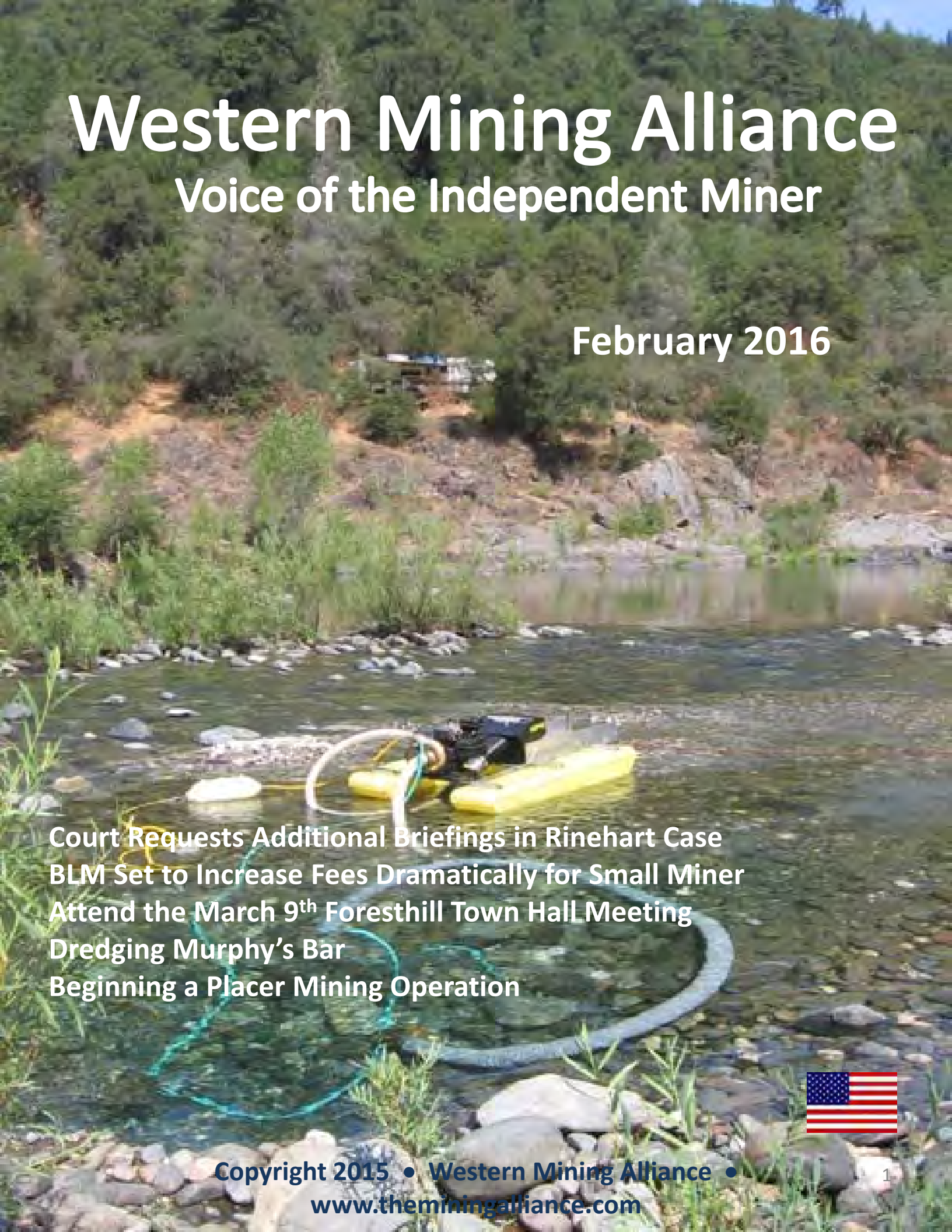
Western Mining Alliance

Voice of the Independent Miner

February 2016



Court Requests Additional Briefings in Rinehart Case
BLM Set to Increase Fees Dramatically for Small Miner
Attend the March 9th Foresthill Town Hall Meeting
Dredging Murphy's Bar
Beginning a Placer Mining Operation

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Why Are they Afraid of the Truth?

"Truth is mighty and will prevail. There is nothing the matter with this except that it ain't so." Mark Twain

As we head into the summer 2016 dredging season the question is whether or not we'll be legally dredging this summer.

As usual, that depends.

Right now it depends on Brandon Rinehart and whether he prevails in the California Supreme Court. As we describe in this newsletter the Court has requested a supplemental briefing from both Rinehart and the State on how SB 637 effects the case.

INCONVENIENT TRUTHS

One of the things we do is research and provide you the information. We've noticed a troubling trend with the Government over the past year. When we use one of their own websites for information to show they're wrong the website or the information disappears.

Last year when we responded to a baseless argument by Izzy Martin of the Sierra Fund (is there any other kind coming from her) we quoted the California Office of Environmental Health (OEHHA) website where they stated no person in California had ever been sickened from eating sport fish contaminated by mercury. That's no one – ever. Yet Izzy Martin seems to think mercury is such a huge problem the government should keep throwing millions of dollars at her organization so she can make posters and put them up around lakes. Good work if you can get it.

Two weeks after we ran our article the information disappeared from the OEHHA website. This wasn't just transitory information, it had been on their website for several years. Too convenient.

In December we submitted our initial CEQA lawsuit briefing and we rebutted the State's claim suction dredges could suck up Gold Rush era steamships by quoting their own shipwreck database and actually pulling the screen shots for queries for all the dredging counties. We showed there wasn't a single shipwreck in any dredging area. In January public access to the shipwreck database was cut off. You can't even find the database now. It might be out there somewhere, but we couldn't find it.

This was just after the State responded to our briefing by replying we couldn't use their database for legal purposes because there is a disclaimer on the site (or was) which says "not for legal purposes." So we asked them why did you use it in the SEIR?

A year ago we ran an article in which we provided the results of a DOD IG report in which we complained the lead mercury scientist was a donor and advisor to the Sierra Fund. The USGS conducted an ethics investigation in which they found this to be true, but it didn't really concern them their scientists were in bed with the environmentalists. They posted a copy of the report online in their reports section. We noticed that report disappeared too.

What's fundamentally wrong with this is its our information. It's owned by the taxpayers, paid by the taxpayers. Perhaps the government forgets who owns them.

What's going on here is the deliberate concealment of the truth. Truth and facts which prove they manipulated the data, and conspired to cheat a class of people out of their rights.

This past week the Western Mining Alliance received the bill for the appeal we filed in San Bernardino last June. The bill is a little over $6,000. The State offered to forgive us and not seek their legal costs if we just drop the appeal. It's your contributions and memberships which fund us – nothing else.

Despite their kind offer we will not drop the appeal.

We'll see it through in hopes that someday, somewhere we'll convince a judge of what happened and try in some small measure to restore our American freedoms. We believe shortly the tide will turn and the winds will favor us. Until then keep us in the fight and keep funding us to do what we do.

