

# HOLCOMB VALLEY MINING DISTRICT

Established 1860

Member, National Association of Mining Districts

Post Office Box 46  
Fawnskin, CA 92333

## EXECUTIVE SUMMARY

A Case History in Abuse of Existing Regulations and Permitting Process by the San Bernardino National Forest in Violation of the Mining and Minerals Policy Act of 1970 and Forest Service Policy to promote the orderly Development of Mineral Resources in the National Forest. Endless delays and abuse of the ESA and NEPA to put existing mines out of business and new mines from proceeding to production. Forest Supervisor Zimmerman has proposed a 30,000 acre allegedly "*Endangered Toad and Weed Sanctuary*" for the Lucerne Valley Limestone Province, one of only five high-grade limestone districts in the United States. This district produces about \$200 million per year in cement and limestone products FOB mine and adds more than a billion dollars annually to the regional economy. Forest Service abuse of the existing permitting process threatens the existence of the United Steel Workers of America (AFL-CIO) Dental, Vision and Life Insurance Fund and others mineral assets. New proposed regulations would create an additional nightmare for existing and future operations and have a devastating effect on jobs, the insurance fund, the regional economy, and state and local revenue.

Testimony before

### The Committee on Resources

Honorable Don Young, Chairman

## THE UNITED STATES HOUSE OF REPRESENTATIVES

Honorable Barbara Cubin

Chairman, Subcommittee on Energy and Mineral Resources

Congressional Oversight Hearing on Proposed Federal Mining Policy Changes and their Effect on the Mining Industry and on State and Local Revenues

Riverpoint Higher Education Park  
668 North Riverpoint Blvd.  
Spokane, Washington

Saturday September 11, 1999  
9:00 AM

by

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**Committee on Resources Oversight Hearing on Proposed Federal Mining Policy Changes and their Effect on the Mining Industry and on State and Local Revenues, Spokane, WA, September 11, 1999**

**Chairman Cubin and Members of the Subcommittee:**

**INTRODUCTION**

I am a professional scientist, specializing in Engineering, Mining, and Environmental Geology for more than 20 years. My experience includes economic geology and environmental aspects of land use planning and natural resource planning at local, state and federal levels. While with the state of California I was technical reviewer the State Clearinghouse for EIR/EIS documents. I also served as the president of the State Employees Union (CSEA) for the Antelope Valley, CA Region. I belong to several scientific and professional societies, such as the Geologic Society of America, Society of Mining Engineers, South Coast Geological Society, Association of Engineering Geologists, and American Institute of Professional Geologists. In addition I am a member of the Sierra Club and California Native Plant Society.

My education includes San Diego State University, Bachelor of Science and Masters of Science Degrees in Paleontology-Stratigraphy and Geology with additional studies in Pharmacy at the U.S. Air Force, School of Aviation Medicine, Gunter AFB, Alabama; University of California at Los Angeles and Riverside, and University of Dayton, Dayton, Ohio; and University of the Philippines, Republic of the Philippines. My state professional licenses include Certified Engineering Geologist, Registered Geologist, and a Lifetime Earth Science Teaching Credential. From 1981 to 1989 I served four Secretaries of the Interior as their appointee/advisor on geology, energy and minerals for the 25 million-acre California Desert Conservation Area.

**UNITED STEEL WORKERS OF AMERICA (AFL-CIO) INSURANCE FUND LARGEST OWNER OF MINING CLAIMS IN THE HOLCOMB VALLEY MINING DISTRICT**

Currently I serve as Chairman of the Non-Renewable Resource Committee of the American Land Rights Association and Chairman of the National Association of Mining Districts. As a Director of the Holcomb Valley Mining District I work with mom and pop miners and prospectors as well as large corporate miners. Our largest member is the Cushenbury Mine Trust—a Dental, Vision and Life Insurance Fund for the union workers who lost their jobs when the Kaiser Steel Mill in Fontana and the Eagle Mountain Iron Mine were closed and forced into bankruptcy by overzealous environmental regulations and Japanese dumping of steel in the late 1970's and early 1980's. The Cushenbury Mine Trust was created by agreement between the former Kaiser Steel Corporation and the United Steel Workers of America (AFL-CIO). The union workers acquired all the limestone-mining claims of the former Kaiser Steel Corporation in the San Bernardino Mountains for their insurance fund assets. The Cushenbury Mine Trust sells limestone to Speciality Minerals, and Omya; and the following regional cement plants: Mitsubishi, Riverside and Southdown. Mining income goes to several thousand beneficiaries for dental services, eye exams, eyeglasses, eye surgery, and services for blind union members and death benefits for their dependants. If allowed to expand mining operations, the trust would increase benefits to union beneficiaries. I am co-owner of the White Ridge/White Knob Calcite (limestone) Mine with the Cushenbury Mine Trust.

The Holcomb Valley Mining District was established in 1860 after William F. Holcomb discovered gold in this valley on May 4, 1860. More than \$100 million in gold has been mined since that time and numerous gold deposits still exist in the district. Since the 1947 discovery of the Lucerne Valley Limestone Province, high-grade limestone production has over shadowed gold production. Presently the district is the largest producer of cement and other limestone products in the western United States. There are only five high-grade limestone districts in the entire United States. Local production is more than 5 million tons per year and worth more than \$200 million dollars per year FOB mine. This raw material supports several thousand jobs in California and neighboring states. The value added to the economy is greater than one billion dollars per year.

Calcite, the mineral that makes up limestone, is considered the "cement of modern civilization;" per capita consumption is about 1,000 lbs per year per person. Limestone makes up about 80% of Portland cement, and is used as a white pigment and filler-extender in rubber, paper, plastics, paints, putties, crayons, and other commodities. As much as 60% of fireproof composite roofing is calcite limestone, it becomes a fire extinguisher when subject to intense heat. High-grade limestone is essential in making steel, glass, and refining sugar. It's used in chewing gum and toothpaste as an abrasive and acid neutralizer to prevent cavities. It is used in food and pharmaceuticals. "Tums," the antacid, is ninety-eight percent calcite or limestone. It is essential in water purification and air pollution control. McDonalds is test marketing Earth Shell; a biodegradable product made of potato starch, limestone, and a binder. This product has the potential to replace styrofoam and paper in the eight billion dollar per year fast food industry.

The California State Board of Mines and Geology has spent several years identifying, classifying and zoning mineral deposits in the San Bernardino National Forest (SBNF). Under the State Mine Reclamation Act (SMARA) they are charged with protecting valuable mineral deposits from incompatible land uses that would preclude society's access to these raw materials. Under the National Environmental Policy Act (NEPA) federal agencies are required to include these local government planning documents in federal land use plans such as the San Bernardino National Forest (SBNF) Plan. However, the San Bernardino National Forest in league with the U.S. Fish and Wildlife Service have "invented" several "endangered" plants that allegedly grow only on limestone, the mineral that we are mining!

**"ENDANGERED LIMESTONE ENDEMIC WEEDS"  
"NONE DARE CALL IT ENVIROMENTAL RACKETEERING"**

This "endangered plant" plan has been a twenty-year process, starting with the so-called "Cushenbury Buckwheat" or *Eriogonium ovalifolium*, vareity *vineum* in mid-1970's. District Ranger Jerry Mitchell told me in the mid-1970's while reviewing a proposed Plan of Operation for the White Knob Calcite Mine, that the "only place in the world that this plant was found" was on the one acre of limestone we proposed to mine. He said the SBNF had this plant on their sensitive plant list and they had to treat it as if it were endangered.

I looked the plant up in Edmond Yeager's 1940 Desert Wildflower book and found he reported it (including the variety *vineum*—Latin for wine colored) as occurring from the Sierra Nevada Range to the Laguna Mountains in San Diego County and even as far as Arizona or New Mexico. Ranger Mitchell suggested we hire a former Forest Service biologist buddy of his, Tim Krantz, who could write us a "dispensation" so, we could mine. I believe we paid this biologist, about \$11,000 dollars for his report. In the early 1990's the San Bernardino National Forest (SBNF) put together a listing package for five alleged "Limestone Endemic Plants," and submitted it to U.S. Fish and Wildlife Service (USFWS) for listing under the ESA.

