



PICK & SHOVEL GAZETTE

VOLUME 26, ISSUE 1

FEBRUARY-MARCH 2014



Dredging showdown scheduled for May 1

PLP calls on miners to rally for 'Super Bowl' court battle

By **BRAD JONES**
Managing Editor

As the May 1 court date approaches, Public Lands for the People is getting pumped up in preparation for what could be the biggest legal battle for miners' rights ever fought in California.

The PLP has led the fight against the statewide ban on suction dredge mining since the moratorium was imposed in 2009. Several other mining and land rights groups have since joined the fray. Among them are the Western Mining Alliance and now the Pacific Legal Foundation.

Miners muscle up

"We're nearing the end and a lawsuit is like lifting a barbell; It's easy at the start, tougher in the middle and even harder at the end," Hobbs said. "It takes everything you've got."

Hobbs reminds miners that much is at stake in the May 1 court case and it's no time to throw in the towel.

"We've come this far. We can't turn back now," Hobbs said. "We

☛ **SHOWDOWN** — Page 2

COOLIN' THE FEVER!



Photo by Michael Greystock

Young Ava Mantle finds a way to cool off on a hot day at the American River while panning for gold at the Marshall Gold Discovery Park in Coloma, Calif., the site where the California Gold Rush was sparked.

Miners in San Diego area hit a road block

U.S. Forest Service plans to close roads to claims

By **BRAD JONES**
Managing Editor

San Diego-area gold prospectors are outraged with the latest attempt by the U.S. Forest Service to close roads to their mining claims.

The roads are located about 60 miles east of San Diego and provide access to at least two different mining claims held by the Southwestern Prospectors and Miners Association.

A Dec. 23 TV report by Michael Turko of KUSI, a local San Diego news station, drew attention to the plight of prospectors. In the report, Turko said the roads are deep in the Cleveland National Forest and Forest Service bureaucrats want to destroy them.

"The Forest Service wants to put in steel pipe barricades ... to keep the public from using their public lands. They even have extra iron around the edges to stop people ...

"Forest Service officials say they want to create a more natural looking landscape and reduce any environmental impacts humans and vehicles might cause," Turko said in the report. "The Forest Service plans to bring in heavy equipment to destroy the old roads so no one can use them again."

After watching the news report, Public Lands for the People, a national mining rights group based in Southern California, has stepped forward to assist the prospectors whose access to mining claims will be affected.

PLP Vice-president Walt Wegner said what is happening in Cleveland National Forest is a microcosm of what's happening across the entire country under the U.S. Forest Service Travel Management Plans that were drawn up by each district at the behest of the federal government about eight years ago.

While "travel management" may sound positive, the term is a government euphemism for road closures on public lands, which are

☛ **SAN DIEGO** — Page 6

Mercury new 'gold rush' for environmentalists

WMA responds to mainstream media myths, misconceptions

By **SARAH REIJONEN**
For the GPAA

A new gold rush has begun and environmentalists are looking to reap the benefits.

The Western Mining Alliance responded to a *USA Today* article that the WMA claims blows the threat of mer-

cury contamination out of proportion and gives more fodder to environmentalists looking to cash in on a mercury gold rush.

The article, based on a six-page paper released by Dr. Michael Singer of the University of California, Santa Barbara, found that "floods erode the gravel in the valleys and release small amounts of mercury which travel in the watershed," according to the WMA release.

Ultimately, the study led Singer to conclude that it would take nature approximately 10,000 years to flush

☛ **MERCURY** — Page 3



www.goldprospectors.org

IN THIS ISSUE:

- Opinion and Letters 4-5
- State Director's Report: W. Virginia 16
- Mining Guide Updates Insert
- Chapter President's Report 18
- GPAA Local Chapters Listing 21
- Upcoming Events 23

SAN DIEGO

Continued from Page 1

supposed to be owned by the people and managed by federal agencies such as the U.S. Forest Service and Bureau of Land Management.

Wegner said road closures such as those proposed in Cleveland National Forest are happening with little public knowledge and with greater frequency all across the country.

“They are taking our land,” Wegner said. “Miners have the right to access their claims and the public has a right to access their land.”

FOIA, NEPA, FLMPA and RS 2477

So far, at least one SPMA member has filed a Freedom of Information Act request of behalf of the prospecting club and the PLP has also filed a FOIA request regarding the plan to close the roads in Cleveland National Forest.