The State vs. Rinehart

"Fascism is the merger of state and corporate power." Mussollini

"Liberty, once lost, is lost forever." John Adams

Support Brandon

- The state of California has relentlessly pursued the prosecution of a young miner for mining his claim
- Despite a state appeals court ruling his conviction was unconstitutional the State has pushed the issue to the California Supreme Court
- We need your financial support to pay the legal bills as Rinehart fights for all miners
- The outcome of this case is of critical importance to the future of mining across the West
- Husband, father, miner and electrician his only transgression was mining on the family claim the same as he'd done since he was six years old

Rinehart Wins – We All Win

Brandon's case is entirely funded by the mining community. This is the most important case in California. Please make a small (or large) donation to his legal fund today. Tomorrow may be too late. The future of small scale mining hangs in the balance. If Brandon loses, then there will be no more small scale mining in California.

Donate directly to Brandon by going to:

www.peoplevrinehart.org

Donate Now!

Send your donation to:

Brandon Rinehart
c/o James Buchal
Murphy & Buchal LLP
3425 SE Yamhill St Ste 100
Portland, OR 97214
jbuchal@mbllp.com

For an excellent review of the Rinehart case, and who Brandon Rinehart is visit:

www.peoplevrinehart.org

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California Supreme Court Requests Supplemental Briefing

Court requests more information on what SB 637 means to the Rinehart case

Above. Brandon Rinehart, his father and son at the family claim in 2012. Photo courtesy of Brandon Rinehart.

The California Supreme Court recently requested supplemental information on how Senate Bill 637 affects the Rinehart case. Both Rinehart and State responded to the request with a letter briefing.

The Rinehart case, currently pending before the California Supreme Court will decide whether California laws banning suction dredging are preempted by federal law which encourages mining.

Miner Brandon Rinehart was cited in June 2012 for dredging without a permit. His defense is based on the impossibility of obtaining a permit which was required, but CDFW was prohibited by law from issuing it. The distinction between not being able to obtain a permit, and being able to obtain a permit, but not having it is an important one.

In the Supreme Court Case a mining company sued the California Coastal Commission claiming they could not require the company to obtain a permit to operate. The U.S. Supreme Court in a 5-4 ruling decided a State may impose reasonable regulation but they may not prohibit. Rinehart has argued the temporary ban on suction dredging, emplaced in 2009, is prohibition, and not regulation and he has a right to mine his claim. An Appeals Court agreed with Rinehart in 2015 and overturned his Plumas County conviction. The State petitioned the California Supreme Court to review the case and the case was accepted.

Pending before the Supreme Court is whether the California suction dredging ban is preempted by federal law as the Appeals court found, or whether the ban, as the State claims, was only a temporary pause while they conducted environmental studies and wrote new regulations.

SB637 Changes Everything

Although SB637 is widely considered to be just another extension of the "temporary" moratorium it actually lifts the dredging ban by requiring dredgers to submit a "complete" permit application to the California Department of Fish and Wildlife (CDFW). This complete application includes a Water Quality permit issued from the Water Board. However, prior to receiving a water quality permit the dredger must apply for and receive a federal permit and the Water Board must conduct yet more environmental studies and hold public meetings prior to issuing any permits.

The Court has requested the State and Rinehart provide additional information on how SB637, which lifts the ban affects the current case.

Rinehart's attorney, James Buchal, responded by structuring an argument around a narrow and general view. In the narrow view he wrote it has no impact on Rinehart's case because Rinehart was cited at a time when dredging was prohibited and SB637 can't go back in time to cover the State's wrong doing.

From the broader perspective Buchal argues SB637 now changes the legal definition of a suction dredge to include any motorized equipment within 100 yards of a waterbody and presents yet further hurdles and delays to issuing permits and simply part of an ongoing scheme to delay and harass miners.

Supplemental Brief Continued

Buchal further argues that neither the Water Quality Board, nor CDFW has taken any action which would result in the establishment of a legal permitting system indicating a desire the suction dredging ban continue indefinitely. As Rinehart points out the Water Board has been studying this issue since 2007 and now they inform miners they need additional studies which likely won't be completed until 2017.

Rinehart argues SB637 is just another bill intended to prohibit mining while hiding behind a thin veneer of credibility. In six weeks since it became law there has been no progress forward towards issuing permits.

The State Responds

The State argues in their response brief SB637 is proof the dredging ban was merely temporary and the only question the Court need answer is whether it is impossible to comply with both State law and federal law at the same time.

The State further argues whether the ban was temporary or permanent doesn't make a difference because State environmental regulation takes priority over federal laws allowing mining and the State has the right to ban specific equipment if they find the environmental effects more than they desire. They point to the Granite Rock case as their foundation.

The State summarizes their argument by pointing to SB637 as evidence of the legislature's intent to allow suction dredging to continue once permit requirements are satisfied and refers the Court to a recent California Supreme Court Ruling regarding preemption Quesada v. Herb Thyme Farms, Inc. Dec 2015 in which the Court found there must be a clear intent by Congress to preempt State laws in order to find preemption.

BLM Seeks to Hike Fees …Again!

Just one year after raising mining claim maintenance fees the BLM is back again asking not only to significantly increase mining claim fees but to impose new rules which would drive the small miner out of the prospecting field.

It's clear the Obama Administration is doing everything they can to cripple the American mining industry. Whether it's coal, gold, silver or any other valuable mineral the Administration is proposing to impose new laws on hard rock mines which would dramatically increase fees.

The new budget proposal also seeks to yet again hike annual maintenance fees from the current $155 per 20 acres to some higher amount. Importantly for small miners everywhere the bill also eliminates the small miner's waiver and would cause all miners to pay $155 per 20 acres of mining claim including those who hold under ten claims.

When BLM hiked the fees to $155 per year we saw a 15% drop in the number of mining claims held.

You can do something about this, we encourage you to call or write Congressman Tom McClintock who is a supporter of mining and is the Chairman of the House subcommittee on federal land.

You can find information on how to help block this anti-mining bill by working with Congressman McClintock.

If you'd like to coordinate your efforts please email Rick Eddy at reddy@theminingalliance.com

Want to Do Something?

Attend the Foresthill town hall meeting March 9th with Congressman McClintock, Chairman of the sub-committee on Federal Land. Tell him to stop BLM from destroying the federal mining program. Block the fee increases! Contact Rick Eddy at reddy@theminingalliance.com

Foresthill Town Meeting March 9th: Congressman McClintock

Wednesday, March 9, 2016 - 6:00pm
Congressman McClintock will hold a town hall meeting on Wednesday, March 9th, 2016 at 6:00 P.M. The meeting will be held at:
Veterans Memorial Hall
24600 Harrison Street, Foresthill
Time: 6:00 PM
Information about upcoming town hall meetings can be found on the Congressman's website at www.mcclintock.house.gov or by calling the Congressman's office at 916- 786-5560.