USFWS ignored the industry objections that there was little or no scientific data to support these plants as being limestone endemic or even restricted to the San Bernardino Mountains.

USFWS ignored the fact that *Eriogonium ovalifolium*; var. *vineum* was reported as occurring in the literature (Munz, 1974. California Flora and Hickman, 1993. The Jepson Manual of Higher Plants of California.) as being found all over western North America. Professor R.R. Brooks of the University of British Columbia, in his 1983 paper *Biological Methods in Geochemical Prospecting*, indicates this same species is being used all over the western region of North America as a prospecting tool to find base metals. The flower turns wine color, if a few parts per million base metals are present in the soil or rock substrate.

The five ESA listed plants are invader species, or, as laymen would call them, "weeds." Such plants are nature's first step in restoring the "climax vegetation" in open space for a given geographic area. In my experience they *require* soil disturbance through clearing the chaparral or forest canopy. They grow in areas such as firebreaks, abandoned roads, mines and mine dumps, or in areas cleared by wildland fire. The Coyote Flat fire in July 1976 at the White Ridge/White Knob created a population explosion in *Eriogonium ovalifolium*, var. *vineum* in the newly built firebreaks and in the burned areas.

However, an even more dramatic example was the September 14, 1991 destruction of the historic Horse Thief Flats Cabin and SBNF Road 3N03A. Forest Supervisor Gene Zimmerman, brought the Marines in to blast the historic cabin and road out of existence. The road was left open with four major craters or "tank traps." The Marines were told they were destroying these to keep drug lords out of the area. The real reason was to manufacture wilderness for the Feinstein's "Desert Closure Act," S-21 (see testimony before The Committee on Resources, June 18, 1996—The Bighorn Mtn. Wilderness, CA: A Case Study in Federal Land Use Planning: Abuse of Authority, Fraud, Waste, and Violation of the Public Trust to "Manufacture Wilderness to Deceive Congress as to Wilderness Suitability"...).

They blasted the road in four places, the last blast vaporized about forty tons on my family property and sprayed hot shrapnel into the tinder dry forest. The Forest Service staff and the Marines went home and dozens of small fires burned all night and into the next day—for 18 hours these fires were coalescing into a single wildland fire. A citizen reported smoke, and SBNF and California Division of Forestry (CDF) fire fighters came in and put the fire out. On December 11, 1991, District Ranger Rebecca Aus sent out a letter of apology for the fire and destruction of the road. Fortunately the Santa Ana winds stopped the day before or the 16,000 down-wind residents of Bear Valley would have had a dangerous wildland fire on their doorsteps. The Road 3N03A was rebuilt after several congressmen contacted the SBNF. About \$200,000 was spent to put the fire out and rebuild the road.

The next spring I noticed that two of the alleged endangered species, Cushenbury milk-vetch (*Astragalus albens*) and Parish's daisy (*Eriogeron parishii*) were thriving in the disturbed ground of the rebuilt road and the area destroyed by the wildland fire. *Astragalus albens* has the cute name milk vetch, but in consulting the scientific literature, I found it is a noxious poisonous weed, called locoweed. It can cause delusions, blindness, or even death if eaten by browsing animals or humans. The San Bernardino County weed abatement tells me it is against local laws and ordinances to knowingly propagate it on your property. You can be fined for not removing it, but it is now federally listed as endangered and it is a felony to remove it from your pasture or property!



Another good example of these weeds needing disturbed or cleared ground for habitat expansion is the SBNF own road material quarry at the east end of Lone Valley near Rose Mine, where 3N03 and 2N02 join. Several acres have been cleared by the SBNF down to bedrock for barrow material during the last few decades. As the SBNF road crews abandon portions of their quarry about 10% to 20% of the naturally invading species are *Eriogonium ovalifolium* var. *vineum*! On Saturday November 16, 1996 SBNF staffers Ruth Wenstrom, Gail Van Der Bie and John Wimbaugh unknowingly directed about 20 vehicles, some of them state OHV Commissioners, to park right on top of the "endangered" buckwheat." They announced that the SBNF had just spent thousands of dollars of State Greensticker funds to prove there were *no* ESA listed weeds growing there! This is probably the best and healthiest population of this allegedly endangered species in the entire SBNF. Thus, the SBNF proved that these species could be used to reclaim mined areas.

It should be noted at the nearby Right Star Calcite Quarry, the Forest Service has blocked roads and access to the existing 11 acres of disturbed ground at the Right Star Quarry and posted "sensitive species signs," prohibiting vehicles from accessing or test quarries, drill sites and roads that have existed since the 1940's. No such closure exists at the Forest Service's own barrow quarry where they parked the 20 vehicles on the endangered buckwheat!

This week the San Bernardino National Forest is recovering from the 65,000 acre "Willow Fire," the largest historic wildland fire in our region. This fire was made more difficult to contain because the Forest Service has ceased timber harvest for almost 30 years. And the SBNF management has allowed diseased and dead trees to remain for "ecological" reasons. Grazing has been curtailed also allowing a maximum historic build up of fuel. The fire swept into our White Knob Mine area and engulfed the mine on all sides. Forest Service botanist Robin Butler and Scott Eliason arrived on the scene decrying the that the fire fighting equipment is destroying the allegedly "endangered limestone endemic weeds."

Mr. Eliason was quoted in the Los Angeles Times (9/2/99 p. A25) "...three different endangered plant species, found only in these mountains, may be jeopardized—not by the fire itself, but by being crushed by firefighter's hoses and bulldozers." These botanists are still unaware that these weeds expand their habitat in cleared areas such as fire breaks and wildland fire areas! The existing mine roads and quarries were a major factor in halting the wildland fire and saving the community of Lucerne Valley. This is the very kind of disturbance caused by the Marines and the firefighters on Road 3N03A when they accidentally started the wildland fire and rebuilt the road...the next spring most of the "endangered weeds" were growing where the fire and firefighters had disturbed the ground!

#### **PARTIN CALCITE LIMESTONE MINE—DEATH BY ENVIRONMENTAL IMPACT STATEMENT (EIS)**

One of the four large mines in the region, the Partin Limestone Mine, was driven out of business by way of using these weeds to stop mining. Over the last decade I have testified at House and Senate Resource Committee hearings that this was happening. The mine was killed by BLM and Forest Service staff some who were activists in environmental organization:

1) The Partin Mine was originally part of the turn of the century Lester Gold Mine property. High-grade limestone was discovered there in 1960. The mine and orebody was divided between BLM and National Forest Lands (SBNF). In the late 1970's Irene Rice, wilderness team leader for the BLM was drawing up boundaries for the Bighorn Mountain WSA and other areas in the California Desert. We were unaware that in violation of NEPA Ms. Rice was using the outdated Lucerne Valley 1947 15 minute quadrangle (1" = 5,280') to draw boundaries, when the newer Big Bear City 7.5 minute 1978 quadrangle (1" = 2,000') was available. In other areas she was doing the same thing and we brought this to the BLM Director Frank Gregg at a personal meeting in Riverside, CA. Mr. Gregg was well aware of the NEPA requirement to use the best and most current information (the 7.5 minute maps). He ordered Ms. Rice and BLM to use the newer maps, but only the list 7.5-minute maps we supplied to Mr. Gregg did the BLM comply. We did not have the Big Bear City 7.5-minute map on our list. Thus the Partin Mine which started in 1960 was not on the Lucerne Valley 1947 map used by Ms. Rice to draw the WSA boundaries, thus the east half of the mine was put in the Bighorn Mountain WSA. In 1994 the Feinstein "California Desert Closure Act" (S-21) was passed and the east half of the active Partin Mine was designated wilderness!

