Strike Gold Club Bobby Astete-Arleta, CA
5. Golden Caribou Mining Ron Coster-Marysville, WA
6. Deluxe Blue Bowl Kit .John Woodard-Tujunga, CA
7. 3.1 dwt Gold Nugget Al Duff- St. David, AZ
8. Mini Puffer Dry Washer Joe Mann-Kansas City, KA
9. Dri-Wash-n-Guard Detail Kit, Jordan Johnson-Akron, OH
10. GPAA Buzzard Special + Tom & Perry Clean-up Kit .Gary Ashley-Turner, OR

What do all these CFR numbers mean?

Do you wonder what those numbers are when someone refers to the law or codes like – 36CFR 228.4??

Well here is a short rundown of some of them.

(If you are not sure what it means send us an email editor@plp1.org and we will get you an answer.)

TITLE 36--Parks, Forests, and Public Property

§ 100 to 199 Nat'l Park Serv., Dept of the Interior

Section 200 to 299 pertains to the Forest Service, USDA

Section 228 locatable minerals (which most of us are concerned).

Section 212 – Travel Management (closing your road)

Section 219--Planning (conspiring to stop you)

Section 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

Remember This: - from (36 CFR 228.4)

228.4(a)(1) - A **notice of intent** to operate 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”.

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This is how YOUR Government handles comments that don't fit into their "do what we want" gameplan

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. (check the previous page.)

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." These comments will **not** be listed since they do not apply to this rulemaking. Many comments to the proposed rule were very similar in content. Consequently, similar comments were combined and responded to only once.

Change the words around when you copy comments or another letter

Check out these clips

www.youtube.com/watch?v=Kb4GZYiqz2k

Mercury perception and truth:

<http://www.youtube.com/watch?v=4bvObUSzbKk&feature=channel>

<http://www.youtube.com/watch?v=Qnil6ubrryw&feature=channel> page



Respect and Protect our Public Lands

Black's Law Dictionary States

that "Mineral Entry" is the right of entry on public land to mine valuable mineral deposits. "It is the policy of the United States, as expressed in Acts of Congress to make public lands available to the people for the purpose of mining valuable mineral deposits, and to encourage exploration for, and development of, mineral resources on public lands. Accordingly, the United States has reserved all land 'valuable for minerals' ... from disposition under the nonmineral statutes, and has made them open to entry for mining purposes, under regulations prescribed by law ... In other words ... where statute authorizes the Federal government to acquire lands, without indicating that lands are to be acquired for a particular purpose, lands so acquired are public lands subject to mineral entry."

Forest Service Fee Watch

<http://westernslopenofee.org/index2.php?display=yes&pageid=3>

BLM Fee Watch

<http://westernslopenofee.org/index2.php?display=yes&pageid=6>

Laws & Court Cases

<http://westernslopenofee.org/index2.php?display=yes&pageid=10>

Publications

<http://westernslopenofee.org/index2.php?display=yes&pageid=11>

Resolutions

<http://westernslopenofee.org/index2.php?display=yes&pageid=12>

Weights & Equivalents Of Precious Metals And Common Goods

| <input type="checkbox"/> TROY <input type="checkbox"/> AVOIRDUPOIS | AVOIRDUPOIS | GRAINS | GRAMS | PENNY | KILO | <input type="checkbox"/> OUNCES |
|--|-------------|--------|-----------|-------|-------|---------------------------------|
| 1 oz. Avoirdupois | 0.912 | 1 | 437.52 | 28.35 | 18230 | 0.0284 |
| 1000 Grams | 32.2 | 35.274 | 15432 | 1000 | 643 | 1 |
| 1 Gram | 0.032 | 0.0353 | 15.43 | 1 | 0.64 | 0.001 |
| 1 Grain | 0.002 | 0.0229 | 1 | 0.06 | 0.04 | 6E-05 |
| 1 Kilogram | 32.15 | 35.274 | 15,432.00 | 1000 | 643 | 1 |
| 1 Pennyweight | 0.05 | 0.0549 | 24 | 1.552 | 1 | 0.0016 |
| 1 Lb Troy | 12 | 13.166 | 5760 | 373.2 | 240 | 0.3732 |
| 1 Oz. Troy | 1 | 1.0971 | 480 | 31.1 | 20 | 0.0312 |

WWW.PLP2.ORG - NATIONAL EDITION – 4th Qtr 2008

PLP @ Central Valley Prospectors meeting

I recently went with Jerry Hobbs to a meeting in Fresno of the Central Valley Prospectors. They must be doing something right because this group had an attendance of about 200+ people. Central Valley Prospectors is an Official Chapter of GPAA. You do not need to be a member of GPAA to join CVP and we charge no dues. We are a non-profit (501-c-3) small mining and prospecting club. CVP is dedicated to providing education and increased public awareness of prospecting and mining, as well as lots of fun. We own our own claims and provide outside programs for various groups. We welcome all ages, including families with children.

