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Wednesday, February 18, 2015

To:

**California Energy Commission (CEC)**  
**Dockets Office, MS-4**  
**Docket No. 09-RENEW EO-01**  
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**Sacramento, CA 95814-5512**  
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**Bureau of Land Management**  
**Vicki Campbell, DRECP Program Manager**  
**2800 Cottage Way, Ste. W-1623 Sacramento, CA 95825**  
**Email: [vlcambell@blm.gov](mailto:vlcambell@blm.gov)**

*See Attached Congressional Letter*

**RE:** Our Public Land Rights on the following:  
 Desert Renewable Energy Conservation Plan (DRECP)

Minerals and Mining Collaboration;

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 conversation. Also, California Desert District Mining Coalition (CDDMC) of whom has been representing the mining community on the Bureau of land Management Round Table Committee (BLMRTC) out of Ridgecrest, CA for the last few years and now consulting for minerals and mining towards the Desert Advisory Council (DAC), Non- Renewable Resources until minerals and mining has representation on DAC. As being a Party to many meetings we have seen the Public Lands rapidly get dissolved and taken over by many acronyms like DRECP, WEMO, ACEC, NLCS, ESA, EPA, AQMD, CWA, NEPA, SMARA, CEQA, DWMA, but not limited to. 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:**

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 applications. ACEC's priorities of non-use (wildlife habitat), is 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, cannot be placed over the top of an already existing (exclusive) use of land with a documented priority of use, claimed in good faith, for mining purposes. FLPMA was not intended to disrupt “valid existing rights”. FLPMA did not repeal the Mining Act (30 USC 22-54). 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), especially the Multiple Surface Use Act (30 USC 612(b)). In real 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 (30 USC 611 4a-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 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:**

**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, that takes away mining rights and land. The participation of the 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 shall be recognized and a part of the 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 MMFS is 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.

Signed

California Desert District Mining Coalition <http://www.cddmc.com>

Minerals and Mining Advisory Council <http://www.mineralsandminingadvisorycouncil.org>