

MINERALS AND MINING ADVISORY COUNCIL FEDERAL PUBLIC LAND STAKEHOLDERS



Date: 2/23/2015

FROM: California Desert District Mining Coalition (CDDMC)
Minerals & Mining Advisory Council (MMAC)

TO: United States Congress:
Congressman Paul Cook, Congressman Steve Knight, Congressman Dana Rohrabacher,
Congressman Kevin McCarthy, Congressman Doug Lamalfa, Congressman Tom McClintock

United States Natural Resource Committee:
Congressman Rob Bishop and Committee Members

State Assemblyman/Woman:
CA Assemblyman Jay Obernolte,

County Board of Supervisors:
San Bernardino, Riverside, Los Angeles, Imperial, Inyo, Kern,

City Councils:
Hesperia, Victorville, Apple Valley, Barstow, Ridgecrest, Lancaster, Twentynine Palms,
Needles, Baker-CSD, California City, Boron, Trona-CSD,

RE: Bureau of Land Management (BLM), Senator Diane Feinstein California Desert Conservation Recreation Act/Monument (CDCRA2015), Desert Renewable Energy Plan California Energy Commission Dockets Office, MS-4 Docket No. 09-RENEW EO-01(DRECP), West Mojave Plan (WEMO), Mojave and Colorado Desert Biosphere Reserve (MAB), Obama's FY2016 Federal Budget (FY2016) AND THEIR*;

***Violations, Encroachments, Impedance, Material Interference, Hindrance and Clash Upon The Following Laws;**

1. *The 1872 Mining Law (30USC22-54)
2. *Multiple Surface Use Act (30usc612(b))
3. *National Minerals and Mining Policy (30USC21(a))
4. *Federal Land Management Policy Act (Parts 3,7,8 and 11)
5. *Failure to Provide Proper Public Hearings, Public Notices in the Daily Publics View, Venues and Locations.

In addition the MMAC, CDDMC, MMFS do not support or accept the State of California and the Federal takeover and/or public land takeover, redesignations, mineral and/or land withdrawals and closure of access roads on Federal Public Lands Under the afore mentions laws (1,2,3,4,5). MMFS strongly objects to the Material Interference in the strongest legal, moral and ethical terms and in accordance with the Supreme Court Rulings and Appellate Court Decisions ie: United States vs New Mexico 1978 US Supreme Court and Shoemaker vs United States Department of the Interior (Cited as 110 IBLA 39 "1989")

ACTION ITEMS AND ACRONYMS ARE ON PAGE 7

Dear Elected Officials, Agencies, Mining Industry and News Media,

We are the Minerals and Mining Advisory Council (MMAC) a National organization based out of California representing all Minerals and Mining in California for this notification and Minerals, and Mining Federal Stakeholders. Additionally, the California Desert District Mining Coalition (CDDMC) who has been representing the mining community on the Bureau of Land Management Round Table Committee (BLMRTC) out of Ridgecrest, CA for the last five years and now helping to educate members of the Desert Advisory Council (DAC) for Non-Renewable Resources, in accordance with the 1872 Mining Laws that declare Minerals and Mining Federal Stakeholders under 30USC21(a)-54. The Public Lands are rapidly disappearing and being taken over by many acronyms such as (but not limited to) DRECP, WEMO, ACEC, NLCS, ESA, EPA, AQMD, CWA, NEPA, SMARA, CEQA and DWMA. The above listed acronyms are not compatible with 30 USC 612(b). (see *Curtis-Nevada Mines case, cite: 611 F.2d 1277*)