2) The next blow to the Partin Mine was the SBNF discovery that three of the allegedly "endangered Limestone Weeds" grew on disturbed or cleared areas around the active mine and processing plant. And even on several million tons of their orebody. These I believe were the *Eriogonium Ovalifolium* var. *vineum*, *Astragalus albens*, and *Eriogeron parishii*. The Partin Brothers, who operated the successful calcite mine for thirty years, were denied an operating plan to continue to mine the existing orebody. They were forced to operate out of their existing quarry and the stripping ratio went from about 1 ton of ore to 2 tons of waste to 1 ton of ore to 10 tons of waste! A large corporation Riverside Cement bought out the Partin Brothers believing their environmental professionals could work out the "permit problems" with SBNF and BLM.

3) Riverside Cement Company was now required to go through the EIS process at the Partin Mine, even though this was an existing mine. It was deemed so important by the SBNF that a Federal Register notice was published to solicit comments from all 50 states, Guam, Puerto Rico and the Virgin Islands. This was an abuse of the EIS process. The SBNF was using the Environment Assessment (EA) process to approve much more impacting local projects such as the nearby Doble Landfill that buries the trash of 16,000 people in Bear Valley.

However, the Partin Mine was now in the "Bighorn Mtn. Wilderness" and it had over 200 allegedly endangered limestone endemic weeds growing on its high-grade reserves. According to Gene Kueliza, environmental manager for Riverside Cement, the company spent \$4 to \$5 million dollars trying to jump through all the regulatory hoops to complete the EIS. They finally made a corporate decision that nothing they could do would satisfy the SBNF or the BLM. Thus, they abandoned the operation and Partin went out of business. They did some reclamation as requested by the SBNF and BLM, but the huge piles of waste they planned in removing to make cement at their regional cement plants remains. This mine and its economic contribution to the region died by "EIS." This success of closing a moderately large mine, apparently gave encouragement to Forest Supervisor Gene Zimmerman request to close most of the Lucerne Valley Limestone Province to mineral entry and turn it into an "Endangered Toad and Weed Sanctuary."

**PERMITTING THE RIGHT STAR CALCITE LIMESTONE MINE  
ABUSE OF AUTHORITY, FRAUD, WASTE, AND VIOLATION OF THE PUBLIC TRUST**

This mine has produced high-grade calcite limestone periodically since the late 1940's and in the Lone Valley Mining District adjoining the Holcomb Valley Mining District on the northeast end of the SBNF. The valley was first mined for gold and silver during the Spanish and Mexican period 200 years ago. During the Civil War confederates who sold their gold to the Confederacy east of the Colorado River in the New Mexico Territory controlled it. Lead, silver, gold, copper, zinc, and tungsten were produced through the end of the Korean War. The SBNF operated an aggregate and hot asphalt plant and a decomposed granite quarry in the West End of Lone Valley in the 1960 through the 1980's.

My family spent more than thirty years acquiring valid mining claims, exploring and blocking out and identifying an economic orebody of high-grade calcite limestone. In 1989 the California State Board of Mines and Geology took our geological documentation and sent the State Geologist to study the Right Star Mine and Smart Ranch Calcite Limestone Deposit. After a year of field examinations public hearings, the board classified and zoned this as an economic mineral deposit. It was deemed so significant to the regional economy that it was given zonation to protect it from incompatible land use that would preclude society's access to this mineral commodity. The state geologist issued an official planning document Classification Report of the Smart Ranch Limestone Deposit Open-File Rept. 89-12 by Russell V. Miller. This report was officially transmitted to San Bernardino County Board of Supervisors and to the San Bernardino National Forest Supervisor. Under NEPA State and local planning and zoning is required to be considered in Forest Plans.

A notice intent to explore, drill, and sample the deposit was first filed with the SBNF in August 18, 1987. On April 1990 we filed and intent to resume mining at the existing Right Star Calcite Quarry.

**SUMMARY PLAN OF OPERATIONS FOR RIGHT STAR MINE  
(Typical delaying tactics for the last nine years)  
Forest Service 1990**

1. Amended Notice to Submitted Plan of Operation to reactivate existing Right Star Quarry periodically mined from 1949 to 1975 (April 1990) Forest Service says it should be approved with an EA and we should be operating in 2 to 3 months.
2. Plan of Operations for 40,000 tons per year submitted for Right Star Quarry by our Operator Right Star Minerals, Inc. (aka North Star Minerals, Inc.) July 1990
3. During 30-day review period, Forest Service wants operator to expand acreage from 11 acres to cover entire orebody. This adds about 25 acres for a total now of about 36 acres. Forest Service says "they don't want our operator Right Star Minerals to come back for an expansion in a few years." (This was apparently a ruse to enlarge the project to justify an EIS)
4. Amended Plan of Operations for 40,000 tons per year and 36 acres received by Forest Service (George Kenline) August 22, 1990. Sixty-day (60) NEPA review period begins.
5. Forest Service fails to respond in writing by certified mail at end of sixty days (October 22, 1990). Under NEPA the Operating Plan is approved if Forest Service does not respond in writing.

6. On or about October 26, 1990 Fife on the advise of permitting consultant Buster Lamoure, Fife calls SBNF Headquarters to arrange a meeting with operator Right Star Minerals, Buster Lamoure, Fife and Forest Service managers in the field at the Right Star Quarry.
7. On October 26, 1990 (16:56 hrs.) Ernie Dierking Land and Mineral Officer at SBNF Headquarters sends an e-mail to George Kenline Minerals Officer in the Big Bear Ranger Station on the morning of October 29, 1990 it is acknowledged (09:16 hrs.). Dierking is setting up a meet with Right Star Minerals, at the quarry site in Lone Valley for November 1, 1990. "It looks like the meeting with Fife will end up being on November 1<sup>st</sup> at 11 AM t the quarry site"
8. On November 1, (09:12 hrs.) Ernie Dierking e-mails George Kenline (delivered 09:17 hrs.) commenting "... *My only comment is the difference in timeframes between my notes and your letter.*"
9. On November 1, 1990 shortly after 11:00 hrs. in the field at the Right Star Quarry. Mr. George Kenline hand-delivered to Mr. Larie Richardson of North Star Minerals, a "back-dated" typewritten letter of notification dated October 10, 1990, rejecting the August 22, 1990 Amended Plan of Operation for 40,000 tons per year, until a formal EIS was completed. This letter signed by Mr. George Kenline for Rebecca Aus, District Ranger, states... "Our next meeting will be on November 1, 1990 at the quarry site (in Lone Valley)." This letter could not possibly have been written, let alone have been mailed of October 10, 1990, as the November 1, 1990 meeting was only arranged after October 26, 1990 by Fife and Dierking. Witnesses to this letter being hand delivered in the field include myself, Dick Brown formerly with the U.S. Geological Survey, and Buster Lamoure formerly the Chief of Land and Minerals for the U.S. Forest Service.
10. During the above meeting in the Right Star quarry, Minerals Officer George Kenline offers to substitute a "bulk sample" Plan of Operation. Right Star Minerals is told the EIS will only take a few months and the bulk sample can be permitted under a NEPA categorical exclusion in the existing quarry within 10 to 30 days.
11. On or about November 3, 1990 Right Star Minerals, Inc submits so SBNF an Amended Plan of Operations for a bulk sample in the existing quarry, with a Forest Service promise that the EIS for 40,000 tons/year will be completed in a few months. The Amended Plan of Operations for a bulk sample was promised with NEPA Categorical Exclusion with a few days. The August 1990 Plan of Operations for 40,000 tons/year was not withdrawn.
12. On December 12, 1990 (13:52 hrs.) Ernie Dierking e-mails George Kenline and Rebecca Aus (delivered 13:52 hrs.). "Since we haven't come up with a plan approval with 30 days, it would seem to be appropriate to write North Star Minerals (aka Right Star) a letter stating need another 60 days to complete the E.A. (Environmental Assessment) and give reason."
13. On December 19, 1990 Larie Richardson, General Manager of Right Star writes Chief Dale Robertson for clarification of Forest Service mining policy "...It appears that the Forest Service has the opinion that if they still long enough that we will go away." "I would very much like to have you to explain why our company cannot get a simple plan of operation approved in a timely manner, even after we have been on the ground and have had agreement that the activity proposed was of a minimal nature?"
14. On December 21, 1990 District Ranger Rebecca Aus (signed by George Kenline) sends a letter to County Supervisor Marsha Turoci. This letter describes the bulk sampling Amended Plan of Operations submitted by Right Star, Inc for the pre-1974 existing quarry.

