

MMAC & PLP UPDATE

by Scott Harn

There is quite a bit of legislative and regulatory information in this issue, and there are a few more items we didn't even include in this issue because of the lack of space.

We all know small-scale mining has been under attack by environmental groups and legislators and agencies at the state and federal levels. As you'll read elsewhere in this issue, Washington State is using the drought as an excuse to block suction dredging; Oregon miners are facing a moratorium in January 2016; and dredgers in Idaho have to battle federal agencies to maintain their mining rights.

Let's face it—environmental extremists have been very successful using money and influence to enforce a political ideology.

Is there any hope for a solution?

Yes, there is, and we've been working with Public Lands for the People, the Minerals and Mining Advisory Council, attorney James Buchal and others on that solution.

As we've reported in the past several issues, we've been working as a team to come up with a bill to restore the rights of miners. The bill doesn't have a number assigned to it yet, but it does have a name, the "2015 Minerals and Mining Regulatory Reform Act—A Clear Path Respecting Mining Rights."

Shortly after the gold rush began in California, mining districts were formed and set up rules to create order out of chaos. These traditional mining districts did such a good job that Congress adopted most of their rules and regulations when it created the 1872 Mining Law.

In 2014, Joe Martori of Sleepy Bear Mining in southern California, PLP northern director Clark Pearson, and geologist Don Fife had several brainstorming sessions about the state of mining and what could be done to reverse the tide. They each brought their own experiences in dealing with overzealous regulators and excessive land-use restrictions. They realized that traditional mining districts are authorized by Congress and still have the power to set and enforce their own rules and regulations, but miners within these districts became disorganized, which allowed local, state and federal agencies to take over this role.

They created the Minerals and Mining Advisory Council (MMAC) as the first step in returning power to the miners.

MMAC was set up to provide an advisory role for those miners who wished to get their traditional mining districts organized and regain control, and to get a bill through Congress to reaffirm the rights of miners in America.

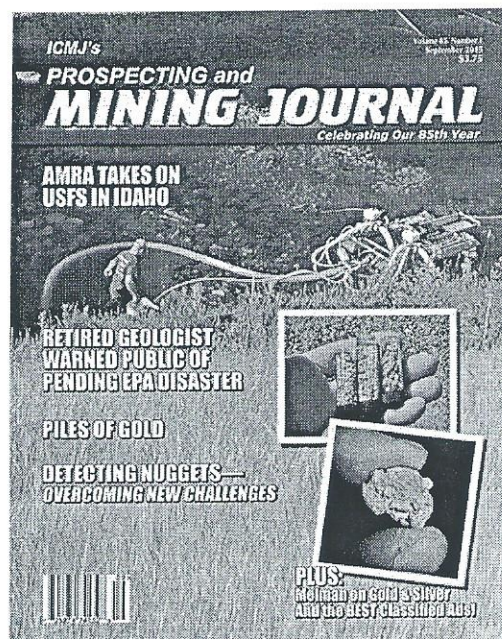
In March, 2015, Shannon Poe of the American Mining Rights Association hosted a meeting in Sacramento, California, which brought together nearly 100 of the top mining equipment manufacturers and the heads of many gold mining organizations. The creation of MMAC and the role of traditional mining districts were discussed at this meeting and some great dialogue took place. However, as is usually the case with miners, there was some head butting and differences of opinion on how to proceed in subsequent conference calls. And that's okay—we are working through it.

In the meantime, the core group and a few others continued to work on the bill. After hundreds of hours of writing, rewriting, discussion, and a total of 39 revisions, the bill was finally turned over to several members of Congress who have pledged their support to get it passed in 2016.

The "2015 Minerals and Mining Regulatory Reform Act—A Clear Path Respecting Mining Rights" will restore the rights of miners, place mining back at the top of the priority list for public lands, and remove the roadblocks created by environmental extremists.

Here are a few of the highlights from the bill:

- Jurisdiction over mining will be removed from city, county, and state agencies, and from the Forest Service, and all authority over mining-related issues will go back to the BLM under the Department of Interior.
- Any BLM employee reviewing a Notice of Initiation (NOI) shall have, at minimum, a bachelor's degree in mine engineering with a minimum of 3 years experience in private sector commercial mining or 5 years production mining experience in lode, placer and milling operations.
- Bonding will only apply to operations that exceed 5 acres (not including temporary roads or processing sites) or 1,000 cubic yards of processed material per claim.