***Regarding Minerals and Mining: DRECP**

Under the 1872 Mining Law (30USC21a-54) and the Multiple Surface Use Act (30 USC 612(b)), BLM has failed to recognize National Mineral and Mining Policy Act (MMPA) 30USC21a and is in violation of the Federal Policy by excluding and not recognizing Minerals and Mining as coexisting Federal Land Stakeholders (MMFS) and consultants. BLM is again failing (and in violation), to exclude valid existing mining claims (historic and present) from ACEC's, DWMA's and other land designations and applications. ACEC's, DWMA's and other land designation priorities of non-use (wildlife habitat), are in direct conflict with valid existing mining uses. Priority of use is determined by which came first, the mining claim recordation or the change of the lands use. So an ACEC or DWMA, cannot be placed over the top of an already existing (exclusive) use of land with a documented priority of use, claimed in good faith and shall not Impede on 30USC612(b) for mining purposes. FLPMA was not intended to disrupt "valid existing mining rights". FLPMA did not repeal the Mining Act (30USC22-54). This applies to many other land use and other designations like DRECP (NLCS's etc.). BLM's authority under FLPMA to make rules regarding ACEC's (part 11) is tempered by the language in FLPMA (parts 3,7,8) and 30 USC 612(b).

In simple terms, the BLM cannot designate an ACEC, DWMA etc. over the top of a valid unpatented mining claim without some form of clashing and materially interfering with the rights of the miner to extract under the mining law 30USC21a. If a mining claim were located prior to 1976 (FLPMA), having had any new ACEC/DWMA placed on it would violate part 3 of FLPMA.

Renewable Energy, land designation, closures, road designation projects and/or expansion areas are not considered compatible with the Multiple Surface Use Act (30USC6114a-b) for the Minerals and Mining Federal Stakeholders. Everything is based on Federal and Congressional Statutes, Laws and published cases. It is illegal to close public lands, roads and entrance for mineral entry and mineral and mining development unless there has been a past congressional mineral withdrawal, and any current decisions and approvals must include consulting the Mineral and Mining Federal Stakeholders representatives currently CDDMC and or MMAC. Mining needs the roads to get to the claims and are guaranteed by Congress that it shall happen.

In Conclusion for Minerals and Mining, MMAC and CDDMC: DRECP

Minerals and Mining does not endorse or agree with the DRECP, or anything else that does not reflect or create new long-term high-paying jobs and that takes away mining rights and land. The participation of the MMAC and/or CDDMC in the land use planning processes identified earlier would bring an important voice for resource development to these discussions. In these times of recession and anemic recoveries, jobs have been cited by both sides of the aisle as the priority for government. Few industries produce as many high-paying long-term jobs as the mining industry (20-50 years depending on permits), and I am certain that CDDMC's participation would lead to an increase in the number of mining industry jobs.

Renewable energy is short-term jobs. Once the plants are built, jobs are gone.

In addition, MMFS was left out of the DRECP process and should have been a part of the process and shall be recognized as a part of the DRECP process. CDDMC and MMAC shall consider the DRECP Alternatives a NO-ACTION area and there shall be NO decision(s) on use of the public lands listed in the DRECP Indexes, alternatives and Appendices until CDDMC and/or MMAC (MMFS) are conferred with and the Parties agree too. There are too many issues requiring modification, clarification, missing information and flawed analysis that would substantially change conclusions.

***Regarding CDDMC's and MMAC's Position on Recreation: Feinstein Monument Bill
California Desert Conservation & Recreation Act of 2015 (CDCRA2015)
(Recreation is Not Federal Public Land Stakeholders)**

The MMAC and the CDDMC understands that recreation must do what they feel they need to do, to keep recreation land and roads open. However the off-road community and are not a Federal Stakeholder and not a part of Mining, therefore it should be understood that Mining does not back this recreation deal with the Feinstein Bill, known as the California Desert Conservation & Recreation Act of 2015 (CDCRA2015).

The Representative of Recreation on DAC and the Lead Organizations, not the end-users/Actual Riders that pay their dues to the Lead Organizations, (**Lead Organizations:** American Sand Association, American Sand Association, Off-Road Business Association, San Diego Off-Road Coalition, American Motorcyclist Association, American Motorcyclist Association - District 36, American Motorcyclist Association - District 37, Blue Ribbon Coalition, California Association of Four-Wheel Drive Clubs, California/Nevada Snowmobile Association, California Off-Road Vehicle Association, Desert Vipers Motorcycle Club, Duners, American Motorcyclist Association District 37 Dual Sport, and United Four Wheel Drive Associations) are the only ones backing this Feinstein Bill (CDCAR2015) Recreation should look at an alternative that MMAC has, as a better solution to the Feinstein Bill (CDCAR2015). MMAC has a better alternative preserving thousands of miles of additional existing roads and land use, more than Feinstein's deal could provide. Additionally Recreation has represented Rockhounding. According to the California Federation Of Mineralogical Society under recreation, they do not want or have or agreed that they are represented by Recreation as they are considered prospectors under Mining and Minerals.