Download the BLM Budget Proposal Summary by following the below link:

https://www.doi.gov/sites/doi.gov/files/migrated/budget/appropriations/2016/highlights/upload/BH007.pdf

Sierra Rivers

APPRECIATE WHAT WE DO?

We just received another legal bill, just when we thought we were paid up. The State is demanding $6,000 or we will forfeit the appeal we filed in June. If you can help us pay this bill we'd sure appreciate it. We know it's just a constant stream of fund-raising. We apologize, we're doing the best we can. We're unpaid, we've been doing this unpaid for 4 years, and all our money goes to pay the legal costs.

You can join the Western Mining Alliance by going to our main web page, or going to our www.sierrarivers.com web page. Your membership in the American Mining Rights Association also supports the WMA and the Rinehart case. www.americanminingrights.com

Somehow, over the past four years your support has always paid the legal bills, and we count on your continued support to keep up our work which includes our ongoing efforts at the federal level to obtain relief through Congress. Once again this year we'll be returning to capitol hill to continue our efforts to change the playing field. Your ongoing support of our annual trip is much appreciated and this will be our 4th year on Capitol Hill. People are actually starting to know us.

If you're a member of the WMA, and you own a mining claim, please drop Miner Rick an email if you would like to obtain a federal permit for your dredging this summer. MinerRick@theminingalliance.com. We're having some success on this front you can talk to Miner Rick for details.

2016 Claims Report Update

Our online store is www.sierrarivers.com. We've posted for sale Claims Reports for Arizona, Nevada, Idaho, Oregon, Washington. We also posted an Advanced Version of Southern California. BLM California seems to be running a little late, we'll be trying to get the California versions posted this month, be sure to check back frequently if you're looking to get a jump on the competition.

The 2016 Claims Report will include state reports for the following:

- Arizona
- California (Northern and Southern)
- Idaho
- Nevada
- Oregon
- Washington

We are tracking all claims pending closure for California by the specific geographic feature they are located on or near. For Arizona we're at about 25%. It's time consuming process but each month we make further progress. Last year we ran about a 90% accuracy rate in predicting claims which would be available for new location – before they hit the "Closed Claim" list.

Based on our first scrub of the data it appears this will be an average year for claim closures, meaning we expect between 1,000 and 1,500 claims to be abandoned in California. Idaho seems to have an especially high number of closed claims this year and there are literally thousands of hard rock claims available in Nevada. Arizona looks about normal and Oregon and Washington look about normal.

Change From 2014 to 2015

STATE	LODE	PLACER	MILLSITE	TOTAL	%CHANGE
CALIFORNIA	-1559	-306	213	-1652	-0.07
OREGON	-163	-36	6	-193	-0.03
WASHINGTON	-572	-205	-2	-779	-0.21
IDAHO	-4217	-150	-12	-4379	-0.19
ARIZONA					
NEVADA					
TOTAL	-6511	-697	205	-7003	

Issue Updates

We're in the final days of switching over our website. We're busy trying to convert articles over to web friendly articles and updating to a completely new format. You can read more on the issues by going to our new website (Hopefully online by March 1st.)

We've moved! Starting March 1st we'll be switching over to our new website www.theminingalliance.com. We'll be switching to a new format which makes it easier to find resources. We made a decision to try to organize all the references and resources we've accumulated over the years into a format people can use. Our goal is to assist others, present and future, with finding the resources they need to fight and win the anti-mining fights.

Idaho Pro-Mining Bill Shot Down Again

On February 25th, Idaho dredgers suffered a set back when a pro-dredging bill failed to clear committee due to concerns over conflicts with the Clean Water Act. This is the third time Idaho miners have attempted to get some pro-mining legislation passed. Despite general support the bill failed to garner enough votes.

Oregon Miners Tell the State to "Drop Dead"

We love this story. God bless the Oregon miners. Go read the story here

http://registerguard.com/rg/news/local/33959513-75/miners-defiant-as-dredging-moratorium-begins.html.csp

California Cattlemen's Association and Pacific Legal Foundation Sue California Department of Fish and Wildlife

On February 24th Pacific Legal ripped a page from the environmentalists playbook and dropped a lawsuit on CDFW for failing to conduct their five year review of threatened and endangered species as required by law.

As the lawsuit claims the Department is pretty good about adding species to the list, but they have failed to do their mandatory reviews to determine whether a species should remain on the list.

The lawsuit claims the Department has maintained on its list species of animals and plants which have been de-listed by the federal government. These species include the Least Bells Vireo which the Department claimed could be impacted by suction dredging.

Oregon Miners File for Summary Judgment

Compared to the California lawsuits the Oregon case is moving forward with lightning speed and will likely be resolved in favor the miners years before California.

The difference?

Oregon miners, under the advice of their attorney filed in federal court and avoided the quagmire of state court. California miners entered this legal swamp in 2006 and have been unable to get out.

In February attorney James Buchal filed the miner's reply to the State's request to dismiss the suit. The State claimed the miner's lacked standing. Buchal's reply was classic. We have the briefing linked to our new website which will be active on March 1st. It's in the "Breaking News" section at the top of the page.

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Micro Sluice 2

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Micro Sluice 1

The Micro Sluice 1 is easy to backpack and ATV friendly with the new high impact flat bucket. It's ideal for dry or desert use as a wet recycle unit where water is limited.

An integral 1 quart feeder hopper features a unique wash down system that automatically regulates the rate of pre-screened material being classified. The tailings filter bag ensures no lost gold, as tailings can be run again to check for proper operation.

LEGAL UPDATE

- California Supreme Court has requested supplemental briefings on the impact of SB 637. Rinehart submitted his briefing on 29 February 2016
- Appeals Court has provided us a bill for $6,000 for transcript and filing fees, if we want to keep this appeal alive then we need to pay it. We could use a little help
- Oregon miners file motion for summary judgment

For those of you who haven't listened in on the webcast "Gold Talk Radio" you should give it a try. The host, Bobby Freedom, has put together what is likely the best gold talk show on the internet, or even on the airwaves. Many of the leaders of the mining community have been on his show and listeners can call in to talk with guests on mining issues. If you haven't checked it out yet, you should. We tune in every week.

Starting a Placer Mining Operation

By Brian Wells

I am a newbie to mining, and I am still wet behind the ears (insert sound effect of head shaking from side to side). My first mining season was 2015, and being a small scale placer miner isn't easy, but I found out it is possible to learn how to do it. For the benefit of people who are interested in placer mining, but are not sure how to start, I want to share what I have learned. Of course there will be specific details that are unique to your particular situation, and it won't be possible to address them all in a newsletter article, but here are the bones to get you started.

Step 1. Got Gumption?