The 1990 year was typical SBNF delay and delay even if it required back-dating documents. They have "lost" my file and deleted 10 square miles of mineralized area from the U. S. Geological Survey that the SBNF including when Congress was considering the area for the Bighorn Mtn. Wilderness. As a result of Forrest Service delays, back-dating or altering documents, most of our Smart Ranch Calcite Limestone Deposit, has been put into the Bighorn Mtn. Wilderness in the Feinstein California Desert Closure Act" (S-21) in 1994. This was at the same time as the Partin Mine was put into wilderness. Now Forest Supervisor Gene Zimmerman has plans to put us into a 30,000 acre Endangered Toad and Weed Sanctuary" and closure the area to mineral entry. He is inquiring at BLM for mineral examiners to do the job. They apparently expect to use Solicitor John Leshey's revised "excess reserves rule" to invalidate most or many of the mining claims in the Lucerne Valley Limestone Province. Attached are several documents and articles detailing some of the additional questionable tactics of the Forest Service. This includes the "secret letter" of April 28, 1999 where Supervisor Gene Zimmerman requests BLM for an emergency withdrawal for a 30,000 acre "Endangered Toad and Weed Sanctuary" that will eventually shut down a \$200 million a year industry! We can surely use this subcommittee's help to preserve mining in the Holcomb Valley Mining District.

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#### EXPLORATION AND DEVELOPMENT BUSINESS vs. MINING BUSINESS

One of the serious oversights of Congress and the regulatory agencies the lack of distinction between the "Exploration and Development Business" and the "Mining Business." According Homestake Mining Company 100 year anniversary volume, historically it has taken the evaluation of 5,000 mining claims to find a "paying mine" (economic mineral discovery) in North America during the period from 1879 to 1979. Compared to the U.S. Geological Surveys estimate that it takes 100 petroleum exploration wells to find new oil or gas discovery on shore in North America, staking a mining claim is more like buying a lottery ticket. Most "mining permits" are really only exploration permits, whose impact does not compare with an actual producing mine. First of all there is only cash outlay with no cash flow. Only that rare anomaly of nature, the economic mineral deposit can be come a mine.

Thank you for the opportunity to testify before your subcommittee.

Most sincerely,

Donald I. Fife





UNITED STATES DEPARTMENT OF AGRICULTURE  
OFFICE OF INSPECTOR GENERAL  
WASHINGTON, D.C. 20250

Received  
2/3/93

JAN 29 1993

Mr. Larie K. Richardson  
General Manager  
Right Star, Inc.  
715 East Mission Drive, Suite M  
San Gabriel, CA 91776

Dear Mr. Richardson:

I am writing in response to your letter to the Inspector General dated January 12, 1993, concerning alleged falsification of an official Forest Service document to deny approval of an Operating and Reclamation Plan.

We have forwarded your complaint to the Forest Service national office and have requested that they make an inquiry into your allegations and furnish their findings to this office for review. Upon receipt of the Forest Service findings, we will determine if an investigation by this office is appropriate. Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian L. Haaser".

BRIAN L. HAASER  
Director  
Program Investigations Division

January 9, 1992

CERTIFIED MAIL #P 658 533 263

Mr. David C. Scheper, Chief  
Criminal Complaints Division  
U.S. Department of Justice  
312 North Spring Street  
Los Angeles, California 90012

Subject: Falsification of Official Document (Back dated USFS letter "10/10/90")  
to deny approval of an Operating and Reclamation Plan for an existing  
mine by the staff of San Bernardino National Forest.

Gentlemen:

This is a citizens' request for investigation into what appears to be a serious illegal act or acts on the part of several employees of the federal government, in the San Bernardino National Forest, (1824 S. Commercenter Drive, San Bernardino, CA).

### Background Statement for Complaint

On or about April 10, 1990 the undersigned Donald L. Fife, representing the Fife family owners, and Larie Richardson, representing Right Star Inc. met Rangers Rebecca Aus and George Kenline at the existing Smart Ranch Limestone quarry at the west end of Lone Valley. The purpose of this meeting to discuss our plans for submitting an operating and reclamation plan for producing highgrade limestone from the quarry periodically mined since 1949. Two major government projects adjoin the quarry (The Doble Landfill, and the Lone Valley Off Highway Vehicle (OHV) trail system). These projects were recently approved with an Environmental Assessment (E.A.) We were told it would take about 3-4 months to get a permit to produce limestone and this led us to believe we would be producing from this existing quarry by August 1990. It is now approaching three years; far in excess of reason to reactivate an existing mine using inplace infrastructure.

A very complete "Operating and Reclamation Plan" for an estimated maximum 40,000 tons of limestone/year was prepared by Larie Richardson and Donald Fife, working with U.S. Forest Service specialists in geology, biology, archeology, planning, hydrology, etc.

January 9, 1993

This plan was submitted to the U.S. Forest Service, Big Bear Ranger District on or about July 15, 1990. Under National Environmental Policy Act standards (NEPA), the Forest Service has thirty days to review the a plan. If the Forest Service does not respond, the plan is automatically approved. We didn't expect any problem as we were told by USFS that "this was one of the most complete and professional plans that has ever been submitted to the Big Bear Ranger District." Only a few minor items were questioned by U.S. Forest Service staff.

The Operation and Reclamation Plan was revised to respond to Forest Service staff questions. This revision was sent by Certified Mail to the Big Bear Ranger District, and was received on or about August 22, 1990, triggering a NEPA 60-day review period which would expire on October 21, 1990.

October 21, 1990 came and went without any notice or objection from the USFS, and according to NEPA regulations, our revised plan was thus automatically approved. Upon checking with Larie Richardson to make sure there was no legal notice received by him or Right Star, Inc. by the deadline, Mr. Fife called Mr. Buster Lamoure, our permitting consultant in Montana. Prior to his retirement, Mr. Lamoure was Chief of Land and Minerals for the USFS in Washington D.C. and he is an expert on federal permitting regulations. Mr. Lamoure requested Mr. Fife arrange a field meeting at the Smart Ranch Limestone quarry with Charles Irby, Forest Supervisor, and Rebecca Aus, District Ranger, the persons responsible for the reclamation plan approval.

After several unsuccessful attempts to reach Ranger Aus or her assistant Ranger George Kenline in the Big Bear Ranger District, Mr. Fife was successful in reaching Ranger Ernie Dierking, Land and Minerals Officer in The San Bernardino N.F. Headquarters in San Bernardino. Mr. Dierking set up a meeting at the Smart Ranch quarry on November 1, 1990 with staff of the Big Bear Ranger District, the San Bernardino N.F. Headquarters, representatives of Right Star Inc. and the Fife family as suggested by Buster Lamoure and requested by Mr. Fife.

On the morning of November 1, 1990, Messrs. Ernie Dierking and George Kenline, staff of the San Bernardino National Forest, met with Messrs. Larie Richardson and John Klinge of Right Star Inc., Mr. Buster Lamoure, consultant to Right Star and Messrs. Donald Fife and consultant Dick Brown, representing the owners. To our great surprise, on November 1, 1990, Mr. George Kenline hand-delivered to Mr. Larie Richardson a letter (Certified Mail R.R.R. #P 104 794 594) dated October 10, 1990 (See exhibit A) regarding the Operating and Reclamation Plan submitted on August 22, 1990. This letter dated October 10, 1990 was never received by Right Star or Fife until the field meeting of November 1, 1990. . . which was more than a week past the legal deadline. This Forest Service letter denied approval of our operating and reclamation plan for a maximum of 40,000 tons per year, and required a costly and time consuming Environmental Impact Statement (EIS). Under NEPA regulations, the

permit was automatically approved since the Big Bear Ranger District had not denied our revised plan by October 21, 1990.

We are now in our third year of attempting to permit an already existing mine; thousands of additional dollars have been paid directly to the USFS to speed up the EIS because they claimed they didn't have staff to do the EIS in a timely fashion. The Big Bear Ranger District said if Right Star paid the USFS, staff would work on the project on an overtime basis or extra staff would be put on the EIS project.