Also in reading the Bill (CDCAR2015), Feinstein put certain words in the language that leaves the Feinstein Bill open to changes in the future. MMAC and the Riders have a feeling, with the way it is worded, that they will find some way after the Bill (CDCAR2015) is passed, to restrict recreation. On page 9, it says they will change it in 3 years and on page 10 the word "IF" is used with the next sentence; **"If recreational uses are consistent with this section and any other applicable law"**. This means if people complain about too much dust in the air by the riders, then AQMD would likely take over and somehow restrict recreational use in the area. This would probably be accomplished by restricting the number of permit stickers issued to off road vehicles. The BLMRTC already had a complaint exactly about this issue two meetings ago. There are several other spots Feinstein uses special legal wording that would allow for changes as well. Maybe recreation can work with mining. We know it would make Congress's life easier and they would likely approve of our cooperation through the existing rights of way afforded by Mining Law.

Recreation can have all the roads they want with mining instead of the Feinstein Bill. Mining can sit down and show all "Parties" (with Mining Legal Experts) to "PROVE" this is not pie in the sky. Feinstein tried to involve San Bernardino County Supervisors by cutting a side deal for Dumont Dunes with Recreation because Obama is supposedly not signing any more executive orders during the last part of his presidency to create National Monuments. Mining knows the Feinstein Bill (CDCAR2015) is backing Recreation into a corner and Recreation thinks this is their only way out, but it is not. Mining needs the roads to get to the claims and these rights are guaranteed and insured by Congress and Congressional Acts as a rule of law (30USC612.)

Mining has proposed that Recreation is allowed to use the mining roads, as mining only needs them to get to mining claims. Recreation can use the roads to get to (not in Mining & Equipment Areas) off-roading areas, for hiking and mountain biking areas without concentrating all recreation on designated areas, that will cause focused impact on a limited areas of land. Recreation can use the roads to get to hunting and fishing areas as well. By working together with Mining, Recreation can satisfy their needs and mining can help provide the legal recourse for cause and effect so Feinstein Bill, DRECP & WEMO, etc., do not close more Public Lands.

If the San Bernardino County Board of Supervisors pass a Resolution & VOTE "NO" on the Feinstein Bill, Congress may not be able to bring the Feinstein Bill (CDCAR2015) to the Floor for a Vote.

If Recreation and San Bernardino County Supervisors vote yes on the Feinstein Bill (CDCAR2015), it would be the worst deal recreation could possibly agree to, hurting socio-economic growth, fee exchanges and memberships to their main organizations. Additionally Recreation may find even further restrictions imposed in the future, without legal recourse under the Environmental Laws imposed under any one of the acronyms listed in this document.

If Recreation follows Mining and the 1872 Mining Laws in accordance with the Ingress-Egress Laws to Public Lands for Exploration, Discovery, and Extraction they would be the beneficiary to a much larger, non-concentrated use of roads & freedom to explore Public Lands. For example WEMO will CLOSE (15,000) Miles of the (30,000) Miles of OPEN ROAD, that have been OPEN all of our LIVES. All of the Acronyms attached will close off Public Lands in the approximate amounts as follows; DREPC 22 Million Acres, WEMO 9.3 Million, Acres Feinstein Bill 1,368,610 Acres. This does not include all of the TENS of MILLIONS of Acres CLOSED OFF already by Wilderness Areas, National Landscape Areas, DWMA's, National Monuments, State Parks, Wildlife Management Areas, Conservation Areas, Areas of Critical Environmental Concern (ACEC), Forestry, etc.

If the San Bernardino County Supervisors vote for the Feinstein Bill (CDCAR2015) it would be political suicide, because the constituents will find out.

