

News From the Mines

Legal Update

Initial Maneuvering in Court Cases



You've got a ring-side seat to a real David vs. Goliath fight, and right now David is doing just fine.

Our continued thanks to Public Lands for the People and our lawyer David Young for skillful legal maneuvering that is keeping us in the fight and, in fact, winning the fight against the environmental machine.

The eco machine represented by six lawyers has been filing petitions to tilt the playing field in their favor. They have attempted to move the challenge against SB670/AB120 to Alameda County which is ground zero for environmental lawsuits.

As of today PLP and the WMA are holding their own. Once again the judge in San Bernardino has delayed the hearing waiting to see if all the pending dredging cases will be consolidated.

The eco machine has also moved to consolidate our case against the SEIR and the regulations to Alameda County. As of now, the case will be heard in Alameda County; but in skillful maneuvering by David Young he managed to have the judge who ruled against us in the earlier Karuk case removed from this case giving us a fair chance. Mr. Young has additionally filed to move the case back to San Bernardino County which will aggravate the environmentalists even further.

We can win this, and we can win big. If you haven't sent your donation in to help fund lawyer time, we ask that you take a moment and ask who else out there is fighting? The impact of our losing this case is no dredging in California. If you don't live in California, you can count on the environmentalists' moving on to your state very soon; and for those of you in Oregon, Washington, and Idaho, you're already seeing the initial attacks' using wording taken directly from the California SEIR. We must have the SEIR thrown out, and we must have the regulations thrown out.

We began the Western Mining Alliance to coordinate the efforts of the miners fighting to restore our rights. It's a tall order. Right now we need everyone to step up and get involved. We need letter writing; we need legal research support; we need people to help us call other miners; we need people to visit their state representatives; we need people to contact their Congressional representatives.

Please, get in the fight. We're all volunteers, but we need you to help fund the legal fight. Please donate to PLP today and help us win this.

Legislative Alert

Trailer Bill would permanently ban dredging

Assembly Member Jared Huffman from Marin County, Chairman of the Assembly Water, Parks and Wildlife Committee, just introduced a budget trailer bill, to be voted on in less than 2 weeks which recommends removing the sunset clause of AB120 (June 2016) and to only allow suction dredging when the following is added to the already existing bill:

"The Department shall consult with other agencies as necessary, including but not necessarily limited to, the State Water Resources Control Board, the Department of Public Health, and the Native American Heritage Commission, and report back to the Legislature with recommendations as to any additional statutory changes or authorities that may be necessary to develop suction dredge regulations that would meet all the requirements of 5653.1(b), including mitigation of all identified significant environmental impacts and a fee structure that will fully cover all program costs."

Please note those who would "monitor" us is open-ended as recognized by the phrase "including but not necessarily limited to,..." so we can be assured that every dredging operation will have an environmentalist chaperone.

The environmental groups are good at eliminating paying jobs of the small businesspeople who used to be miners. What jobs have they actually created in the pursuit of environmental perfection - other than funding their own lawyers? In a state that is virtually bankrupt and has one of the highest unemployment rates in the country what assembly person would want to be associated with eliminating yet more jobs. Remind Mr. Huffman the voters are watching.

Since there were few, if any, valid impacts identified with suction dredging, how is more mitigation anything but another attempt to keep us off our claims?

Independent miners have a BIG PROBLEM if this bill is passed and signed by the governor as expected on June 15, 2012.

Time is short and we have less than 15 days to respond to this attack. The WMA will be working to contact all mining claim owners, property owners and prospectors, up and down the state to coordinate a letter writing campaign to contact your assembly representative and specifically the Governor, asking to strike this language.

Yes, we know - another letter writing campaign. If we don't do anything how will the Assembly members know anyone but environmentalists care about this issue? We may lose again, but we must try to stop it.