Out here in the west, we call it "sand". If you don't have it, then you're out of luck I guess. One of the miners in the WMA told me that the activity of mining has a tendency to attract the kind of people who self-starters, hard workers and self-reliant folks. Yep, if those traits sound like they describe you, then you have sand. If not, then you'll need to figure out how to get some before you start mining. By the way, if you watch the film "Pale Rider" (1985, Directed by Clint Eastwood), you'll hear the word "sand" used by a miner to describe gumption. You will need sand before you need anything else. I have read some pretty great history books about the miners of the California Gold Rush and how they had sand.

Step 2. Research and Learning

Read everything you can find on the topic. I started creating a library of reference material almost immediately. I read U.S. Geological Reports and publications, mining organization newsletters, out-of-print books that are available because of character recognition software, web site articles and history books of personal accounts. I buy the books when I can so I can create my own library.

The world wide web is an amazing resource too - it's incredible what a person can learn online, and the information is available in many different formats such as interactive maps and video demonstrations that make learning more fun. It was during my initial research, that I ran across the ICMJ (Mining Journal) web site and saw the video of the Butte Nugget, and that was all it took to get me excited about mining. I mean, those old timers scoured the mountains and valleys in California looking for gold, and finding billions of dollars worth of it (when gold was only $20/oz.), but the old timers didn't have electronic machines that can look 12 to 18 inches under the ground!

I conducted my research for almost a full year before I decided to buy any equipment. Research is an important component to the mining process, and in my opinion, research needs to be a continual part of anyone's mining activity. There is so much to learn! Before you can acquire valuable minerals, you need to know how to find them. Finding valuable minerals is a very complex set of problems, and finding solutions can very challenging! If you ask me, finding valuable minerals is the exciting and fun part!

Mineral location however, is not something a person does exclusively with a shovel, a pick, a sluice, a metal detector or a backhoe, although you may, consequentially, find use for those tools. Mineral location is something you must first do with your mind. Where are you going to start looking?

I started looking closely at rocks during a landscaping project in my front yard. I found some highly mineralized rocks, and everywhere I dug, there was more and more of it. I showed it to my friend in the Geology Department at University Nevada Reno, and he asked me, "What's taking you so long to get this assayed?" Before long, I started telling with my wife that I was going to sink a vertical shaft in the front yard, or a root cellar under the garage. I'll never forget the look she gave me, but that's another story. My subsequent research however, revealed that there are laws and regulations that govern digging a mine in my front yard. Don't laugh...(heh)... I actually considered it.

Starting a Placer Mining Operation

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Research, as it turns out, also means learning and remaining current on all mining laws, as well as pertinent news and current events. I cannot overstate the critical importance of staying informed. If you make a mistake in your on-site mining processes, you could easily cause problems for yourself and others that may lead to both legal and financial consequences. There are a few mining cases working their way through the judicial system right now that will have significant impacts on the mining community. As you become aware of the current issues that are having an impact the independent mining community, you might find yourself becoming more involved. At least, that's what happened with me.

Another reason for becoming and staying informed, is that it's a really good idea to have copies of pertinent mining laws and documents with you when you are on your claim, just in case officers from any of the managing agencies roll up on your camp, and start asking some rather pointed questions.

Research can also take the form of asking questions of more experienced miners, so it's a good idea to join some mining organizations, and when you get your own claim, to introduce yourself to your claim neighbors. When you do, take care to approach their camp or claim thoughtfully. Don't walk up on them without making sure they see and hear you. It's likely their dogs are going to light up, so be prepared for that. I always tap my truck horn or yell a pleasant greeting when I approach someone's camp. I never let my dogs out of the truck before I ask permission to do so. A dogfight never creates a good first impression, even to the most understanding dog owners. Woof, sniff, wag.

Experienced miners have a tendency to hold their cards pretty close to their chests, for good reason, and if you ask too many questions, they will probably clam up. I think they figure that if you are serious about mining, then you need to put in the sweat equity. You can show a mining veteran the nugget you found, but don't tell them *exactly* where you found it, or they won't respect you...or trust you. Tell them you found it, "over the ridge a bit", which will probably give them a chuckle.

Listening is also an important part of learning. If a veteran miner tells you something about the area, listen carefully. Near my new claims in the high Sierra, I met an old timer and he told me where there is a fresh water spring nearby where I can refill my water jugs. What a great share that was! I shook his hand and said "THANK YOU SIR!". A little later in the conversation he gave me some even better info about the local area. Be sure to express your gratitude because you can be sure you will see your neighbors again.

Step 3. Prospecting

Based upon your research, you now can attempt to determine where you think will be a good place to try looking for gold. In my case, since I live in Reno, Plumas and Sierra Counties in California were a logical decision. Sorry...I can't be more specific than that, and now I hope you understand why. But wait...before you start packing that sack lunch and day pack, it's a good idea to narrow the search a little. But how? Well, now that I have read a lot of books and a lot of articles (like this one) on a lot of web sites, it's time to download and crack open some software. Prospecting, like I wrote earlier, isn't initially done with an Estwing rock hammer and a plastic pan, and Google Earth is the correct tool for this stage of exploration. This technology is a big help, and you can really check out your "prospects" in the comfort of your camo slippers while drinking your cowboy coffee. There's nothing quite like prospecting from space. But wait, now that you have found a remote mountain stream to prospect, how can you find out if the area is open for mineral location? How can you find out if someone else owns the mineral rights to that stream?

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Starting a Placer Mining Operation

By Brian Wells

Step 4. Learn how to query LR2000

LR2000 is an online application and database, managed by the Bureau of Land Management (BLM) that contains lots of information about public land usage, how to identify sections of land, and very specific information about mining claims. There is a steep learning curve, but there are tutorials online you can use to learn this application to query the database. Once you get a handle on LR2000, you can learn a lot from this tool. As a prime example, you can learn how to pinpoint certain sections of land called "plats" that are unclaimed, where you can prospect for minerals! Eureka!

Step 5. Use Land Management Agencies to Help You

Once you find a plat or area that interests you, you should call the regional BLM office (for Northern California it is the Sacramento office) and ask them to make copies of all the current claims in that section. They are generally happy to assist you. You will need to pay them a few dollars to make copies and mail the documents to you, but it's worth the minor cost. The reason for this is because the information you find on LR2000 might not be current, and in some cases it may be up to 3 or 4 months behind because it takes awhile to get the database updated. This is the step where you find out if there are any unclaimed areas or conflicts between the claimed areas. For example, I have discovered documents and maps sent to me by BLM indicating that some people have filed claims over the top of other claims. YIKES! This is something you should careful take steps to avoid. It's okay to attempt to resolve a claim conflict... but be mindful and careful...some folks are very territorial when it comes to their mining claims. Tact, sensitivity and mediation techniques are useful in these cases because you won't know the history or context of the conflict. If you approach any potential conflicts respectfully, you will find that most mining folks are amiable and reasonable. Let the documents do most of the talking.

