

# Western Mining Alliance

*Voice of the Independent Miner*

September 2013

**Oregon Spotted Frog & Critical Habitat  
US EPA Conducts Armed Raid on Miners  
Legal Update  
Siskiyou County Votes to Secede**

---

## The People Stand Up

*“The Constitution was made to guard the people against the dangers of good intentions... There are men, in all ages... who mean to govern well; but they mean to govern. They promise to be kind masters; but they mean to be masters.” Daniel Webster*

---

Factions within this country abhor the Constitution and the liberty it provides us. Their agenda is power, control and money and they implement their agenda through regulation. Well intended laws such as the Endangered Species Act, or the Clean Water Act pave the way to tyranny of agencies of the Executive Branch. When agencies can rewrite the regulations to implement the law the people have lost their power. Senator Rand Paul once stated he had no power over the Environmental Protection Agency, the agency wielded more power than a U.S. Senator.

Recently, under auspices of the Clean Water Act a collection of Federal Agencies, led by the EPA, conducted an armed military style raid to enforce Section 404d of the Clean Water Act. This raid was conducted on miners in Alaska and included over 7 different Federal agencies. Who knew the EPA had automatic weapons and body armor? Why would they need it?

The US Fish and Wildlife Service enforces the Endangered Species Act and they have their own armed militias. Recently, in Florida, a couple was fined \$1.6 million and faces up to 5 years imprisonment for cutting mangroves on their own private property. After appeal they were able to reduce the fine to \$43,100 but refused to concede to the government's demand they surrender their property in the form of a conservation easement and so the legal fight goes on over what a private citizen can do with their own property.

### Restoring America

When you begin to lose faith we can make a difference you need only read about three plumbers from Pueblo, Colorado with no money, no political experience and no support who managed to unseat the Speaker of the Colorado Senate and replace two sitting state senators with Republicans. While the media focused their attention on the \$350,000 the NRA donated to the fight they missed the real story. The NRA didn't donate funds until late in the effort. The State Republican Party was opposed to the recall effort and refused to support it until it was clear the effort would win. In fact the head of the state GOP Party ridiculed the effort and told the plumbers to stop.

Yet they pushed on. They started a signature drive by standing in parking lots. They used their iPhones to verify voter information immediately, ensuring there would be no problem with certification of the signatures. They used their own money to

create advertisements which were shot in their own back yards and cost \$2,000.

Meanwhile their opponents were running 10-15 advertisements on the TV per day. They spent over \$3 million trying to influence voters. The plumbers won and for the first time in Colorado history two Senators were recalled.

The President of the Colorado Senate, John Morse, after the recall said "The highest rank in a democracy is citizen, not senate president,"

In Siskiyou County, California citizens drafted a withdrawal resolution and provided it to their representatives. Skeptics thought it was a joke and ridiculed it. The citizens pushed on and on September 3rd the County Commission passed the resolution 4-1 in favor. Over 100 people attended the meeting in support of the resolution. On the 24th Modoc followed with their own resolution of withdrawal. It starts with one.

Passing a resolution to withdraw doesn't mean secession. It does mean the people have had enough and are sending a strong message. If you want to follow the movement you can at [www.jeffersondeclaration.net](http://www.jeffersondeclaration.net). All the latest news is posted there.

### Now it's up to you

When you read the legal update, and see the cases we have in court please keep in mind our legal fight is entirely funded by you, by me, by all of us. The State is funded by taxpayers and debt; the environmentalists get their legal costs reimbursed and we must fight out of our pockets. But, we must fight.

We have an urgent need for legal funds. Please step up and help keep these cases going. Your donation is what keeps us in court and we really need you to plan on donating for the next couple of months. If you've never donated to PLP then please do it now. If you've donated before, thanks, please continue your donations.

We are at a critical point. We're logging some significant successes and we're going to appeal on the injunction. Please help keep these cases going. Those of us who are plaintiffs are risking everything and we're not backing down when the State threatens us as they recently did. We'll not given in, we'll not back down. Let's all stand together and finish this.

---

## Critical Habitat Proposed for Oregon Spotted Frog

---



### Onslaught of Critical Habitat Proposed

On August 29 the US Fish and Wildlife Service issued another barrage of endangered species and critical habitat notices with the potential to further the destruction of rural America.

Both California and Oregon are in the target for additional critical habitat listings, but these new listings threaten the entire country. Last May the USFWS issued notices for the California Mountain Yellow Legged Frog proposing to withdraw over two million acres of private and public land for critical habitat designation. The USFWS issued their latest rulemaking which will impact small scale mining in Federal Register Vol. 78, No. 168.

### Only 3 Comments Received So Far

This listing which will eliminate virtually all forms of activity on over 60,000 acres of land and 24 more miles of river. We can stop this but it takes your help. As of the writing of this newsletter only three comments had been received on the proposed listing. We need thousands to protest this listing. We need to ensure our Congressional representatives are aware, call them.

### Oppose the Listings

Go to <http://www.regulations.gov>. In the Search box, enter FWS–RI–ES–2013–0013, which is the docket number for this rulemaking. You may submit a comment by clicking on “Comment

Now!” (2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–RI–ES–2013– 0013; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

### Critical Habitat Leads to More Restrictions

Under a designation of critical habit any activity requiring a permit is severely restricted. This includes mining, logging, fishing, hunting, camping, hiking and even construction of a house on your own private land. Critical habitat listings concern us all, it affects everyone by taking more property out of productive uses and re-purposing the property to essentially wildlife refuges.

The recent notice by the USFWS is a continuing series of listings resulting from a 2011 closed door settlement agreement by the USFWS [Misc. Action No. 10-377 (EGS)] with the radical environmental group the Center for Biological Diversity.