Keep in mind that Mr. Huffman is running for a US Congress seat this fall, he is prevented by term limits from running for the California Assembly again. His district would stretch from Marin County to the Oregon border - there are a lot of mines and miners in this area. We need to remind Mr. Huffman there will be no support from the thousands of miners and we will do everything we can to see him defeated if he pushes this anti-dredging legislation.

We need your help to finish contacting fellow miners to help us fight to save independent mining. Please volunteer to make a few phone calls to miners in these next two weeks. Help spread the word to other miners.

If the independent miner is to be saved by anyone, it will be all of us working together in the next 15 days to demand a stop to more legislative action that will result in yet more lawsuits. You need to make a decision, is your mining claim and occupation worth a letter or email? We need your letters of support to help us stop this trailer bill.

We damned sure need some help here.



WESTERN MINING ALLIANCE BRIEFS CONGRESSIONAL STAFF

In May the WMA received an invitation to brief the Congressional Western Caucus in Washington DC. Of course we were happy to present what's going on in California to Congressional Staff.

The Western Mining Alliance defends the rights of independent miners across the West, and we presented a briefing that covered the issues across the West and presented some action Congress could take to fix some of the problems we have encountered.

Our briefing centered on several Federal Laws that we would like to see changed to open mining again in America.

1. The Equal Access to Justice Act. This act was designed to ensure the little guy and the small businessman could fight Federal Regulation. It has been hijacked by the environmental groups and used to create an environmental-litigation industry. We are pleased to tell you that our representatives are well aware of this issue and are working to correct some of the more troublesome aspects of the Law. You can help by writing your representative and telling him or her that you support the Government Litigation Savings Act.

2. The Endangered Species Act. While few would argue that saving endangered species is not a good thing, this act has now become a tool for the obstruction of almost everything. The ESA and the Equal Access to Justice Act go hand in hand. In fact, the California-dredging ban stems from the Endangered Species Act. The reality is this act needs to be amended. It leans heavily towards the environmental groups while providing little ability for the rest of us to stop insane regulations.

3. The Clean Water Act. We asked that this bill be amended to gain tighter control over the EPA and their

enforcement of idiotic regulations like requiring a NPDES permit to operate a four-inch dredge.

4. The Mine Safety Health Act. You may not realize it, but as an individual on your claim running a two-inch dredge or highbanker, you fall under the regulation of the Mine Safety Health Act. If you watched the "Gold Rush" show on the Discovery channel last fall, then you realize how far this act has reached into disrupting the small miner at absolutely no benefit. We, as small miners, damned sure don't need Federal regulators' watching us dredge and forcing us to take safety classes.

Our opinion is that the majority of our legislators in Congress are painfully aware of what's going on across the West and are trying to stop it. They made clear that we have to help. Votes count and we have Congressional elections coming up.

Please vote for representatives who will preserve the economic and individual freedoms that built the West. We can change this one vote at a time. We continue to put out calls for people to help Miner Rick reach out to every miner, claim holder and supporter of mining across the West. It's a tall order but we must build a coalition of voters who can make a difference. You can help. On our website we have posted some sample letters. We need you to engage with your local and Congressional representatives and inform them of the issues and what they can do to stop the environmental extremists from ruining the country.

The environmentalists have been very effective at sneaking language in the dark of night into bills using "trailers." This is language that is merely tacked on at the last minute. Apparently they don't have the courage to do this in the light of day, but we acknowledge it's effective.

Help us defeat the environmentalists and restore our rights as Americans. Have faith that we're **building a majority that will turn this around.**



WE STILL NEED VOLUNTEERS

If you've been waiting to see if we'll win the legal battle, you may be in for a long wait. It's clear there will be no legal dredging this summer as the environmentalists continue to maneuver for a total ban on dredging that will be permanent. We've got our hands full and we need some people to step up and get involved. Miner Rick is looking for people to call other miners and get them in the fight. It's important that we establish a network of people willing to be engaged. If you can volunteer some time write to MinerRick@mondelabe.com or Wminerick@gmail.com. Miner Rick will coach you on talking points. We're not calling for money, we're calling to inform every miner of the current issues and try to get them involved.