Jerry spoke about how to deal with the Department of Fish & Game, Forest Service, or Bureau of Land Management personnel if they confront you while using public lands.

Thank you to Jerry Hobbs, President of the PLP for attending our October membership meeting.

CVP donated the proceeds of their raffle that night and we came home with just short of \$2000.

THANK YOU

Central Valley Prospectors

<http://www.cvprospectors.org>

ed.

GPAA 2009 Gold Shows

San Bernardino, CA. - January 10 & 11
Laughlin, Nevada - January 24 & 25
Phoenix, Arizona - February 14 & 15
Fresno, California - February 21 & 22
Roseburg, Oregon - March 14 & 15
Salem, Oregon - March 28 & 29
Primm, Nevada - April 25 & 26

THIS IS WHY THE US NEEDS THE 1866 & 1872 MINING LAW !!

2006 U.S. Net Import Reliance For Nonfuel Mineral Materials

| Commodity | % | Major Import Sources (2002-05) 1 |
|------------------------|-----|--|
| Arsenic (trioxide) | 100 | China, Morocco, Mexico, Chile |
| Asbestos | 100 | Canada |
| Bauxite and alumina | 100 | Jamaica, Guinea, Australia, Brazil |
| Columbium (niobium) | 100 | Brazil, Canada, Estonia, Germany |
| Fluorspar | 100 | China, Mexico, South Africa, Mongolia |
| Graphite (natural) | 100 | China, Mexico, Canada, Brazil |
| Indium | 100 | China, Canada, Japan, Russia |
| Manganese | 100 | South Africa, Gabon, Australia, China |
| Mica, sheet () | 100 | India, Belgium, China, Brazil |
| Quartz crystal () | 100 | Brazil, Germany, Madagascar, Canada |
| Rare earths | 100 | China, France, Japan, Russia |
| Rubidium | 100 | Canada |
| Strontium | 100 | Mexico, Germany |
| Thallium | 100 | Russia, Belgium |
| Thorium | 100 | France |
| Vanadium | 100 | Czech Republic, Swaziland, Canada, Austria |
| Yttrium | 100 | China, Japan, France, Austria |
| Gallium | 99 | China, Japan, Ukraine, Russia |
| Gemstones | 99 | Israel, India, Belgium, South Africa |
| Bismuth | 96 | Belgium, Mexico, China, UK |
| Platinum | 95 | South Africa, UK, Germany, Canada |
| Stone (dimension) | 89 | Italy, Turkey, China, Mexico |
| Antimony | 88 | China, Mexico, Belgium |
| Rhenium | 87 | Chile, Germany |
| Tantalum | 87 | Australia, Canada, China, Japan |
| Barite | 83 | China, India |
| Diamond (industrial) | 82 | Ireland, Botswana, Ghana, Belgium |
| Palladium | 82 | Russia, South Africa, UK, Belgium |
| Cobalt | 81 | Norway, Russia, Finland, Canada |
| Potash | 80 | Canada, Belarus, Russia, Germany |
| Tin | 79 | Peru, Bolivia, China, Indonesia |
| Chromium | 75 | South Africa, Kazakhstan, Zimbabwe, Russia |
| Titanium (sponge) | 72 | Kazakhstan, Japan, Russia |
| Iodine | 71 | Chile, Japan |
| Titanium mineral | 71 | South Africa, Australia, Canada, Ukraine |
| Tungsten | 66 | China, Canada, Germany, Portugal |
| Silver | 65 | Mexico, Canada, Peru, Chile |
| Zinc | 63 | Canada, Mexico, Peru, Australia |
| Nickel | 60 | Canada, Russia, Norway, Australia |
| Silicon (ferrosilicon) | 60 | China, Venezuela, Russia, Norway |
| Peat | 59 | Canada |
| Magnesium metal | 54 | Canada, Russia, China, Israel |
| Garnet (industrial) | 53 | Australia, India, China, Canada |
| Magnesium compounds | 53 | China, Canada, Australia, Austria |
| Diamond (dust, grit) | 51 | China, Ireland, Ukraine, Russia |
| Aluminum | 44 | Canada, Russia, Venezuela, Brazil |
| Nitrogen (ammonia) | 42 | Trinidad and Tobago, Canada, Russia, Ukraine |
| Copper | 40 | Chile, Canada, Peru, Mexico |
| Perlite | 35 | Greece |
| Vermiculite | 31 | South Africa, China |
| Mica, scrap and flake | 30 | Canada, China, India, Finland |
| Cadmium | 29 | Australia, Canada, Belgium, Peru |
| Gypsum | 27 | Canada, Mexico, Spain, Dominican Republic |
| Sulfur | 26 | Canada, Mexico, Venezuela |
| Cement | 24 | Canada, Thailand, China, Venezuela |
| Iron and steel | 21 | Canada, European Union, Mexico, Brazil |
| And 9 more | | |