Wegner questions whether the Forest Service has followed proper procedure under the National Environmental Protection Act.

Under NEPA, the U.S. Forest Services are supposed to consult the county before attempting to shut down public rights of way, known as RS 2477 roads.

Wegner is doubtful all those procedures were followed.

“That’s what were trying to find out. That’s what the FOIA request is all about.”

Public rights of way, or RS 2477 roads, were first recognized in 1866 under a law known as Revised Statute 2477 which was intended to ensure public access through federally managed land. This law was repealed 110 years later under the Federal Land Policy and Management Act of 1976. However, FLPMA validates and acknowledges existing rights under RS 2477 are protected.

In 2012, San Bernardino County won a legal battle to regain control over public rights of way in and around the Mojave National Preserve. The legal settlement acknowledges the existence of county rights of way as the roads currently exist, not as they did in 1976.

Cleveland National Forest

There are several roads that have been targeted for possible destruction under the U.S. Forest Service Travel Management Plan in Cleveland National Forest.

“I’ve actually talked to quite a few different people — rangers — who actually felt that this is their property and we had no right to be on it,” one of the miners told Turko.

“Now remember this is not a national park. It’s not a Wilderness Area. It’s publicly managed land where everything from ski resorts to clear-cut logging is often allowed,” Turko said.

One of the prospectors, Herb Margerum, told Turko in the news report, “I think our government doesn’t want us out on the public lands anymore.”

Public comments

The SPMA and PLP have urged the Forest Service to extend the public comment period which began Dec. 5 and ended Jan. 6.

In a phone interview with the *Pick & Shovel Gazette* Jan. 10, U.S. Forest Service Descanso District Resource Staff Officer Russ Lajoie said that nationally there has been a push to close what are referred to as “undesigned’ roads and trails.

The Forest Service has many terms for the road closures, Lajoie admitted.

“Ecological restoration — that’s the warm and fuzzy version,” he said. “There is all this bureaucratic gobble-dyook.”

Roads that are targeted for possible closure in the future are labeled as “undetermined” or “undesigned” roads in Cleveland National Forest

“There are hundreds of miles of what we call UND roads just in Cleveland National Forest,” Lajoie said.

The four miles of road in contention is called UND 509 at the end of Long Valley Loop Road.

The names of the two claims that could be affected are the Starlight and Long Valley. UND 509 goes right through the Long Valley claim in section 25. This closure will greatly reduce access to the claim. There are three other roads to be closed in the general area, UND 511, UND 513 and UND 518.

Mules or motorized vehicles?

When questioned about the right of miners to use existing roads and trails to access their claims, Lajoie cited the Mining Law of 1872, but admitted he is not an expert on the mining laws.



Photo by Lee Darling

KUSI’s Michael Turko interviews prospectors who will be affected by the proposed U.S. Forest Service road closures in Cleveland National Forest about 60 miles east of San Diego.

“Forest Service officials say they want to create a more natural looking landscape and reduce any environmental impacts humans and vehicles might cause. The Forest Service plans to bring in heavy equipment to destroy the old roads so no one can use them again.”

— KUSI news reporter Michael Turko

“All I know is that there are certain inherent rights under the 1872 Mining Law that say — on public lands — reasonable access has to be afforded to the claimants. I know that much,” Lajoie said.

“This has raised an issue that we have to deal with now and in the future. Our intent is not to keep anybody off their claim. Again, we have to provide reasonable access. What is that? Is it a mule? Is it on foot? Is it a wheelbarrow? Or, is it still motorized vehicles?” Lajoie said.

Environmental assessment

Then, of course, the whole plan is subject to environmental analysis, including the Endangered Species Act.

“We can’t knowingly allow the degradation of a species,” Lajoie said. “We haven’t determined that there is anything out there yet and I don’t suspect there’s gonna be.”

The Forest Service website lists quarterly proposed actions in all the national forests where miners can follow what road closures are planned, Lajoie pointed out. The website is: www.fs.usda.gov/cleveland. Once there, go to Land & Resources Management, Projects and then select Schedule of Proposed Actions quarterly report.

It’s up to the public to stay informed on the proposed road closures and other projects as well as the right to comment and make a case for or against the proposed road closures.