9TH CIRCUIT COURT OF APPEALS DEALS BLOW TO MINING

In yet another assault on dredging the 9th US Circuit Court of Appeals on June 1st, in San Francisco, ruled against dredging and the New 49ers in a lawsuit stemming from a 2004 Notice of Intent challenged by the Karuk Indian Tribe and environmental groups.

In a split decision the court ruled that the US Forest Service must consult with other agencies prior to issuing Notices of Intent for suction dredging in areas where endangered species are found.

If you read the Subsequent Environmental Impact Report issued by the California Department of Fish and Game you may have some understanding of the impact this ruling will have on all of us. There is virtually not a square foot of area in California, or the West for that matter where the environmentalists can't claim an endangered species exists. Just look at the list in the SEIR and the habitat ranges they have established for such things as the Yellow Legged Frog; the Red Legged Frog; the Arroyo Toad; the Stickleback; the Coho Salmon and the list goes on for pages.

To add insult to injury this ruling will now allow the Karuk tribe and the environmental groups to be paid hundreds of thousands in legal fees while the mining

community has to pay its own bills. Under the Equal Access to Justice Act the prevailing party can be reimbursed for all of their legal fees when a public interest is involved. That means even if the miners would have won, we wouldn't have been reimbursed because we had our own interests at stake. It appears only the Indian tribes and environmentalists are so pure of heart they can represent a public interest which puts people out of work.

Environmental lawsuits have become an industry unto themselves but you can help stop it. Donate to Public Lands for the People; join the Western Mining Alliance and write to your Congressional representative and tell them to stop funding the environmental groups through the Equal Access to Justice Act.

While this ruling is a setback, it's clear that we need to focus our attention on legislative action and take back the country one insane law at a time. We will continue to work with Congressional staff, through your continued support. We hope that we can build support for changing legislation that harms small business and the independent miner.

Please continue to support the WMA and PLP in our fight for restoring mining.

FROM THE WMA PRESIDENT



The eco-machine is extremely effective. They've been at this game for a while and they are well funded. We just started.

Again, we're asking for your help. As we describe in this newsletter the eco-machine has moved to permanently ban dredging through

legislative action and it's likely the bill will pass.

The environmentalists, led by The Sierra Fund have again managed to sneak wording into a trailer bill that will place no end to the ban on dredging. As you're aware the ban would expire in 2016 but the new language removes this date.

It also adds language that would require the approval of damned near every agency, environmental group and Indian tribe in California to approve dredging again. Do you really think that would ever happen.

In the February newsletter we told you the environmentalists would not allow dredging to reopen. The question is whether you're willing to fight it.

We've had a lot of people say they're willing to help anyway they

can. Well, this is it. We are in the final fight to save dredging in California and we need that help, and we need it right now.

We need you to write your representatives and oppose the language of the trailer bill. More importantly we need you to do a personal visit to your representative and educate them of the truth of suction dredging. We need you to rally people you know and get them involved.

We'll post draft letters and talking points on the website to aid you in telephone calls and letters. You must act. We have to get engaged.

Please help, there is no second chance.

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PUBLIC LANDS FOR THE PEOPLE

We can't thank PLP president Jerry Hobbs and our lawyer David Young enough.

Most of us don't realize how few people there are standing between the permanent loss of our rights to dredge and gaining our rights back. Sadly, you can count them on one hand.

PLP has a case challenging SB670/AB120 in San Bernardino County; a case challenging the new regulations in Alameda County and they are still fighting illegal road closures; supporting efforts in Oregon and Washington to fight Forest Service and BLM activities and they do this on a shoestring budget. Every time there is a hearing or meeting they have to drive from San Bernardino County to Alameda County. Jerry Hobbs does this unpaid. His day job is running a mining equipment store.