Step 6. Sampling

This is the fun part! Once you find some land that is open to mineral location, (not on somebody else's claim or otherwise unavailable) you need to make a trip up there to take samples on the plat. For geologists and professional miners, this is a highly scientific process, but for small-scale miners like me, I think it just boils down to finding out if you can find any "color" in the pan. I am a small-scale placer gold miner so I generally look in or near a steam. I reconnoiter the area and I usually try to find exposed bedrock and search near there. Because gold is heavy, it wants to sit as near to the center of the Earth as possible, but lucky for us, bedrock stops it. During the course of you day, if you have chosen the area wisely, you will probably find some traces of gold. Refrain from announcing it to the world just yet, although a traditional yell of "Eureka" is acceptable, even if this causes the local squirrels to chatter. If you found some colors in your pan, good for you, you are in an auriferous (gold bearing) area. Take a close look at that gold. What are it's qualities? Is it very fine flour gold, or is it small flakes, or is it coarse (the size of a grain of rice or larger)? Ask yourself, "Why does the gold here possess these particular qualities?" If you are happy with the results of your sampling efforts, and you are happy with the answers to those questions, proceed to the next step "Staking your claim", else... go back to step 4.

Step 7. Stake Your Claim

Read the BLM publications on how to file a claim correctly, then do it correctly! Some of the maps and documents that BLM has sent me, which were filed by others, were so poorly written and mapped, that I had difficulty reading or deciphering them. The book I use for California is "Location and Validity of Mining Claims and Sites in California", but you will need to check with your local BLM regional office for yours. I will include a more detailed list of resources that I have found helpful at end of this article.

Step 8. Record the Claim with the County Office

There are certain documents and fees you will need to send to the local county recorder's office where your claim is located. You can find out what documents are needed, what the filing process is, and what the fees are on your county office's web site. If you have questions, call them and they will help you with what you need to do.

Starting a Placer Mining Operation

By Brian Wells

Step 9. File Your Claim with BLM

You can find the filing processes and list of fees on the BLM web site or in their mining claims book mentioned above, for your state. I pay the regular fees the first year, and then I file small miner waiver and annual assessment documents in subsequent years. I personally find that to be easier. Specific fee amounts can change, so be sure to check your regional BLM web site, or call them if you have questions.

It's important to know that for each 20 acres in a claim, one name recorded for the claim is required. If a single claim is 40 acres, then two names are required; for 60 acres, 3 names are required...and so on. Each claim can be a total of 160 acres, in which case, 8 names will be required. Putting a spouse's name on claims is discouraged, unless she is also a "real" miner. Ten claims is the total a miner can have his or her name on in order to be considered a "small miner". A small miner is one who is then eligible for a "small miner waiver", which offers a significantly decreased registration fee through the BLM.

That said, the small miner waiver requires that $100 in "assessment" work be conducted annually for each 20 acres of a claim. If you have more than one claim, and they are contiguous (share a claim boundary), then all assessment work can be done on one of the claims. If the claims are not contiguous, then $100 in annual assessment for each claim must be performed on *each* claim. A list of accepted assessment work can be found in many places on the web, or in the BLM mining claims book referenced earlier. Basically, assessment work is work that improves the claim for mining. For a small-scale miner, assessment work such as clearing trails, picking up trash and other similar activities are normal, however assessment work can become much more involved as your operation becomes larger or involves significant surface disturbance.

Step 10. Plan Your Work, Then Work Your Plan.

Figure out how you are going to approach your mining challenge. Planning and setting attainable goals are important. You have certainly heard the adage, "Measure twice, cut once". My dad was a millwright, so that saying is drummed into my mind.

Some folks will choose to start slowly, purchasing a shovel, a pan and a sluice, while others may dive in headfirst and buy more significant equipment, like a high banker (I am of the latter group). I probably invested $10,000 in equipment before my first season, which includes additional camping gear for extended stays, a trailer to haul the equipment, the mining claim itself, GPS tracking and satellite phone equipment, game cameras, etc. That may seem like a lot of money, but these costs add up quickly. Then, after I learned a lot about how to find and get gold out of the ground during my first season, I spent another $5000 on additional equipment before my second season. I should remember to not take my credit card with me to gold and treasure shows from now on.

Here is a final note about buying mining equipment. I have learned to make sure I do at least one major home improvement project on the house and yard each year, so my wife doesn't get upset when I suggest that I need to buy another piece of mining equipment. "A word to the wise is sufficient".

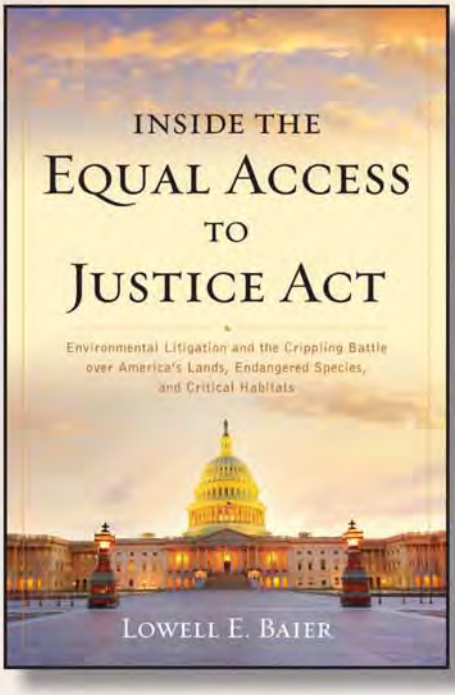
Step 11. Review Your Results

You will likely learn so much the first season, you may decide to sell or abandon the first claim and find another claim in another location. In my case, I sold the first claim I bought, and then I filed three more 20 acre claims in a different location. Buying and selling claims is a bit more complicated and involved, fraught with potential pitfalls, so I will save that process for another article.

Inside the Equal Access to Justice Act

Environmental Litigation and the Crippling Battle over America's Lands, Endangered Species, and Critical Habitats

By Lowell E. Baier



Lowell E. Baier, one of America's preeminent experts on environmental litigation, chronicles the century-long story of America's natural resources management, focusing on litigation, citizen suit provisions, and attorneys' fees. *Inside the Equal Access to Justice Act* will be a valuable resource for the environmental legal community, environmentalists, practitioners at all levels of government, and all readers interested in environmental policy and the rise of the administrative state.

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Starting a Placer Mining Operation

By Brian Wells

Summary:
Research
Sample
Locate, stake and file your claim
Mine (verb)
Evaluate your results
Mine (more)
Re-evaluate results
Ad infinitum

Some Supplemental Bromides for Your Thoughtful Consideration:

1. Don't miss filing deadlines for your claim(s) or somebody could swoop in and take your claims from you. I saw that happen once... there were upset and distrustful people in the forest brandishing guns - bad combination.