The latest proposed road closures of UND 509 and others have caused quite a stir, Lajoie admitted.

“I’ve been bombarded by emails from the SPMA. So, we’ve got the picture,” he said.

Still, he said it is highly unlikely the public comment period will be extended.

That response does not sit well with the SPMA members, who have accused the Forest Service of trying to slip the road closure proposals under the radar by timing the public comment period right before the holiday season and ending it Jan. 6.

Several SPMA members said they were confused as to whether emailed comments would be accepted or whether they had to be sent by regular mail and got conflicting information and email addresses.

Part of the miscommunication problem seems to be that Lajoie was away on vacation during and after the holidays and was not available to answer questions about the road closures until it was too late to comment.

Lajoie has also discouraged the SPMA from going through with its FOIA request. While it will involve a considerable amount of paperwork for Forest Service and some expense, according to Lajoie, the PLP sees it differently.

For instance, what is the expense to taxpayers for moving boulders, putting up barricades and rewilding these areas? How much gold and other mineral resources are being locked up when miners no longer have access to their claims? How much is the land itself worth to the public? How much enjoyment and freedom will be lost?

SAN DIEGO

Continued from Page 6

What is the price tag on all of that?

Wegner contends the FOIA request will shed light on what is really going on in our national forests and on road closures.

Loss of access to public lands

SPMA President Robert "RJ" Wingo said he has been concerned about the loss of public lands for almost four decades, since the federal government passed the Federal Land Policy and Management Act of 1976.

"My concerns over the way our public lands goes way back over 35 years," Wingo said. "We would find large boulders blocking the areas that we wanted to get into."

The explanation Wingo got back then was that the federal government was preserving public lands for future generations.

"The answers that we got from them at first sounded logical," Wingo said.

But today, he sees things in a completely different light and has asked the federal agencies for answers.

"The future generations want to use it now. When are you going to open it up?" Wingo has asked.

"Their reply is basically, 'We're not going to.' Basically, what they said is 'Guess what? You were foolish. We lied to you and you accepted our answer.' So, this is what's happening again 35 years later. I am seeing more and more of our public lands shut down," Wingo said. "We keep questioning them, 'Who is responsible?' And, we keep getting the runaround. Now, we've got the U.S. Forest Service trying to shut down our roads."

Miners, outdoor groups

The PLP has often asked outdoor groups to stand behind miners, who have a congressionally granted right to access roads and mining claims, as a means of keeping these roads and trails open to the public.

Wingo said it's time for small-scale miners, hunters, sports fishermen, hikers, bikers, off-roaders and others to come together as one and fight to keep public lands and the roads and trails open for public use.

"We need to organize ... We want the public lands that have been closed already reopened for our use. We want our lands back! These federal agencies now think that our public lands now belong to them personally," Wingo said.

"I am mad and so should you be," Wingo stated in an email sent out to SPMA members: "It's time to stand up and let the people who are closing down our public lands know we won't stand

for this any more. Remove the boulders, take down the gates and open up our lands!"

Access to Public lands

Chester Nowicki, president of the local Gold Prospectors of America chapter, Treasure Seekers of San Diego, is also a member of the Southwestern Prospecting and Mining Association.

Nowicki, has a knee disability and while the U.S. Forest Service touts itself as an organization that complies with the Americans with Disabilities Act, the road closures would make it next to impossible for elderly prospectors and those with disabilities to access the SPMA mining claims, Nowicki said.

Under the heading, "The Outdoors Are for Everyone — Fundamentals of Outdoor Recreation and Trails Accessibility," the U.S. Forest Service website reads: "It's all about people having the opportunity to enjoy the outdoors. Public lands offer a wide range of recreation settings and opportunities from highly developed campgrounds to untouched wilderness areas."

The site, www.fs.fed.us/recreation, goes on to explain its commitment to accessibility and why it is important: "The U.S. Forest Service is committed to integrating accessibility into the complete range of recreation opportunities while protecting natural resources and settings so that all people, including people who have disabilities, have the opportunity to enjoy the great outdoors. This commitment is established in Forest Service policy."

Ironically, the situation has left more than a few miners scratching their heads and asking the question, 'So, why shut down the roads?'

What happens now?