Legal Fund raffle June 18- tickets>655 E La Loma Ave. Somis, Ca. 93066 805-485-7513 Goldcado1@aol.com

MINING STUDIES FUND

For many years, the small miners and in particular the suction dredge miners have complained about the lack of unbiased sound science available to refute the garbage science that is being used by government agencies to regulate us to near extinction. The mining community has been questioning why we or “someone” doesn’t do unbiased studies of our own on the rivers and streams open to suction dredge mining. The answer has almost always been, “it costs too much”, and none of us believed the unity was there in the community to support any such efforts. It is now time that we start doing these studies and bring about the truth. Recent events in California have brought the situation to the boiling point... and unless the suction dredge mining community steps up to the plate and supports the needed study/ies, we will all be at the mercy of the agencies, tribes, and the environmentalists. If we lose California, it will only be a matter of time before we lose the other states. With the proper personnel retained to do these studies and with the mining community’s support, we can lay many of the negative rumors to rest. And, of equal importance start addressing the true

environmental benefits that the suction dredging has to offer. Luckily, two retired U.S. EPA Research Scientists have volunteered their time and expertise to do these much needed studies, but even so, funding is needed for such expenses as travel, lodging, equipment, lab analysis, etc.. The first study that we feel that should be address is California Water Resources Control Board (CWRCB) study on the detrimental affect of suction dredging and Mercury. The CWRCB study claims that a 4” suction dredge only collected 98% of the mercury it sucked up, and lost 2% over the end of the dredge with the tailings... and then concluded that the 2% lost is more dangerous than the benefit of removing the 98%! The study claims that it is better to just leave the Mercury in place! Those who have had an opportunity to read the study have identified numerous problems with the study, and due to the lack of any real scientific methodology, any results are dubious at best. Unfortunately, no other studies exist. And worse, environmentalists, tribes, and state legislators & agencies have adopted this study as gospel, and are planning to use it to shut down and prohibit suction dredge mining at least in areas containing Mercury, and possibly in

the whole state. Recognizing this immediate danger, various mining organizations and individuals from Oregon and California, and we hope other states, are joining forces to fund these necessary studies. Public Lands for the People (PLP) has agreed to be the lead organization in these efforts... and for this purpose, PLP has set up an exclusive account so that 100% of all donations earmarked for “Scientific Studies” will be spent solely for this purpose. Our first project (the Mercury Study) has already started with a \$1,000 donation from Mike Higbee of the Armadillo Mining Shop in Oregon. With this donation, the fund has made the down payment of \$1,000 to the two retired Environmental Protection Agency (EPA) scientists to duplicate the CWRCB study on Mercury for the purpose of showing the flaws in the agency paper and to provide bona fide scientific data – for a change! PLP has agreed to have all donations earmarked for “Scientific Studies” sent to the scientists where they can draw from it as needed for the Mercury Study, and hopefully future studies. Sincerely; Jerry Hobbs – President, PLP and Tom Kitchar – President, WMD



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U.S. FEDERAL

[USDA Forest Service](#)
[USFS Geology Manual](#) (the rules)
[USFS personnel manual](#)

[United States Codes](#)
[BLM National website](#)
[The Code Of Federal Regulations](#)
[FERC](#)
[USGS](#)
[CEQ1500-1508](#)
[FOIA Request Link](#)
Freedom Of Information Act
[Dianne Feinstein](#)
[Barbara Boxer](#)

[Code of Federal Regulations](#)
[State and Federal elected officials](#)
and issues too.
[PLP comments to the California](#)
[Water Board hearing](#)

All (198) Comments on dredging to CA Water Quality Board

CALIFORNIA STATE

[California Laws](#)
[Dept Of Fish & Game](#)
[BLM California website](#)
[Findlaw](#)

Legal Foundations

[PLF](#) Pacific Legal Foundation

[MSLF](#) (Mtn States Legal Foundation)
[Liberty Matters](#)

Everyone PLEASE write experiences and comments about dredging at these websites.