It seems that everything has been done to misinform the public about this project and to make it controversial, such as: (1) Suppressing the fact that this is an existing quarry periodically operating since 1949; (2) misinforming the press that the proposed operation was for 200,000 tons/year rather than the actual maximum of 40,000 tons/year; (3) illegally blasting historic structures and a public access road (3N03A) out of existence in the proposed adjoining Big Horn Wilderness area in order to qualify portions of the Smart Ranch Limestone deposit as a roadless wilderness; (4) dumping junk cars in our quarry staging area to give us a bad public image; and (5) targeting Right Star and other limestone producers with biased studies alleging that several specific plants are endangered and were "limestone endemic," growing only on limestone, when the only areas they looked at were on the 5% of the National Forest underlain by limestone. In one field season, an independent Botanist working in the field found most of five allegedly endangered plants growing on other soil/rock types such as dolomite, scarn, schist, quartzite and granite that make up about 80% of the San Bernardino National Forest! Now the Big Bear Ranger District refuses to process our applications because they are waiting for the newly alleged endangered limestone plants to be listed as "rare and endangered," based on their biased information.

The October 10, 1990 letter (exhibit A) denying our permit appears to be falsified (backdated) with specific intent of denying us of our Constitutional, Civil and Property Rights to use our property. The content of the October 10, 1990, letter itself is incriminating - the last paragraph states; "The next meeting with you is scheduled for November 1, 1990 at the mine site." This November 1, 1990 meeting was not even conceived until after the October 21, 1990 deadline; and it was at the specific suggestion of Buster Lamoure to Donald Fife that he arrange the meeting on November 1, 1990 at that location which was accomplished via Ranger Ernie Dierking in the San Bernardino National Forest headquarters.

As professionals we have each worked in both government and private sectors involving policy, planning, regulating and permitting for more than twenty years and it is our opinion that the SBNF staff in charge of the permitting have crossed the line from promoting their own personal anti-mining philosophical beliefs to the realm of criminal activity. It is no wonder the national economy and employment are in such poor condition; it becomes impossible to create new business and new jobs!

January 9, 1993

We respectfully request your office to investigate the probability that the staff of the San Bernardino National Forest conspired to and created a false and back dated document which deprived the applicants and the owners of the Smart Ranch Limestone Deposit of their Constitutional Rights. Also there appears to be a general conspiracy by some Forest Service staff to prevent and/or impede the orderly development of mineral resources in the San Bernardino National Forest as required under Federal Policy, Regulation and Law. We urgently request that your office investigate this matter and take the appropriate action.

Most Sincerely,

X

\_\_\_\_\_  
Donald L. Fife  
Owner Representative  
P.O. Box 1054  
Tustin, CA 92681

X

\_\_\_\_\_  
Larie Richardson  
General Manager  
Right Star, Inc.  
715 E. Mission Drive, Ste. M  
San Gabriel, CA 91776

/lmw

Enclosed: Exhibit A - Letter from Big Bear Ranger District dated "October 10, 1990, Certified Mail - R.R.R.#P 104 794 594," hand delivered to the quarry on November 1, 1990.

Exhibit B - Right Star letter of April 17, 1990 - Amended Notice of Intent, Smart Ranch Limestone Deposit.

Exhibit C - Fife letter of November 5, 1991 - Protesting destruction of Horse Thief Flats mining access road 3N03A.

Exhibit D - News article "U.S. Forest Service Charged With Using U.S. Marine Corps to Manufacture Wilderness" (H.V. Argonaut.)

cc: Leon Snead, Inspector General USDA  
14th St. & Independence Ave. SW, Rm 248 E  
Washington D.C. 20250  
(202) 720-8001

**COPY**



-xhibit A - Letter from Big Bear Hanger District dated October 10, 1990, Certified Mail  
- R.R.R.#P 104 794 594," hand delivered to the quarry on November 1, 1990. (2 of 2)

*Received  
mail deliv  
Nov 1 1990  
at White Rock*



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

FOREST  
SERVICE

Big Bear  
Ranger District

P.O. Box 290  
Fawnskin, CA 92333

2810  
October 10, 1990

Larrie K. Richardson  
Right Star, Inc.  
715 E. Mission Drive, Suite M  
San Gabriel, CA 91776

CERTIFIED MAIL - R.R.R. #P 104 794 594

Dear Mr. Richardson:

I have reviewed your August 22, 1990 Plan of Operations for the Fife/White Rock Quarry. As indicated to you at the September 18, 1990 meeting in San Bernardino we consider the re-submitted Plan complete. I would like to recap a number of the items discussed at that meeting between yourself, Ernie Dierking, George Kenline and Don Fife.

First, several issues concerning development of a quarry at that location are significant and warrant evaluation in an Environmental Impact Statement. These issues present potential destruction of Sensitive Plant Habitat, controversy over mining's effect on Bear Valley tourism and high visibility alteration of the landscape in the near-view from State Highway 18. The plants are now part of a listing package at the U.S. Fish and Wildlife Services (F&WS) office in Ventura and could require formal consultation within the next 6 months.

We met last week on this very subject with the F&WS and Partin Limestone Products. As one aspect of mitigation we are going to try to move forward with the direction in the Forest Land Management Plan to identify undisturbed populations to be set aside in a refugia. This may give some relief to those wanting to mine specific deposits outside reserved sites.

The change in landscape and high visibility white constitutes a somewhat permanent change from natural line and form. A recent survey of 1965 aerial photos of Pfizer's activities on the northslope showed little change in visual character in the 25-year period since certain areas were mined. This long-term change to the natural condition could be especially true in your case since the potential to expand on the deposit is very real.

George Kenline recently did close out scoping on the Pfizer Plan of Operations EA. Since your proposal was before us at the same time, he took the opportunity to do some preliminary verbal scoping on it. Several parties indicated substantial public controversy could come about given the location.

Other issues that will likely surface have to do with the traffic conflicts and interfacing with the public use now occurring in the area.



Exhibit A - Letter from Big Bear Ranger District dated "October 10, 1990, Certified Mail - R.R.R.#P 104 794 594," hand delivered to the quarry on November 1, 1990.

The County is lead agency for the State and requires a reclamation plan be submitted for their approval on all lands within the County. They have said they will accept our document if it meets the new reclamation standards given them by the State. Since the entire operation is on Federal land they would utilize an initial study rather than require an Environmental Impact Report under CEQA.

Our ability to take on another environmental document (now doing Partin Limestone Products, Big Bear Lake Dam, Pfizer Inc., Mitsubishi and Cushenbury Mine Trust; have preliminary notice on Crystal Creek Hydroelectric Project, So Cal Edison's 115 kV and sub-station) is limited. There are ways some of the other companies are helping to speed their projects along. For example, some have hired consultants to assist with surveys and technical information. Others have entered into collection agreements to provide funding for overtime for Forest employees. In either case a Memorandum of Understanding will be written so that all parties understand their role, time frames and costs.

If Right Star is willing to assume some of the costs either by hiring consultants or entering into a collection agreement the time frame could look like this (barring no unforeseen circumstances):

	<u>estimated</u>
Preparation Plan. 30 days.	Dec. 1.
Notice in Federal Register. 30 days response time.	Dec. 15
Preparation of Draft.* 30 days.	Jan. 15
Circulation of Draft. 45 days.	Mar. 1
Preparation of the Final. 15 days.	Mar. 15.
Implementation. 30 days.	Apr. 15.

\*Depends on adequacy of the existing plant surveys.

As we discussed the studies that would be needed for your proposal include traffic, visualizations of before and after, cultural resources, vegetation and wildlife. The timing of the plant and animal studies is poor if we need to do some in the next few months.

If Right Star does not wish to participate in cost sharing, the time frame would be considerably longer due to the number of projects already scheduled and the limited personnel and funds to work on them. There is also the likelihood of an appeal and potential for litigation which could prolong start-up time.

The next meeting with you is scheduled for November 1, 1990 at the mine site.