2. Be as polite and professional as possible to managing agency personnel... and to your claim neighbors, of course. Mining is hard enough without creating more troubles for yourself and others. It can be a struggle sometimes for me too. In these troubling times, it is easy to default to being the archetypal, curmudgeonly old neighbor guy shaking a cane, “You kids get offa my lawn!"

3. Be sure to mind your forest skills. Bring your dogs so they will mark the area to keep bears and cats out of your camp. Be mindful about cooking greasy foods after dark...nothing spoils a camping trip on the claim more than a hungry bear helping itself to the contents of your ice chests. Bears have good memories, especially when it comes to graham crackers, coleslaw, and sausages, so they will be back tomorrow night.

4. Watch your campfires carefully. Get a fire permit and be sure to douse those coals before getting to work or going to sleep. ‘Nuff said.

Those are some of the things I learned my first year of mining. I am loving every minute of it! I can't wait to get up to my claims in April or May and look at the SDHC cards in my game cameras. We had good snow in the Sierras this year, and it is sure welcome!

Books I Have Found Helpful and Informative:

http://www.miningbooks.com

Location and Validity of Mining Claims and Sites in California. 2006 edition.

http://www.blm.gov/ca/caso/iac/information.html

Gold Districts of Californnia. Bulletin 193. California Division of Mines and Geology. Sacramento, California, 1970

The Auriferous Gravels of the Sierra Nevada of California. Volume 6, No. 1. Josiah Dwight Whitney. 1880.

Further Contributions to the Geology of The Sierra Nevada. Henry Ward Turner. 1896.

The Tertiary Gravels Of the Sierra Nevada of California. Waldemar Lindgren. 1911.

Days of Gold - The California Gold Rush and the American Nation. Malcolm J. Rohrbough. 1997.

Gold – Firsthand Accounts From The Rush that Made the West. John Richard Stevens. 2014.

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Dredging Murphy's Bar

No one really knows which was named first, Murphy's Bar, a large flat on Starvation Creek, or Murphy's Bar the saloon in the town of Hardrock, a town made famous by it's placer deposits.

I have several claims on Starvation Creek, I've written about them before here. Starvation Creek is a medium sized creek in a deep canyon in the Mother Lode, about ten miles by bad road outside of Hardrock. Starvation Creek cut the old tertiary gravels so it was pretty rich in gold at one time. The 49'ers did pretty well at it, then the Chinese did pretty well, then the people fleeing the depression and the occasional sniper.

My three claims on Starvation Creek run about a mile of river. I've had them for a long time and I've been running my dredge on them a long time. I once heard there was a dredging ban in California, but my claims are on federal land so I've not paid much attention to what people do on California land. I have a nice claim sign up which says "Federal Mining Claim." It doesn't say a word about California.

Down below me is Bob Flanagan's claim. Bob and I have been dredging for years along the same creek. Sometimes I refer to Bob as my partner, but I don't mean that in the gay sense and now that I think about it I'd probably better stop calling him my partner or the government may rush in to give us some unwanted handouts or privileges.

We're more dredging acquaintances. He owns the downstream claim and I own the upstream claim which gives me rights to smoke him out which I try to do anytime I'm near the lower end of the claim. He's tried to smoke me out before but it only ended up in him not being able to see underwater for a few days while the water cleared.

There's no salmon in this creek, not unless they can fly, but I wouldn't put it past them to some how end up on this creek and then have a rush of environmentalists toting signs about saving the flying salmon. I'm pretty sure any fish that ended up in Starvation Creek would be some distinct subspecies of something because you'd have to be a pretty tough fish to live in a creek which was buried under 40' of hydraulic tailings for about 100 years.

Most evenings, when the dredges are shut down we'll meet back up at Murphy's Bar where we pitch our tents and keep our gear and pan out the concentrates and go for bragging rights for the day.

Bob tends to be kind of a nervous guy. Always looking over his shoulder for the dredge police. Me? I'm too damned old to care.

There's a lot of regulations which tell you what you can and can't do when you're dredging. Like telling me I can't run a dredge without a permit, or I can't step on grass or hurt trees with my winch, which is also illegal, or how big my hose can be. There's just lots of them out there which were written by some guy behind a desk who's got some pictures the environmentalists are holding.

My dredge engine was still hot last weekend when Bob comes ambling up the creek. I was still peeling out of my wetsuit, which at my age is not that easy, but I don't plan on asking a guy for help with it.

So there I was hopping on one leg with an arm behind my back in a Houdini escape position as he walked up with a Home Depot bucket full of black sand.

"How'd you do?" I asked falling backwards with one leg in the area and my arm hopelessly stuck behind my back."

"About a half ounce of coarse stuff and probably another quarter ounce of fines in the bucket."

"That's good. How was the water clarity?"

"A little murky, but dredgeable. It always seems real clear up here." He said.

"Yeah, I think there's a spring under here somewhere. You know I really try not to kick up any smoke in consideration of you."

"Yeah, I know. I appreciate that."

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Dredging Murphy's Bar

"How'd you do." Bob asked.

"I'm not sure yet, I'm trying to get out of this wetsuit, then I need to clean out the box. Really good I think." I replied.

"How long you been trying to get out of that wetsuit?"

"About 45 minutes, and don't offer to help, I've got to do this on my own." I snapped.

In reality I probably had a couple of pennyweight in the box, but I wasn't going to tell him he got more gold than I did again. He works harder, dredges longer hours and has the patience of Job.

Me, I'm more the type if I don't see nuggets on the bottom I'm up and out of there. He's more the just keep moving dirt type. When I think of Bob dredging I think of Dorrie, the fish in Finding Nemo, "Just keep dredging, just keep dredging."

What I like about Bob is he's consistent. You can always count on him and he always tries to do the right thing. But he's young and he'll get over that one of these years.

The annoying thing about him is he always tries to do the right thing. He must have spent three hours explaining to me the environmental effects of suction dredging last weekend sitting around the fire – which I think you're supposed to have a permit for, you'd have to ask Bob.

You see every year Bob applies for a permit even though he knows they won't give it to him. He writes out a nice letter offering to buy a permit and says he knows one is required and he wants to follow the rules.

Every year they write back and tell him he must have a permit to dredge, but they can't issue any permits because its illegal to issue a permit. So it goes round and round like that until it's time to pack up the truck and head out.

I think he really regrets not having a permit sometimes. For some reason this bothers him.

I won't say it was getting late in the day by the time I got the wetsuit off, but I can tell you the day was waning. I've resolved to sign up for one of those yoga classes in the off-season. Not that I want to take yoga, or do yoga, or whatever they call it, no, I just want to see them get out of a wetsuit.

So we're panning out on the shore and I look over and see Bob is using three pans today. Normally he'll use two like I do, one he puts the gold in, the other he's using to get the gold, but this third pan has a bunch of mercury, square nails and bits of lead in it.