1. forum.goldgrubbin.com
2. goldprospectors.org
3. www.goldgold.com
4. www.shacksgold.com
5. www.golddredger.com
6. www.plp2.org/
7. www.plp1.org/
8. www.49ermike.com

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*Harvard, AB; Cornell Law School, JD.
Former Assistant Attorney General of Alaska
Member of the State Bars of California
Alaska, New York, & Rhode Island.*



If you're not willing to stand BEHIND our troops, please, please feel free to stand in front of them
[We in America do not have government by the majority. We have government by the majority who participate.](#) Thomas Jefferson

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As the originator of Waterless Technology, DRI WASH 'n GUARD® continues to DOMINATE the waterless cleaning market, while also taking a prominent place in all aspects of the auto finish maintenance and polishing arena. So, when something is changing in our industry, we at DWG International™ are the first to know about it.

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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.

Two-and-a-Half Years of Research and Development

Upon learning of these changes in auto paint formulations, the DWG International™ research and development team went into action. Nearly three years of R&D has resulted in one of the most



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ULTRA-ION™.

DWG ULTRA-ION™

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You've probably seen the ionic air cleaners being advertised on TV by a major retail/catalog company. As one of the world's leading air purification systems, it uses ionic technology to attract dust and organic matter and trap it inside the air cleaner.

DWG ULTRA-ION™ uses this same type of technology to repel (rather than attract) dust. This exciting new ingredient formulation puts a positive charge on your vehicle's painted surface, which causes it to actually repel dust and dirt. The dust just has a much tougher time adhering to the positive charge on your vehicle's paint!

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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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Why Join The PLP?

Where do you think you would be dredging and mining 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 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 to protect your rights and opportunities? There is plenty you could do with \$35.00 than join another organization. You could buy a couple gallons of gas, buy 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 the 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; 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?

The Public Lands For The People was constructed for the purpose of representing all outdoor user groups and individuals that are interested in keeping Public and Private lands open to use and enjoy 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 insure representation at public hearings of government agencies that are proposing limitations and restrictions on the lands that belong to the people. **WE DO LITAGATE!** 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 works on many individual issues that concern the small-scale miners.
 2. PLP works with other states, miners, and those who represent those states.
 3. PLP makes formal comments on the Federal Register (FR) notice for the Forest Service (FS) Road closures, the FS trying to criminally cite miners and rule making changes.
 4. 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.
 5. PLP assisted miners when the FS attempted to force dredgers into a Plan of Operation.. The miners prevailed in Siskiyou Regional Education Project (SREP) vs. U.S. Forest Service.
 6. PLP was a party to 2 lawsuits by the Center for Biological Diversity, vs USFS and CBD vs. the BLM. The miners prevailed
 7. PLP and Dee Stapp prevailed in a lawsuit against the BLM on separating bond issues of occupancy and casual use mining operations.
 8. PLP is participating in the Oregon, Washington, and California Water Resources Board study on turbidity and mercury as a method to stop suction dredging and similar issues there.
 9. PLP worked with Washington State Resources Coalition and others in the rule making process on suction dredging.
 10. PLP filed a lawsuit against Eldorado National Forest for their illegal closures of roads in their Travel Management Plan (TMP). PLP is also making comments in several other forests on their TMP.
 11. PLP made Legal and Scientific comments fighting the California 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.
- PLP's hope is that your support will continue to grow.????????????????????**

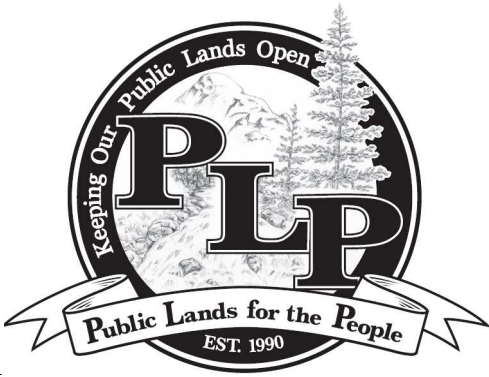
WWW.PLP2.ORG Jerry Hobbs - President (909) 889-3039

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

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MEMBERSHIP APPLICATION



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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, the Sentry Post Newsletter, and access to our legal assistance network

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Would you be willing to help with: (An excellent way to learn too!)

Circle several

Clean up Projects....Write a letter to Officials & Govt. Agencies.... Serve as a Board member ...Representative for your club
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Please tell us any other ways you can think of to help keep your Public Lands Open;

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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.

...Preserving Public Land Use for the People...



Support S. 2438 to repeal recreational fees!!!!

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