We look forward to meeting with you and discussing further the process for getting the necessary approvals.

Sincerely,

  
REBECCA R. AUS  
District Ranger

Enclosure



**DONALD L. FIFE & ASSOCIATES**  
Geologic and Mineral Resource Consultants  
Post Office Box 1054  
Tustin, California 92681

**Transmittal/Memo**

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Date  
November 5, 1991

RE: Destruction of access road to  
Smart Ranch Limestone Deposit BBRD.

To  
Forest Supervisor  
U.S. Forest Service  
1824 Commercenter Circle  
San Bernardino, Ca. 92408

Attention  
Mr. Gene Zimmerman

We are sending you the following

Enclosed  
 Separately  
 Regular Mail  
 Special Delivery

Protest the destruction of our mining  
access road to our Smart Ranch Claims Nos. 31 thru 34 and demand  
for restoration of our road on our mineral deposit.

Remarks

Mr, Zimmerman:

This is a confirmation of our telephone protest taken by Lisa of your  
staff on 10-22-91. We demand a full explanation and restoration of  
our access road to Horse Thief Flats(U.S.F.S. Road 3N03A) which we  
have been using for decades.

We are shocked that we were not consulted before the four(4) high  
explosive charges were detonated on our property destroying the  
road on or about 9-14-91. Two(2) blasts were located within our  
limestone ore-body. During the past 35 years we have been in contact  
on a regular basis with staff of the Big Bear Ranger District(BBRD).  
This has been particularly the case during the past 2 years while  
permitting has proceeded on portions of the deposit nearby where  
Right Star, Inc. is working.

Earlier this year your BBRD Resources Officer, George Kenline,  
specifically question us on our development activities along this  
road and as to the exact boundaries of our property in the Horse Thief  
Flats area. We were happy to assist him with this information, He  
was told we wouldn't be working down there until after the fire season  
as we deemed it too dangerous because of the parched condition of the  
area.

The field evidence appears to support our fears of the fire hazard  
prior to recent precipitation. The fourth blast on the road appears  
to have started a wildland fire...the fire appears to have started  
precisely at the point of explosive detonation! It shouldn't be taken  
lightly that this is in an area of the National Forest that hasn't had  
any major wildland fires in historical times. In our opinion this  
was a most irresponsible act from an agency charged with protect-  
ing the National Forest.

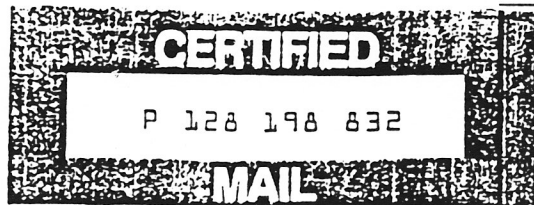
Your arbitrary closure of the Horse Thief Flats road has caused  
disruption of our development activities during the few weeks  
between the end of the fire season and the onset of winter snows.

We look forward to your prompt restoration of this road prior  
winter weather conditions that may preclude our development  
activities here.

Most Sincerely,

DONALD L. FIFE AND ASSOCIATIONS

Donald L. Fife  
Principal and co-owner



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

FOREST  
SERVICE

Big Bear  
Ranger District

P.O. Box 290  
Fawnskin, CA 92333

2810

December 11, 1991

Mr. Don Fife  
P.O. Box 1054  
Tustin, CA 92680

Dear Don:

Forest Supervisor Gene Zimmerman asked if I would respond to your November 5, 1991 letter regarding the Horsethief Flat road issues. I have made several attempts to reach you via telephone to verbally discuss the situation. However, being unable to make that connection, I am writing this letter to let you know the current status of road 3N03A.

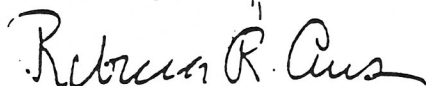
Arrangements have been made to re-open the road. The work will be completed within the next several weeks. We will reconstruct those areas of the road that were closed by the military this past fall, and the balance of the road will remain in it's existing condition.

You made a number of valid points in your letter. In our haste to correct one set of problems, we failed to recognize all of the implications of our actions. Adequate scoping was not done, and we did miss some key issues. We apologize for any inconvenience that our actions may have caused you.

Your letter of November 5 indicated that you had some development activities planned in the Horsethief Flat area. We are not aware of any current operating plan for claims in the area and I take this opportunity to remind you that any development activity must first be authorized by an approved Plan of Operations. Please contact our office if you are planning development activity in this area. \*

Again, we apologize for the inconvenience, and hope that the road reopening meets your satisfaction. If there are any other issues which you feel we need to deal with, I would appreciate a phone call at (714) 866-3437.

Sincerely,



REBECCA R. AUS  
District Ranger

\*Note: A NOTICE OF INTENT TO OPERATE IN THIS AREA WAS FILED IN 1987 AND REAFFIRMED VERBALLY AND IN WRITTING TO REBECCA R. AUS CIRCA MARCH 1990! -Don Fife 1/5/90-

**DONALD L. FIFE & ASSOCIATES**  
 Geologic and Mineral Resource Consultants  
 Post Office Box 1054  
 Tustin, California 92681  
 (714) 544-8406

**Transmittal** CERTIFIED MAIL RETURN RECEIPT REQUESTED

June 6, 1994 RE: RIGHT STAR PLAN OF OPERATIONS  
 & SMART RANCH LIMESTONE DEPOSIT, SBNE

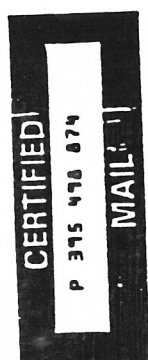
Big Bear Ranger District  
 Post Office Box 290  
 Fawnskin, CA 92333

Attention

RAJ DANIELS  
 GEOLOGIST

CONFIRMATION OF OUR TELEPHONE CONVERSATION OF 5-25-94  
 REGARDING THE LOSS OF OUR SMART RANCH FILES.

RAJ: THIS IS TO CONFIRM YOUR STATEMENT ON THE ABOVE DATE, THAT ALL OUR FILES RELATING TO THE SMART RANCH OPERATIONS, INCLUDING THE EXISTING OPERATION ARE LOST.  
 AS YOU MAY BE AWARE CONGRESSIONAL STAFF ARE INTERESTED IN OBTAINING THESE FILES SO AS TO EXCLUDE THE SMART RANCH DEPOSIT FROM PENDING LEGISLATION AND THE BIGHORN WILDERNESS. YOUR "LOSING THESE FILES" COULD BE EXTREMELY DAMAGING TO OUR PROPERTY RIGHTS AND WE EXPECT TO HOLD YOU OR THE PERSONS RESPONSIBLE FOR ANY ACTIONS THAT IMPARE OUR RIGHT TO MINE THE SMART RANCH DEPOSIT.  
 OUR FILE SHOULD CONTAIN DOCUMENTS RELATING TO OUR NOTICES & PLANS OF OPERATION FROM ATLEAST THE MID 1980'S. CERTAINLY DOCUMENTS RELATING TO YOUR OVERDUE E.I.S. STARTING MORE THAN FOUR(4) YEARS AGO MUST EXIST.  
 SHOULD YOU FIND OUR FILE, WE HEREBY MAKE AN OFFICIAL F.O.I REQUEST FOR THE ENTIRE FILE.



MOST SINCERELY  
*Donald L. Fife*  
 Principal Geologist

cc: Staff, Energy & Natural Resources Committee, Both Houses  
 U.S. Congress  
 Right Star, Inc.



F 375 470 874

**DONALD L. FIFE**  
 Post Office Box 1054  
 Tustin, California 92681

**MAIL**

**Transmittal/Memo** SUBJECT: "CactusRestoration" OIIV Grant

Date August 10, 1995 RE: FOIA REQUEST SMART RANCH L.S.