The PLP has stepped up and is willing to help the gold prospectors affected by the road closures, but the club members have to be willing to help themselves, for that support to continue, Wegner said.

According to SPMA member Lee Darling, the club was informed that the U.S. Forest Service will hold a "closed to the public" meeting to review public comments received and make their decision on the proposed road closures.

Once the decision is posted, there will also be an appeal period, Darling said.

The proposed road closures are listed at: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=43149

Brad Jones is the Managing Editor/Communications Director for the Gold Prospectors Association of America and Lost Dutchman's Mining Association. He can be reached at bjones@goldprospectors.org

We have everything you need to find gold!

MAD MINING.COM

6" Mini Highbanker
only \$375 (plus S/H)

P.O. Box 5126
Industry, CA 91745

626-782-GOLD

MANUFACTURERS OF MINING EQUIPMENT

- ✓ Made in the USA
- ✓ Complete ready to run w/12 volt 1100 GPH pump
- ✓ Adjustable legs
- ✓ Durable construction
- ✓ Maximum gold recovery

MasterCard VISA DISCOVER

The Original -

"Gold Miner"
19th YEAR! *Spiral Gold Panning Machine*

"Gold Miner" exclusive features include:

- * "Micro-Adjuster" for fine tuning the pan angle, even while it's running, a real time saver!
- * 7-spirals, 7 recesses—1/2" recess at the beginning of each spiral rolls, (agitates), your concentrate to settle the gold into the spirals quicker. Gold then spirals up to the center of the pan and drops into a catch cup on the back, cleanly separating the gold from the black sand. No need to hand "splash" the black sand out of a center disk like the expensive machine. Nest & Clean!
- * Comes with an injection-molded pan, DEEP & SHARP spirals!
- * Delrin bushings for years of care free use!
- * Runs on 12 Volts DC, has a heavy duty 6' cord.
- * High efficient motor for longer battery life.
- * Light weight, around 10 pounds.
- * Rugged direct drive gear box.
- * Angle template provided, takes the guess work out of setting your starting pan pitch.
- * Heavy duty Rubbermaid Action packer carrying case
- * Spray bar system with rugged 500 GPH Mayfair pump.
- * Re-circulates 3 gallons of water for all day use.
- * Very simple to use.
- * Sets up in minutes.

All this for just \$334.00 plus shipping!

www.goldminermachine.com

Order info 1-888-588-6925

Treasure & Gold Products Inc. * 3532 Roger B Chaffee Memorial Blvd. * Grand Rapids, MI 49548
Tel # 616-214-8726 * email: goldminermachine@yahoo.com

VISA MasterCard PayPal

POBOYDREDGE
THE MOST PORTABLE 3" DREDGE AVAILABLE!

SEE A DEMO VIDEO!
FOLLOW THE LINK
ON OUR WEBSITE!

TRULY A ONE
MAN DREDGE!

LOW COST FOR
THOSE ON A
TIGHT BUDGET!

POBOYDREDGE.COM 270.945.7410 MIKEPAYNE@POBOYDREDGE.COM

ARE YOU LOSING GOLD?
Introducing the Desert Wolf Bellows Drywasher

You won't lose fine gold dust or nuggets with the Desert Wolf

For LESS than an ounce of Gold you can own The Desert Wolf Bellows Drywasher.

- Only 30 pounds
- Runs off a small car battery
- Quiet operating machine
- Constructed of natural hardwoods

ONLY \$1075.00 (Plus Tax and Shipping)

This wonderful drywasher is hand finished with high quality stain for years of prospecting enjoyment.

CALL NOW or Visit our Website to order your Desert Wolf Bellows Dry Washer and keep more gold!

www.desertwolfsmfg.com
P.O. Box 271, Downey, CA 90241 • 562-964-4455

ProspectorsChoice.com
ALLUVIAL SLUICE

UNIQUE DESIGN SYSTEM FOR
FASTER, EASIER AND CONTINUOUS
RECOVERY OF EVEN
THE FINEST GOLD.

New Gold Recovery Technology
That Is As Old As Mother Nature Itself.

Prospecting Equipment And Supplies
prospectorschoice@gmail.com
623-687-6538 Surprise, AZ

PROSPECTORS CHOICE
MADE IN THE USA
PROSPECTORSCHOICE.COM