None of us like to get mercury mixed up with our gold. If you're a newbie it's because the mercury sticks to gold something awful, or something good, depending on which side your standing, but it does stick. A little bit of mercury will go a long way at coating your gold and turning all those pretty flakes a dull lead color. So we tend to keep it separate.

Ove the years I've collected a fair amount of this mercury, but it's always stuck to gold. It's little clumps of amalgam and it is, as they say, worth its weight in gold. On a normal day I collect more than all the environmental groups put together do in a year, which means not a whole lot, but enough to put it in a separate bottle.

Down where Bob dredges there was a ravine where they dumped the tailings from the hydraulic mines and with it a fair amount of mercury came along. He's actually kind of lucky because that mercury just grabs that fine gold and holds on. He'll find clumps of it stuck together, in a season he's usually got quite a few ounces.

Now, don't go and tell the environmentalists we're removing mercury from the rivers, they want that to be the sole domain of grant funded research projects so they can study the effects of mercury, collect a lot of money but not really do anything with the mercury.

I've been able to convince Bob he's actually doing a good thing removing the mercury, and after doing some thinking on it he came to the same conclusion. That made him feel a little better about not having a permit. For a while.

Dredging Murphy's Bar

So I was more than a little surprised when I look over and he's dumping the whole pan of mercury right back into the river.

"What the hell are you doing?" I asked. "That's mercury your dumping in the river, the environmentalists are going to have a field day with it."

"Well, it's the right thing to do." He replied.

"What do you mean the right thing to do is dump a pan of mercury, and gold by the way, right back into the river? Haven't you heard that's bad stuff for the environment.?"

"It's a historic and cultural artifact." He said.

"What?" I replied.

"Cultural and historical artifact. You see this mercury was used by the original Gold Rush miners in their sluice boxes, it's over 150 years old." Bob said.

"Who cares, it's mercury."

"It's not mercury. If you'd have read the environmental impact report you'd know it's a cultural resource. These remnants of the Gold Rush days are for all Californians to enjoy, not just me. Some day I can see a family standing on this very same bar as a father shows his kid a pool of mercury and says 'Son, that mercury came from the Gold Rush' and little Johnny will be able to pick it up in his hand and hold a piece of genuine Gold Rush history."

"You've gone over the edge." I said carefully. Bob carries a pistol, but it doesn't have bullets in it, not since they banned lead bullets.

"I'm not sure that's what they meant." I said.

"Did you read it?" He asked.

"No." I replied, "But it was something like 1,300 pages long who could possibly have read it."

"I did, and I thought the part on historic and cultural resources was especially moving. Very well done in fact. That's when I realized I was just robbing future generations of Gold Rush history by taking the mercury out of the river."

"Look," Bob said, "Even though we can't get permits to dredge we should still follow the dredging rules. Like staying 3' away from the bank, not stepping on grass, not killing any poison oak, and using only our knuckles to move boulders, not anything with a motor."

"So what's the difference between moving a boulder with a winch, and moving it with your hands?" I asked him.

"I asked Fish and Game about that and they said if you move it by hand it's legal, if you use a motor it's illegal."

"Why is it illegal in the 21st century to move a boulder with an engine, but not with your hands."

"From what I could gather the boulders are cultural resources. The Indians would actually name some of them and sit on the bank and come up with stories for how they got where they are. If you used a winch and chain you could scratch the boulder and cause harm to a cultural resource." Bob said seriously.

"Do these idiots know these boulders will be about three miles down river after the next big flood, replaced by a whole new set of boulders?" I asked.

"Wait, don't answer, they're just a different set of cultural resources ."

"Exactly," Bob replied as he began flipping about a pound of lead back into the creek.

"Don't tell me, the lead is also a cultural resource, right?"

"Who's to say this lead wasn't from a bullet that was used in the Revolutionary War, we have to preserve it in place for the archaeologists to examine some day."

"The Revolutionary War wasn't fought in California." I said.

"Let's let the experts decide that." Bob replied.

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The Price of Freedom…

We've all heard the saying about the price of freedom is eternal vigilance. The quote is often attributed to Thomas Jefferson, but as Wikipedia says there is no real evidence he was the first to use it. It is actually attributed to a much longer quote from John Curran in the early 18th century. The quote reads:

"The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt."

Often we believe the quote is referring to a nation being outwardly vigilant from foreign enemies, but it's the clear the quote speaks to being internally vigilant against the rise of the State.

We're in the period of history where our vigilance is not enough. We've sounding the alarm, liberty is at stake. It's being taken from you one regulation at a time and the Regulatory State, the 4th illegal branch of government is the one taking it from you.

I start this short piece of with this reminder because we'll never have a time, or a newsletter, where your action isn't needed to do something. Only when we stand together and make our voices heard can we hope to resist the power of the State.

Vigilance is not enough. You can be vigilant for the people who will take your freedom, but vigilance is nothing more than watching and being aware. What follows vigilance? Resistance.

In this newsletter we once again point out what the State is doing. You have the current administration seeking to raise mining fees to the point it drives the little guy out of prospecting. Who does that leave?

We showed you where every time we cite one of the State's own databases it suddenly disappears.

We seek justice in a court room and we win the case, and we get no relief, we're told to wait for the Supreme Court case, but why can't the State wait for the case? We're the ones being harmed, not the State.

If you want to do your part it just means you stand up and let your voice be heard. Your voice is louder when you join hundreds of others. We're doing what we can as the Western Mining Alliance. No one supports us but you, and over the past year the American Mining Rights Association has stepped in and helped us pay legal bills.

We're not paid to do this, we're the same as you, we just want our claims back, our freedom back and we hope we can convince you to step up and do something.

Go to the meeting in Foresthill on March 9th. If you can't attend that meeting call Congressman McClintock's local office, or his DC office. It only takes a minute, just call them and tell them to stop the BLM from wiping out the small miner. Stop the BLM regulation changes.

Action follows vigilance. If you think this is worth saving then all were asking is you to help save it.

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Thanks to everyone who has stepped up and funded this fight. We appreciate your support. The Western Mining Alliance pays our own legal bills and we're grateful to Dave McCracken and the New 49ers for allowing us to share the legal costs with their own legal challenges. Thanks also to AMRA who has provided significant financial support.

We believe we've done the very best job we can with your hard earned money. We've never paid ourselves a dime and we continue to appreciate every dollar provided. Sometimes, when you're not looking at unpaid legal bills you forget how much even a single contribution is appreciated. You don't have to send a lot of money, even $5 helps us out, and we appreciate it.

Please continue your support of our efforts to fight the State, and please continue to support the businesses which support the fight. You can also avoid the businesses which are supporting the environmentalists.