In Conclusion for Minerals and Mining: Feinstein Bill CDCRA2015:

MMAC, CDDMC & Rockhounding (Currently represented by recreation without their knowledge) Do Not Recognize Or Support the Feinstein Bill (CDCAR2015)

Feinstein left Minerals and Mining out completely of Public Lands Decisions and concerns and has not followed the Mining Laws stated herein. There is obviously another possible agenda, which changes the Bill at a later date and/or where it has not been drafted correctly, leaving open loop holes for Feinstein to change the Bill at a later date. San Bernardino County Supervisors and Recreation have not looked at the other legal aspects of Minerals & Mining and subsequent alternatives that are true to the Rule of Law, safer and more advantageous to recreation and the actual riders of off-road vehicles.

***Regarding: WEMO**

WEMO was a Sue and Settle Tactic by the Center for Biodiversity (CFB). First BLM did not protect legally the public lands for the people. MMFS was not brought into the case at all and consulted on this. A recent settlement agreement between federal land management agencies and environmental litigators (CFB) was struck down by the 9th Circuit Court, which ruled that the settlement violated federal laws requiring public participation for major rule changes. WEMO encompasses 30,000 miles of roads of which 15,000 miles of roads were closed on maps and God only knows how many thousands of miles of previously disturbed and used dirt roads. Closure of these roads violates 30USC22-54, 30usc612(b), 30USC6114a-b and FLPMA. BLM has already destroyed roads by ripping up the roads with a bulldozer so they cannot be used again. MMFS are guaranteed by congress to have roads open and usable to get to mining claims. Currently (and this could change plus or minus), WEMO encompasses 9,000,000 acres that cannot be mined or used.

This is in direct violation, encroaches upon, impedes, materially interferes, is a hindrance and clashes with the MMFS use of the public lands for mining.

If Recreation and the politicians follow Mining in the fight against WEMO for a case reversal with the Ingress-Egress Laws to Public Lands, they would be the beneficiary to a much larger, non-concentrated use of roads & freedom to explore Public Lands. This is what the roads were intended to do.

In Conclusion for Minerals and Mining: WEMO

WEMO should be struck down and the case should be reopened and reversed as it was totally unlawful and the BLM violated the Public and Land Use's Best Interest. In closing, WEMO violates at least a half a dozen laws (Listed Herein) that we know of and has closed thousands of miles of usable, preexisting roads and roads that we have been used for a hundreds of years. In closing these roads WEMO is taking ridership away from recreation also creating a bigger problem. ie: Offroaders used to use all of these roads which (a) would help rejuvenate the landscape according to the BLM Babcock and Bovey California Desert Soils Report (May through June 1973). During the 70's and 80's, recreation had more riders in the desert than current days, (b) by reversing WEMO it would not concentrate the riding in a smaller area causing more dust than riding on the whole 30,000 plus miles of roads. By consolidating offroading on a smaller area it would allow other groups or agencies to restrict or change land designations. Remember, **Congress can choose not to fund the WEMO.**

***Obama's FY2016 Federal Budget:**

A resounding "NO", "NOT A CHANCE", NO WAY!

Whoever drafted the FY2016 Federal Budget regarding the Mining language (royalties, leases, yardage, & fees) had no clue what they were TALKING ABOUT and we advocate a NO CONFIDENCE VOTE. The author (guaranteed) was a person that had Absolutely NO Knowledge and knew Nothing about Mining, nor worked in the Mining Industry (Unless the author had another agenda). It is obvious that the author does not know how mining works, the different types of Mining, the Laws surrounding mining, or what yardage means in dirt language, or about the Public Lands used for Mining. This language would kill mining and mining jobs, mining equipment manufactures, wholesalers of mining equipment, retailers of mining equipment and all of the vendors that supply the mining industry in the United States completely. Further, this Obama FY2016 Budget undermines National Security and threatens the sovereignty of the Mining Industry and US Economic Security as it has been protected by the Supreme Court and Appellate decisions historically. As The Obama Administration attempts to destroy domestic Mining, they have made the USA 30% dependent on foreign Rare Earth Mineral Supply and the Defense Logistics Agency has been authorized (if not forced) to purchase 30% of Rare Earth Minerals from Over-seas Suppliers.