To: USDA FOREST SERVICE  
 1024 S. Commerceter Circle  
 San Bernardino, CA 92406  
 Attention: Doreet Lawson

We are sending you the following:  Entirely Separately  Regularly  Serially  Other

REJECTION OF BILL FOR \$ ONE THOUSAND FOUR HUNDRED TWO DOLLARS AND 43 cents (\$1,402.43)

Remitt:

AS A GOVERNMENT EMPLOYEE RECEIVING REQUESTS UNDER FOIA AND AS A REQUESTING CITIZEN, I HAVE NEVER SEEN SUCH FAULTY PLAGIOUS BILLING WITHOUT CONTACTING THE CITIZEN. I NEVER AGREED TO PAY SUCH AN AMOUNT. I AM WILLING TO PAY A REASONABLE COST FOR REPRODUCTION AND HAVE INCLUDED A CHECK FOR PHOTOCOPYING 190 PAGES AT \$0.20 PER COPY, WHICH COMES TO \$39.00.

THIS SHOULD NOT COST ANY THING AS THE "CACTUS RESTORATION" GRANT FROM THE STATE DEPARTMENT OF PARKS AND RECREATION OIV FUND WAS USED TO MANUFACTURE WILDERNESS BY DESTROYING MY FAMILY'S SMALL MINING BUSINESS... OUP DRILL SITES, TEST QUARRIES, AND ACCESS ROADS WE HAVE CONSTRUCTED OVER THE LAST 60 YEARS WERE DESTROYED AND PLACED INTO THE BIGHORN WILDERNESS BY USFS IMPLANTATION OF THIS GRANT. WHY HERE WE NEVER CONTACTED AS WE HAD AN OFFICIAL NOTICE ON FILE WITH THE SAN BERNARDINO NATIONAL FOREST?

MOST SINCERELY  
*Donald L. Fife*

DONALD L. FIFE  
 CO OWNER SMART RANCH LIMESTONE DEPOSIT  
 CC: CONGRESSIONAL COMMITTEES  
 MEDIA

(714) 544-8406







File Code: 2800

Date: April 13, 1999

Mr. Donald L. Fife  
P.O.Box 1054  
Tustin, CA 92681

Certified Mail with return receipt #P100595746

Dear Mr. Fife

We have received your proposed "amended" plan and letter dated March 9, 1999. We have no record of ever receiving your proposed plan of operation that your letter states was submitted back to this office in December 1998.

There is no currently approved plan of operations for any mining activities in the Smart Ranch area. The plan that was approved for bulk sampling in the early 1990s has expired. Therefore, any new proposal that is submitted will be considered as a new proposal. If you want the "amended" plan to be considered by us as a new plan, please confirm this intent in writing.

Our understanding of your new proposal is that all activities will be confined to the existing 1.6 acre quarry. Please verify this point. We need to be clear on this before we proceed to evaluate the proposal. Also the quarry site is occupied by recently listed threatened and endangered plant species. According to the standards and guidelines for the San Bernardino National Forest Land and Resource Management Plan, the validity of mining claims must be determined before any mining plan of operations is approved within areas of sensitive plant or animal habitat. Therefore, we need to ascertain the validity of your placer mining claims prior to us proceeding with the environmental review. The validity examination that was started in 1996 for Mr. Richardson's plan of operation was suspended because he withdrew the project. Much of the information obtained at that time is now outdated. Therefore, we have to start a new examination.

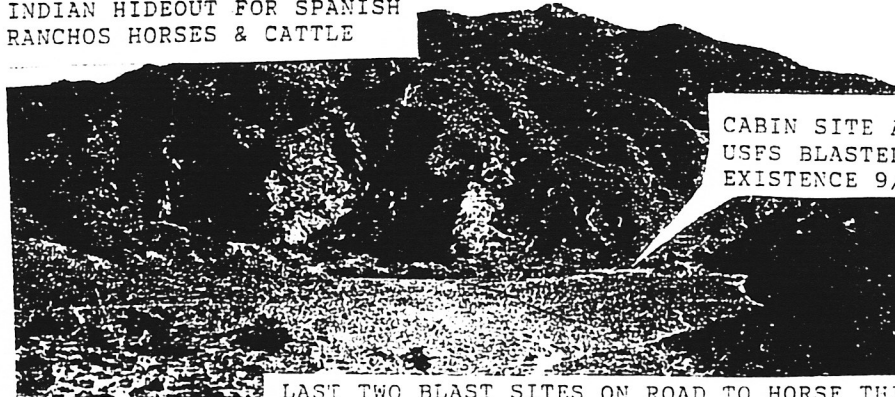
The mineral examination will require your cooperation and involvement providing information relating to discovery, marketability and other information. If the mining claims are determined to be valid, we will move ahead with the environmental analysis which involves consultation with the U.S. Fish and Wildlife Service. Since the quarry is situated in an area occupied by newly listed threatened and endangered plants, the approval process can be greatly complicated and time consuming.

To conclude, before we can proceed with your proposal we need something from you in writing confirming that your proposal is a new plan, and whether all activities will be confined to the existing 1.6 acre quarry. If you have any questions please contact Raj Daniel, (909) 794-1123.

Sincerely

  
George Kenline  
Acting District Ranger

HISTORIC HORSE THIEF FLATS  
INDIAN HIDEOUT FOR SPANISH  
RANCHOS HORSES & CATTLE



CABIN SITE AFTER  
USFS BLASTED OUT  
EXISTENCE 9/14/91

PHOTO D

LAST TWO BLAST SITES ON ROAD TO HORSE THIEF FLATS  
WILDLAND FIRE STARTED AT POINT OF EXPLOSIVE  
DETONATION APPARENTLY SPRAYING FIRE OUT OVER  
A FIVE ACRE AREA