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- MMAC administrators shall advise and assist miners within traditional mining districts.
- MMAC administrators shall be voted in by mining claimants.
- MMAC administrators shall appoint fifteen members to serve on the US Department of Minerals and Mining (USDMM).
- BLM will be subordinate to the USDMM.
- Adverse decisions issued by the BLM will be appealable to USDMM.
- Miners who win an appeal shall be awarded reasonable fees and expenses.
- Operations which do not add any chemicals to excavated aggregate or ore shall not be deemed to be adding any pollutant under the Clean Water Act.
- Suction dredge mining within the 100-year floodplain is deemed to not be an “addition” or “discharge.”
- “Incidental fallback” is defined as processed material backfilled near the same excavation site.
- Offsite turbidity is not deemed an “addition” or “discharge.”
- No existing public lands after 1976 shall be removed from operation of the Mining Law of 1872 except by an Act of Congress; public lands withdrawn from mineral entry prior to 1976 shall be reopened upon petition with concurrence of a competent USDMM geologist.

As you can see in the above list, this bill could have a profound impact on mining in America, create thousands of well-paying jobs, and significantly reduce our dependence on foreign sources of metals and minerals, including strategic metals and minerals necessary for our national defense.

MMAC administrators must have appropriate mining experience and be voted in by current mining claim holders in their district. We are happy to report the first round of elections for MMAC administrators has been completed. Over twenty have been elected to their first four-year term. Experience varies, with small-scale and large-scale miners represented. Next up is setting up networking and training, which is in the works.

There are several things you can do right now to help restore your mining rights.

First, take a look at the MMAC website at www.mmacusa.org and see if there is an administrator in place for your district. If not, consider applying for the position or recruiting someone who you believe would be good for the role. The person needs to be a good communicator with decent people skills, mining experience, and a desire to help. Check the MMAC website under the “Mining Districts” tab; applications are available under the “Forms” tab.

Second, do some research to see if there is a traditional mining district in your location. For example, a simple online search for “Mining Districts of California” will yield a map of traditional mining districts hosted by www.westernmininghistory.com. This map will allow you to click and enlarge your area, and many of the district names can be clicked on to reveal further history.

Use this information to track down the bylaws of the traditional mining district. If you cannot find the bylaws online, your local museum and library are very good places to begin your search. If there is a local mining museum in your area, start there.

Third, host a meeting with fellow claimholders in your district to get your traditional mining district organized. We are happy to help in this regard by posting a Public Notice for you, just contact us before you schedule the date to insure the information will be published well before the actual meeting.

If you need assistance, please don’t hesitate to contact MMAC at info@mmacusa.org or contact me directly at editor@icmj.com.

And fourth, please print out a copy of the “[2015 Minerals and Mining Regulatory Reform Act—A Clear Path Respecting Mining Rights](#)” at mmacusa.org. Make an appointment with your US Senators and Representatives, present them with the copy, and ask for their support. If this type of meeting is not your strong suit, team up with a few other miners for the meeting. Be polite and courteous, but please do not skip this most important step.

There is strength in numbers. With your help, we can take back our mining rights, re-establish control, and return to reasonable regulations.

We also want to thank subscribers who recently have taken part in our PLP fundraising drive, which is still ongoing.

How it works: A one-year PLP individual membership is normally \$35. You can get a one-year subscription to our monthly publication for \$27.95 and include \$25 for a PLP membership and we’ll contribute the additional \$10 for your one-year PLP membership. If you already have a subscription you can certainly choose to add another year to your subscription to take advantage of this offer. Just give us a call.

Here are the subscribers who have recently taken advantage of this offer. Thank you for your support!
 Montie Drago—Mariposa, CA; Clinton Defields—Cypress, CA; David Deryke—Lanham, MD; Gaylord Barrington—Auburn, CA; Darin Sethne—Caledonia, WI; Arthur Westervelt—Mechanicville, NY; Bjorn Leide—Tonasket, WA; Steven O’Neill—Mt. Vernon, WA.