FY2016 funds the coal miner's pensions plans which are not our fault. That is between the unions of coal miners and Obama terminating coal mining. The "Claim" Maintenance Fees, are not supposed to go up. There are laws for this under the 1872 Mining Law. And there is no such thing as a leasing process. The miner pays for the land each year under claim fees. No lease fees. This is against 30USC21(a), 30USC22 and 30USC28(f). Just this alone would kill mining in the United States. Eliminating the fee exemptions under FY2016 would kill mining and miners. Remedy could be if they want people to mine and not just sit on their claims, impose according to the 1872 Mining Law a work, sell or quit option if an American citizen wants the property. This FY2016 would kill mining, manufacturing, wholesale and retail companies of mining equipment. Again Obama is killing jobs and does not know what he is signing, unless he has another agenda.

Under the Mineral Leasing Act of 1920 30USC181 it is only for deposits of coal, phosphate, sodium, potassium, oil, oil shale, gilsonite (including all vein-type solid hydrocarbons), or gas, and lands containing such deposits. NOT FOR Strategic metals, mineral and rare earths. Again, the Author probably did not read the 1920 Leasing law because it has nothing to do with strategic metal, minerals and rare earths.

Obama wants rental payment besides raising fees. Not a chance. What is a rental payment? And 5% royalty of gross proceeds? No miner would ever agree to this except maybe other countries, and that is doubtful. Maybe that is what the Obama and the government wants to do, run out the American Miner out and to bring in foreign country miners such as China Again Obama is killing jobs and does not know what he is signing.

The proposed Hardrock/Load Abandoned Mine Lands (AML) fee and reclamation program will operate in parallel with coal AML reclamation programs, is in violation of the listed laws herein. First off you cannot group hardrock/load with coal. They are completely 2 different types of mining and should never and have never been grouped together in any agency. Also there is already money for this that the miner must put up called a Reclamation Bond not including the Superfund, for this exact need, sitting with hundreds of billions of dollars in it.

Lets get to the point (of which the author has no clue) of what AML is about and what the author of FY2016 did not do. There are no abandoned mines. That is how BLM and the Government refer to it to get congressional funding to take back lands. The reason Mines are not working is because the price of precious metal was to low to operate, or in most cases miners are waiting for investors to come in. Investors want to come in, but the government, agencies, conservationists, UNESCO, states and counties do not allow it because of to much confusing uncertainty, red tape and block walls stopping the investors and killing hundreds of thousand of new jobs preventing billions of investment dollars translating into hundreds of millions in tax revenues.

Most historic mines can get back into operation if the conservationists and agencies would get out of the way. The person that wrote this budget has NO CLUE about mining, has never mined and does not know what it takes to mine. Here is what is proposed by Obama's author. "The fee on the production of hardrock/load minerals will be charged on the volume of material displaced after January 1, 2016". Placing a fee on material displacement is insane! Going eye to eye as an engineer and mining contractor with the author, that wrote the FY2016 proposal, hewould be considered completely incompetent with no skill set and we have NO CONFIDENCE in FY2016. In a great production situation you have to move 100 yards to get one ounce of gold. Most of the time it is a lot less than that. If you have to displace overburden to get to the pay streak sometimes you are displacing hundreds of thousand of yards. So you are supposed to pay for receiving nothing? No miner in his right mind would mine in the United States nor would any other country want to mine in the United States with this proposal. More of the FY2016 shows funding the hundreds of millions of dollars to EPA and ESA to save species that do not need saving, lands that do not need protecting all killing the socio-economic development of the United States and California. Mother Nature knows what she is doing. Lets create hundreds of thousands of brand new, high-paying, long-term jobs. Not kill jobs. We are stopping here. Everyone really needs to read the FY2016 Federal Budget.

In Conclusion for Minerals and Mining: Obama FY2016 Federal Budget

It is a "NO Confidence", "NO Vote" and it is insane to even consider this FY2016 Federal Budget from a Mineral and Mining aspect.