POINT OF DETONATION  
& FIRE SOURCE



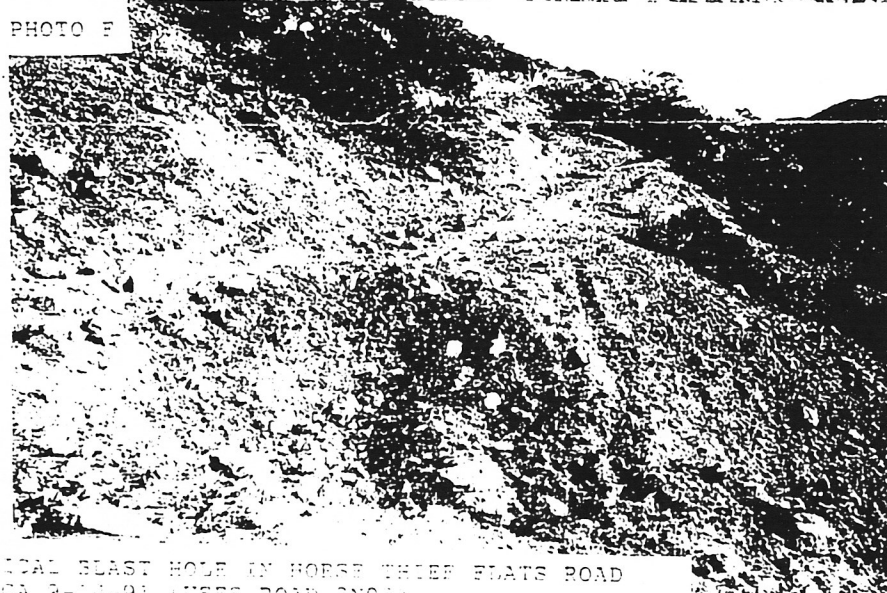
BURNED AREAS

PHOTO E

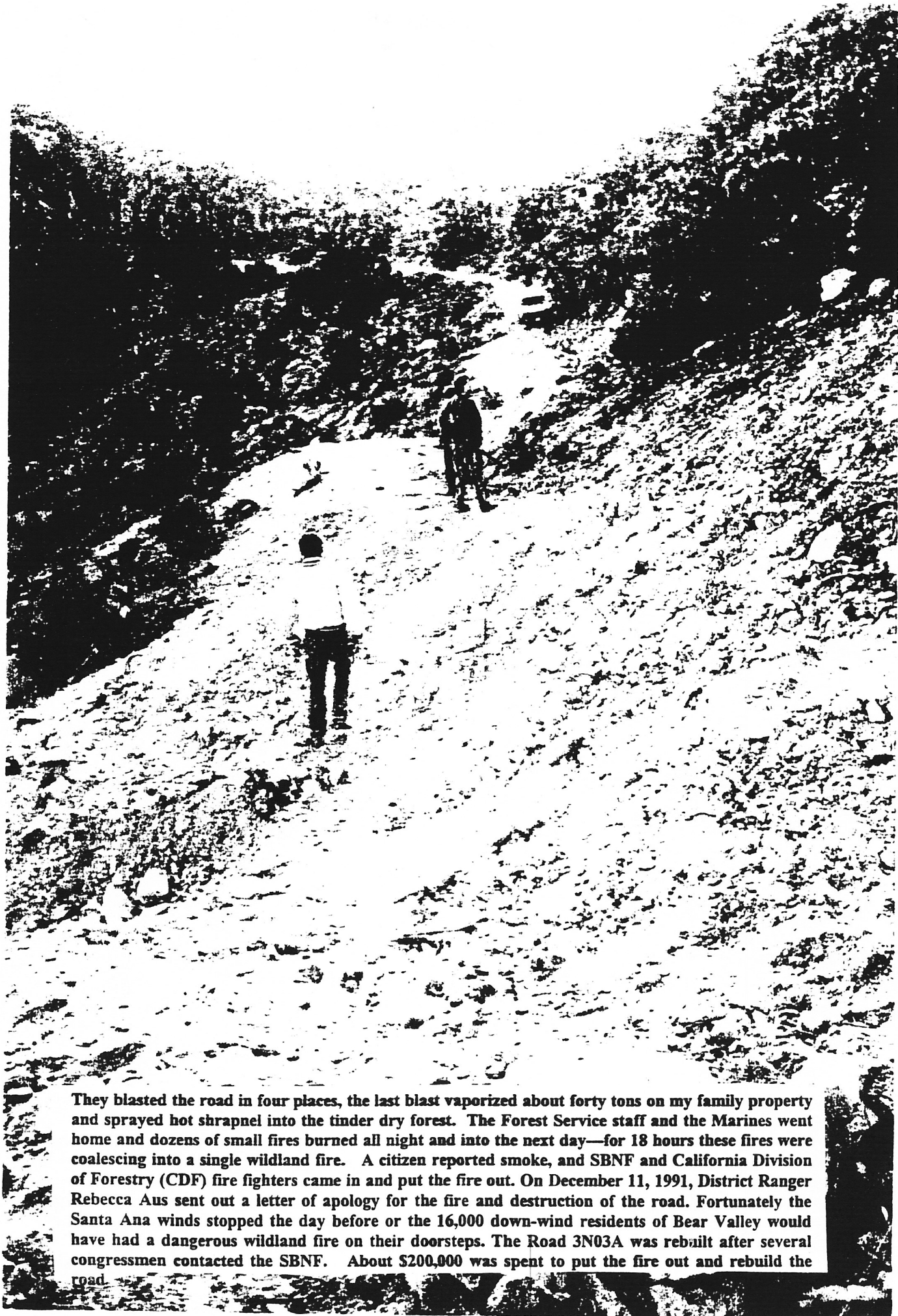
BLAST & FIRE DAMAGE AS VIEWED FROM BELOW ROAD  
AT SOURCE POINT OF IGNITION OF FIRE & EXPLOSION



PHOTO F

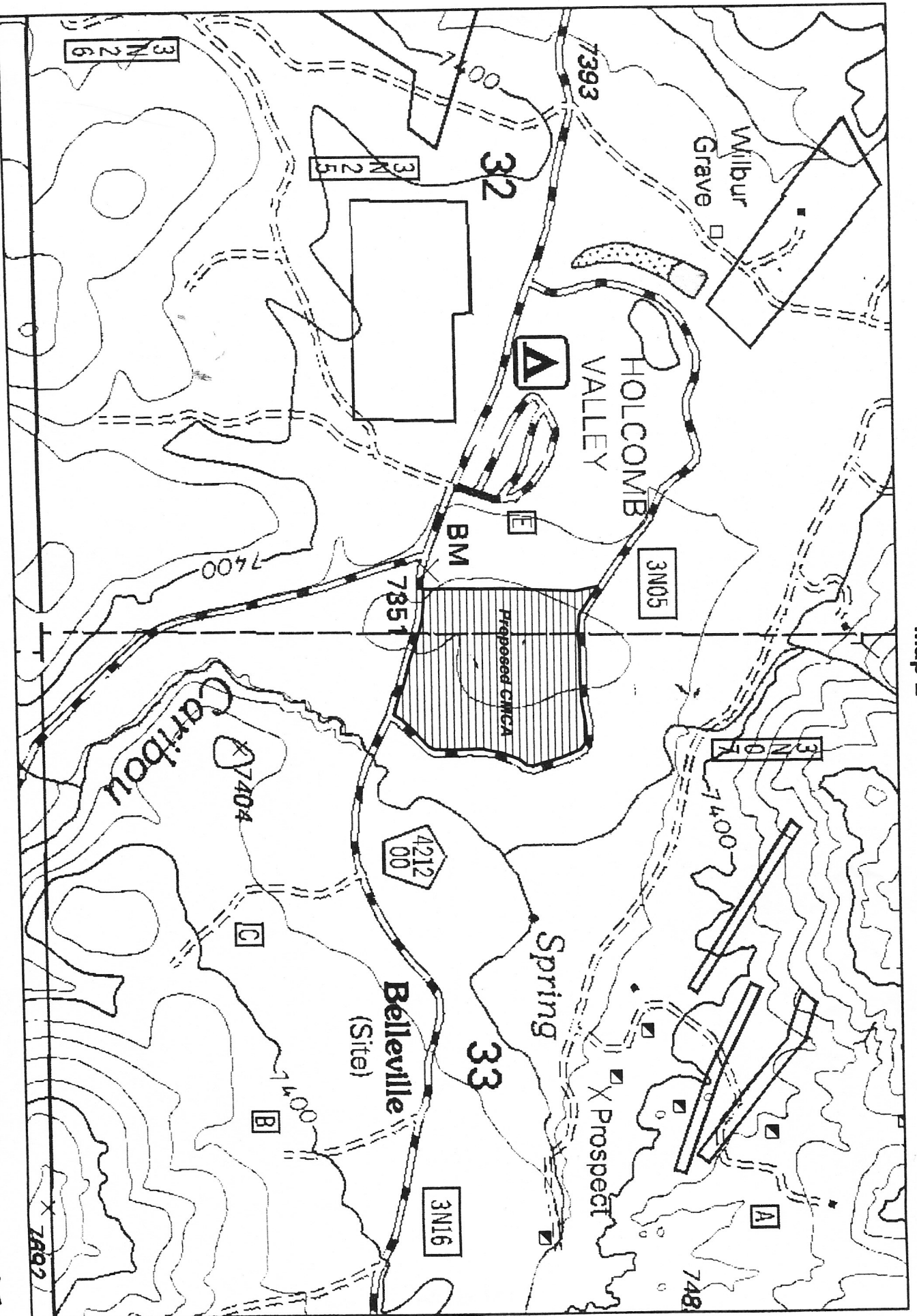


TYPICAL BLAST HOLE IN HORSE THIEF FLATS ROAD  
CIRCA 9-14-91 (USFS ROAD BOND)



**They blasted the road in four places, the last blast vaporized about forty tons on my family property and sprayed hot shrapnel into the tinder dry forest. The Forest Service staff and the Marines went home and dozens of small fires burned all night and into the next day—for 18 hours these fires were coalescing into a single wildland fire. A citizen reported smoke, and SBNF and California Division of Forestry (CDF) fire fighters came in and put the fire out. On December 11, 1991, District Ranger Rebecca Aus sent out a letter of apology for the fire and destruction of the road. Fortunately the Santa Ana winds stopped the day before or the 16,000 down-wind residents of Bear Valley would have had a dangerous wildland fire on their doorsteps. The Road 3N03A was rebuilt after several congressmen contacted the SBNF. About \$200,000 was spent to put the fire out and rebuild the road.**





Proposed Community Minerals Collection Area

