



## Learning the Game and the Power to Change It<sup>©</sup>

Why has it become so difficult or impossible to mine in America today? And why have other public lands users—hunters, fisherman, ranchers, horseback riders, hikers, campers, off-roaders—been locked out of the public lands they enjoy? If you said it is due to over-regulation and extreme environmental mitigation and litigation, you would be correct.

How is it that a mining claim, that is property in the fullest sense (a mineral right to extract) now has to yield to environmental (public) needs *without even the mere demonstration of* environmental & public harm? *Why are private property owners subjected to this same, extraordinary burden?* The answer lies in the passage of the Federal 1969 National Environmental Policy Act (NEPA), the 1973

Endangered Species Act, the Clean Water and Air Acts, including several other Acts of Congress intent on preserving and protecting our country from pollution and habitat destruction. That being said, what do all these Acts of Congress have in common with the Mining Law and a mining claim to the land? They created jurisdictions that compete and conflict with each other. Anyone who has been to court understands this rather important fundamental in what is called jurisdiction and venue that must be stated up front in all legal actions.

Many environmental extremists and their attorneys understand the Mining Act cannot be repealed by frontal assault. Rather, they utilize placing land designations and jurisdictions in place to render the bundle of rights (property rights) extremely expensive and difficult to exercise. Every year, extremists petition our government to segregate more millions of acres to be withdrawn from mineral entry under the guise of some form of protection or preservation. When this happens, multiple-use access by the general public, (miner, rancher, hunter, hiker, fisherman, off-roader, etc.) is removed or extremely restricted, and private property rights are taken from all Americans. Any inholder (property owner) within these newly designated lands is prevented from using their property for any meaningful purpose. In most instances the property owner is never even notified of a new land designation or restriction being placed upon his property.

New restrictions or designations are published in the Federal Register, though many people do not see the Federal Register or know how to navigate it. Even if they do see it, many times their local politicians throw them under the bus so the local government can get their bribe money from the federal government in order to increase local government finances as an added bonus to other Payments In Lieu of Taxes (PILT) they receive from the Feds. Many of us believe the federal government cannot legally and constitutionally do this, but the reality is they are doing it at an extremely alarming rate. At the current pace, everyone will be living in a National Park in ten years and your local government will no longer have any meaningful power over our natural resources. Do National Parks have elections by the local citizens for representative government? No. Are they held accountable in land decisions? No.

These actions by our government and extreme environmentalists are jeopardizing the National Security of our nation by making US citizens 92% dependant on foreign sources of mined metals,

rare earth minerals and raw materials needed for our social, economic, and National Security well being. The small, independent miner is an endangered species, created by thousands of government regulations, sweetheart environmental lawsuits and the ever growing taking of public lands. No one can stop radical extremist environmentalism unless they know how the government game is played and the important role of jurisdiction.

### **The Solution for Property Owners, Public & Private Land Users in America**

The one legal entity that can change the game and provide a path and template to protect landowners and public land users across the United States is the miner. The Mining Act embodies a shining example of local, representative, elective governance accountable to the needs of individuals and their property rights that is consistent with the US Constitution. If there was mining in your area you are probably already within a Mining District and were just not aware of it. There are tens of thousands of Mining Districts within the United States. (In California, a single Mining District encompasses one-third of the state.) Properly exercised, the miners in these traditional Mining Districts have the legal power to make needful rules and regulations (see 30 U.S.C. sections 22 and 28) within the district, which enables them to dissolve many harmful existing and future land designations *for all property owners* within that Mining District. The power of a Mining District to make rules and regulations is limited in three minor categories, which prevents it from conflicting with state and federal law.

Research has revealed the agencies have failed to coordinate with Mining District jurisdictions and failed to give due consideration of the impacts upon existing traditional Mining Districts when placing new and conflicting designations upon them. Simply put: Mining Districts already exist, rendering the new designations void as a matter of law. You may ask, “Didn’t many Mining Districts become abandoned?” The answer is, “No.” In most cases, state abandonment notices by the Mining Districts were never submitted or filed, and thus were not legally closed or abandoned.

The Federal requirement to coordinate is at the heart of the 1976 Federal Lands Management & Policy Act (FLPMA). Miners within their respective Mining District will, in the near future, enter into what is called a Memorandum of Understanding (MOU) with the Department of Interior to establish a symbiotic relationship so their shared powers are clearly defined and the role of man is reestablished to be part of nature—not excluded from it. The Department of Interior did not properly factor Mining Districts into land planning and did not report this to Washington, DC, as required by FLPMA and various other reporting requirements. The US House Natural Resource Committee, House Armed Services Committee, House Committee on Oversight and Government Reform, Senate Committee on Energy and Natural Resource, several other committees and numerous individual representatives have been made aware of this serious problem and asked the Minerals and Mining Advisory Council (MMAC) for assistance. MMAC began writing draft bills and providing assistance to these committees and individuals in March of 2016, and it has been ongoing since that time. MMAC is now performing GIS mapping to remove MMAC-assisted Mining Districts and their claimholders from harmful land designations and has sponsors for three bills in Congress to help miners, property owners and public land users.

MMAC and Mining Districts will bridge this oversight in the management of our nation’s federal (public) lands, help free our nation from dependence and mismanagement, create opportunities for public and private land users, provide a constitutionally sound solution to failed, unaccountable bureaucracies, and create millions of real, new, high-paying jobs.

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