Signed

**California Desert District Mining Coalition
Minerals and Mining Advisory Council**

<http://www.mineralsandminingadvisorycouncil.org>
<http://www.cddmc.com>

Email copies of letters to: info@mineralsandminingadvisorycouncil.org For MMAC
and regular email to: trilogyjoe@yahoo.com for CDDMC
Subject Line for both; Letters

ACTION ITEM: #1

This Letter Asks for an Immediate Resolution from our Congressmen/Women, County Boards of Supervisors and City Councils & CSD’s to Object to the ongoing violations of the U.S. Mining Laws as described in this letter and direct the “Resolutions” to the CDDMC & MMAC & US Natural Resources Committee Chairman Rob Bishop by the end of March 2015.

ACTION ITEM: #2

All Recipients of this letter may sign and return this letter VIA EMAIL To CDDMC, MMAC & US Natural Resources Committee Chairman Rob Bishop, via US Mail and E-Mail, Protesting The Closure Of Roads & Public Lands usage. Send to everyone listed in the TO: areas also.

ACTION ITEM: #3

This Letter Shall Serve As Legal Notice To All Agencies & Serve As An Informative Request To All Elected Officials & Committees, (Such As The Natural Resources Committee) to recognize that the Federal Public Land Stakeholders Rights Have Been Violated and the Law Is Currently Been Broken In Accordance With The Above Mentioned Mining Laws. Further that The Current Courses Of Action (by The Acronyms Listed) break The Rule Of Law By Administrative Action, & Are In Direct Violation Of The American Mining Laws, As Witnessed By The Mining Community, With Ingress & Egress Closures To Public Lands That Have Already Taken Place. Then The Full Intent To Continue To Breach The Supreme Court Rulings & Appellate Court Decisions Of Record, Without Regard To Public Land Access For Mining Exploration & Extraction. Further That Each Signature Attached To Letters Hereby Registers Their Complaint/Protest & Objection In The Strongest Legal, Moral & Ethical Terms. See The Individual Endorsements of Protest With Signature On Letters & Those To Arriving via US Mail & Emails, To Include The CDDMC & MMAC. These signatures are Intended To Object To WEMO, DRECP, The Acronyms Attached, The Feinstein Bill, Obama’s Mining FY2016 Federal Budget. The Obama Federal Budget Corrupts The Operational Mining Procedures In An Attempt To Subrogate “Congressional Acts & Existing Mining Laws”, To Include But Not Limited To, The Acronyms Listed, that Have Encroached and Impeded United States Domestic Strategic Mining To The Point Of Economic Destruction. NOTE: There are (15) Or More Acronyms Trying To Restrict Access or Control Access To Public Lands & Over-Ride U.S. Mining Laws. Mining Laws Are A Matter Of National Security & Economic Security.

ACRONYMS:

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| 1. (CDDMC) California Desert District Mining Coalition | 2. (MMAC) Minerals and Mining Advisory Council |
| 3. (BLM) Bureau of Land Management | 4. (DAC) Desert Advisory Council |
| 5. (DRECP) Desert Renewable Energy Conservation Plan | 6. (WEMO) West Mojave Plan |
| 7. (ACEC) Area of Environmental Concern | 8. (NLCS) National Landscape Conservation System |
| 9. (ESA) Endangered Species Act | 10. (EPA) Environmental Protection Agency |
| 11. (AQMD) Air Quality Management District | 12. (AQ) Air Quality |
| 13. (CWA) California Water Act | 14. (NEPA) National Environmental Policy Act |
| 15. (SMARA) Surface Mining and Reclamation Act | 16. (CEQA) California Environmental Quality Act |
| 17. (DWMA) Desert Wildlife Management Act | 18. (FLPMA) Federal Land Policy Management Act |
| 19. (BLMRTC) BLM Round Table Committee | 20. (MMFS) Minerals and Mining Federal Stakeholders |
| 21. (UNESCO) United Nations Educational, Scientific and Cultural Organization | |
| 22. (AML) Abandoned Mine Lands | 23. (CFB) Center for Biodiversity |
| 24. (CDCRA2015) California Desert Conservation & Recreation Act of 2015 | |

cc; your local news media

Daily Press, Victorville CA, Washington Post, L.A. Times, Orange County Register, Mojave Desert News, Antelope Valley Press, Bakersfield Californian, International Mining Journal, Gold Prospectors Association of America, National Public Lands News, National Mining Association, California Federation of Mineralogical Societies, et al.

Reference material can be provided upon request.