We're asking again for everyone to donate to PLP. We can't express how important this is. We were just informed by the Department of Fish and Game that our bill to provide the "record of proceedings" is likely to be

\$100,000. That's not paying lawyers, that's paying the State. If we can't pay the bill we have no lawsuit.

Please establish a network of supporters of mining; help us call people - get the word out. Now is the time to mobilize and raise the funds.

Some of you may know mining or other natural resource companies that would help us. Please contact them or let us know someone to talk to. We can't drop out of this legal fight. The PLP/WMA lawsuit is the only thing standing against the complete and permanent ban on dredging.

PLP is the vanguard of the mining community, and in fact all outdoor user groups. We need to all step up and support them. If you've already donated to PLP - thanks and please consider continuing donations.

The WMA is an advocacy group. Our mission is to inform; engage politically and support those that our fighting for mining. We would appreciate your support as well but the priority goes to PLP and keeping the legal fight going.

HELP MINER RICK



Scarcely a day passes that I don't get a call from Miner Rick asking to put out a call for volunteers.

This is the call.

Miner Rick needs a lot of help and he needs it right now. We need to contact every claim holder in the State of California and inform them of the current issues with the lawsuit and with the recent activity by the Sierra Fund to permanently ban dredging.

You can help. Miner Rick can give you pointers. We're not asking anyone for money, we're just informing them of the issues and what they can do about it. We need some people willing to make calls to other miners.

Rick will tell you that along the way he's made

some new friends with interesting stories. Of the 2,000 people he's called he's only had a few that didn't want to talk.

We're calling county by county and we can provide you the names and phone numbers of people in your county. We need to reach every claim holder and miner. We must organize very rapidly to defeat the eco machine.

We can also use some help lining up some corporate donors to help fund the legal fight. Many of you work for companies who would support the fight, or you know people who do.

Please write to MinerRick@Mondelabe.com

or Wminerick@gmail.com

Calendar

May 31st

PLP in court on request for injunction against AB120/SB670

June

No date yet, but initial briefs and settlement hearings on challenge to SEIR and regulations

July 13th

1st annual gathering of the WMA in Downieville, CA

July

Potential for court hearings on SEIR

July

Potential for testifying at Congressional hearings

The Closing Statement



People sometimes ask “why all the pictures - to fill space?” We actually deleted a page from this issue to make room for the pictures. The pictures remind us of what we had, and what we’re fighting for. We’d love to include your pictures, just send

them to us by email at westernminingalliance@gmail.com.

Summer time is here. The staff of the WMA is heading to the mountains. Look for the WMA bumper stickers and stop and talk to us if you see our trucks.

My bumper sticker is the skull and cross bones. Not many members have picked that one; so if you see it while you’re out - well, you’re likely lost as my claims are in some pretty remote spots. If you’re not lost, then it’s likely you’re a neighboring claim holder; so make sure you stop.

If you’re a member of the WMA, and don’t have your bumper sticker let Rick know at MinerRick@mondelabe.com. If you’re not a member of the WMA, please join.

We still hope that part of this summer can be salvaged, and we’re trying our best to get dredging opened. Please continue to support the WMA/PLP legal fight. We’re all volunteers; we don’t make money on this. Like you, we just want to dredge again; and if we all join together on this, we can win it.

We’re going to schedule a “gathering” of the WMA this summer. Right now, we’re looking at either Laporte or Downieville. Laporte is where this all started, and the highest percentage of WMA members are from the Slate Creek watershed but Downieville is a great place to have a beer along the Yuba River and tell dredging stories. Join us on the 13th of July - we’ll be plotting our strategy for the upcoming legal fights and how we can defeat the environmentalists and get back to dredging.

You’re welcome to stop by, have a beer and throw in your two cents. Importantly, it’s an opportunity to meet other miners like yourself.