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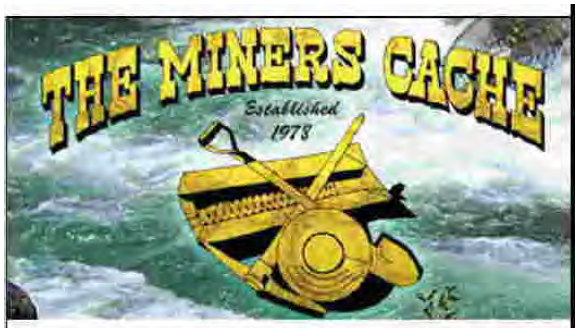

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Some Parting Shots

Just some dredges this month. We thought we'd remind you of what we're fighting for, enjoy.

Want to be a FAMOUS (wink, wink) **writer?** One thing we've discovered is every miner has a story. Go ahead and write your story and we'll print it. The pay is horrible (zero) the publication is a digital mining magazine read by a couple thousand miners and your odds at fame and fortune are …. Well, not good. Other than that, what a great opportunity. Don't think you can write? Put it in crayon and we'll do our best to make it ready for the Wall Street Journal. If we print your story we'll send you a free hat with an American flag patch. If you can't afford to help with the lawyer bills you can help by telling a story. You can't do worse than us and you'll have the satisfaction of knowing your story will be read by the grizzled veterans and the guys just starting out. Help us get more people out there mining.

The WMA Recommended Reading List

It's winter time, so you've got some spare time. Here are some of the books we've read recently which we think you'd find interesting.

Inside the Equal Access Act by Lowell Baier. This book is advertised in the newsletter. Check out the advertisement. If you use the "promo code" you can get it for 30% off. If you want to understand the single act which launched the environmental litigation industry this is it. While most other books nip at the symptoms this book goes after the disease . If you want to change things, you need to understand how the Equal Access to Justice Act has been twisted from a law meant to protect veterans to a law which protects and enriches the environmentalists.

Eco-Fascists by Elizabeth Nickson. In this excellent story of the environmentalist movement gone mad. MS Nickson tells her story of moving to an idyllic island in the northwest and attempting to build on her private property as she faced one demand after another asking her to concede her private property rights in exchange for permitting. An excellent and eye opening look at how environmentalism readily slips into fascism.

The Road to Serfdom by F.A. Hayek. Have you ever wondered what the problem with socialism is. In this classic review of planned economies Mr. Hayek describes how planned economies necessarily require "planners." The planners must plan. This arrangement leads to the loss of freedom and rights as the rights of the many displace the rights of the individual. There is perhaps no better treatise on the dangers of socialism than this single book. Beware though, it's a dry read.

Merchants of Despair by Robert Zubrin. In this book Mr. Zubrin provides what we consider to be the closest explanation for the environmental movement (and current global warming frenzy) we've seen. In one (hyphenated word) it's anti-humanism. He describes a philosophy which embraces the idea humans are a plague on the planet and this ideology was born in the 1930s and embraced by Nazi Germany as providing the solution to all social ills. The flaw in anti-humanism is all other cultures and peoples which don't look or think like you are the ones in need of population control. Mr. Zubrin traces the path of the anti-humanism movement to today's global warming alarmists.

1984 by George Orwell. The all-time classic read. This book and Animal Farm go together, but if you're going to read a single book in your lifetime, then 1984 should be it. In this book Orwell paints a dark portrait of a future where the government has taken complete control of society.

The Great Deformation by David Stockman. Upfront caution on this one – it's dry. However, in this exceptional book Mr. Stockman tackles the bank bailouts and lays out the case for a day of reckoning in the future. If you're a "gold bug" this book is for you. Mr. Stockman makes the case no country which ever de-linked its currency from gold managed to maintain the value of their currency for very long. It's a great book to read for the facts on the "too big to fail" banks and their manipulation of the global economy.

The WMA Recommended Reading List

Some additional resources recommended by Brian Wells.

Prospecting Related Books

It shouldn't all be dry reading (or research) so here are some of our favorite reads which are gold rush related:

Bacon and Beans from a Gold Pan by George Hoeper. If you haven't read this, you would enjoy it.

The Shirley Letters by Lois Clappe. The first hand account of a woman in 1850 California who spent a year in the Rich Bar camp on the Feather River. The rivers truly weren't lined in gold and she describes a wonderful world of speculation, determination, success and failure.

The Diary of a 49er by CL Canfield. Some wonder whether this story is authentic, but it's supposed to be based on the diary of a 49er found in the early 1900s in an old miners cabin. Whether it's authentic or not it's a great read.

http://www.miningbooks.com

Location and Validity of Mining Claims and Sites in California. 2006 edition.

http://www.blm.gov/ca/caso/iac/information.html

Gold Districts of Californnia. Bulletin 193. California Division of Mines and Geology. Sacramento, California, 1970

The Auriferous Gravels of the Sierra Nevada of California. Volume 6, No. 1. Josiah Dwight Whitney. 1880.

Further Contributions to the Geology of The Sierra Nevada. Henry Ward Turner. 1896.

The Tertiary Gravels Of the Sierra Nevada of California. Waldemar Lindgren. 1911.

Days of Gold - The California Gold Rush and the American Nation. Malcolm J. Rohrbough. 1997.

Gold – Firsthand Accounts From The Rush that Made the West. John Richard Stevens. 2014.

WHAT DOES SB 637 DO TO MINING?

- Klamath River
- Mad River
- Russian River
- Trinity River
- American River, North Fork
- Lower American River
- Bear Creek
- Bear River
- Butte Creek
- Calaveras River
- Cosumnes River
- Deer Creek
- Feather River Middle Fork
- Feather River North Fork
- Feather River South Fork
- Horse Creek
- Humbug Cr[illegible]
- Kanaka Cre[illegible]k
- Little Gr[illegible]zz[illegible]
- Merced River
- Mokelumne River
- Pit River
- Sacramento River
- San Joaquin River
- Tuolumne River
- Willow Creek
- Yuba River North Fork
- Yuba River Middle Fork
- Yuba River South Fork

Why do we keep printing this page each month? To remind you just how serious this is. The environmentalists, and legislators have indicated if a river is considered "impaired" under the Clean Water Act then that river will be closed to dredging.

The above list is only a few of the hundreds of streams and rivers in California currently listed as impaired. If you have a claim on these rivers then you are at risk of losing the complete access to, and the value of, your mining claim.

The only way to ensure we protect our rights to mine our claims is to continue the legal effort. This seemingly endless struggle is an ongoing battle against the environmentalists and the State. Ask yourself what the alternative is? What if no one was standing against this stuff?

It is far cheaper for all of us to kick in a little, than for any one of us to foot the whole bill. There are thousands of dredgers, lets maintain this fight and protect our rights. If you've been sitting on the sidelines letting others carry the fight, now would be a good time to do your part.

As opposed to supposed "non-profits" who pay themselves hefty salaries with donated money, we don't pay ourselves at all. We're not run on donations. We run on memberships and purchases. We have various levels of memberships you can select from, or if you really want to help – purchase a custom claims report from us and receive the information no one else has.