Under this agreement, in which the public had no participation or voice, the agency agreed to 90 day reviews of over 488 species and determinations whether further actions would be taken towards listing these species as endangered. These species included 32 species and sub-species of Pacific Northwest mollusks; 42 species and sub-species of snails and 403 species and subspecies of southeastern aquatic species including bugs, snails and mollusks.

Importantly, the agency agreed to a specific timetable for listing specific species as endangered or threatened. In 2013 these species included the Mountain Yellow Legged Frog; the Oregon Spotted Frog, the Yosemite Toad, the North American Wolverine; the Mexican Garter Snake and the Yellow Billed Cuckoo among six others.

In 2014, an additional seven species will be proposed for listing which include the Arctic grayling and the West Coast Fisher.

When a species is listed as endangered the USFWS also provides a designation of critical habitat for this species. These designations include both public and private land. If this designation encompasses your private property your rights are simply lost.

For those who thought Alaska would be safe from these types of attacks the inclusion of the Arctic Grayling will change that. This species is found in virtually every placer mining river in the State. If the Arctic Grayling is approved for listing the environmentalists will be quick to file suit to stop placer mining in the rivers.

---

## Critical Habitat Continued

---

### States Eagerly Await Designations

In conversations with the USFWS it's clear they don't understand the impact of these designations. In their view these designations have minimal impact to activities that don't specifically require a Federal permit. What they lose sight of is how the States seize on these listings to impose draconian regulations which severely impact the rights of the people.

We can provide two examples of this. In both the 1994 and the 2011 California Suction Dredging Regulations the following mitigation measure is provided: "Areas would be closed where threatened or endangered species exist." Page 59, 1994 California EIR.

The California EIR additionally states that recommendations from the State Biologists's Opinion would be implemented which include, "Any rivers, lakes or streams with species of Special Concern may be closed to suction dredging."

The recently passed Oregon Senate Bill 838 provides for closures on all rivers where "(D) Habitat that is essential to the recovery and conservation of salmon, steelhead, lamprey, freshwater mollusks or other unique habitat values, unless protection for this habitat may be otherwise achieved pursuant to paragraphs (d) and (e) of this subsection." [SB 838, Section 8]

Left unsaid is the States benefit from endangered species listings. The Federal government pays them millions each year to "manage" critical habitat and "manage" recovery plans. It's a source of revenue for the state.

### Speculation Drives Listings

The process of taking away your rights starts with the designation of a species as threatened or endangered. Each time one of these species is listed the radical environmental groups push then for further restrictions which the States are all too happy to implement. The States are the willing partners of the radical environmental groups destroying the lives of rural Americans, seizing property rights and removing freedoms. The Federal government enables this process.

The path to listing of an endangered species begins by overwhelming the USFWS service with petitions. In the closed door settlement agreement over 488 species had been submitted over the span of three years by the Center for Biological Diversity.

In court documents the environmental group explains how they determine a species is a candidate. They have people who spend their days doing internet searches for any species where any researcher has found evidence of a decline.

In the case of the Oregon Spotted Frog the researchers have absolutely no idea of what the original range of this species is or how many of them there were or should be. All they know is in some areas they used to be found, they're not found any longer. The habitat of these species is ponds and marshes with no current. So why close the rivers?

As the USFWS continues to list species and designate critical habitat it's clear every acre of land and every foot of river will soon fall under a critical habitat listing. Those areas the environmental groups have overlooked will be found to contain some type of endangered bug, slug or snail and off goes the petitions again where the agency is only too happy to settle.

This isn't a one state issue. The entire country is falling under the grasp of this machine as it plods along mindlessly designating one acre, river and swamp after another as critical habitat for something. As an example the following table is only the most recent listings by the US Fish and Wildlife Service.

Your comments count. We can disrupt these plans by challenging the basis for the listing. In almost every case where the listing and critical habitat designations have been challenged the amount of acreage has been reduced. We can increase the cost and time of these regulations by demanding public meetings and hearing and yes, you individually, can request a public meeting. You don't need to be an Oregon or California resident to challenge this rulemaking.

As the USFWS continues to list species and designate critical habitat it's clear every acre of land and every foot of river will soon fall under a critical habitat listing. Those areas the environmental groups have overlooked will be found to contain some type of endangered bug, slug or snail and off goes the petitions again where the agency is only too happy to settle.

This isn't over, not by a long shot. We have years of fighting these listings and we need to hone our defenses. Our defense begins with the 2014 election. We must elect representatives who are willing to fix the broken Endangered Species Act and defend working class Americans from the terrorist tactics of the environmentalists.

## Critical Habitat Continued

Together we can stop this, but don't rely on someone else to pick up your share of the work. Please help us by taking immediate action and supporting the groups, clubs and organizations who are fighting tirelessly to hold the line.

In the table below we've provided some of the upcoming endangered species listing. All these listings are the end result of the USFWS closed door settlement with the Center for Biological Diversity. There are many more to come so we'd better get good at reacting to, and opposing the listings.

### Recent Endangered Species Proposals

Species	State	Acres	River Miles Closed	Comment Period Ends	Request for Meeting Deadline	Reference
Mazama Pocket Gopher	WA	9,234		10/18/2013		FWS-R1-ES-2013-0021
Oregon Spotted Frog	WA, OR	68,192	24	10/28/2013	10/15/2013	FWS-R1-ES-2013-0088
Jaguar	AZ, NM	838,232		9/13/2013		FWS-R2-ES-2012-0042-0259
Neosho Mucket, Rabbits Foot mussels	AL, AR, KY, KS, IL, IN, MS, MO, OH, OK, PA TN		1655			FWS-R4-ES-2013-0007-0016
Florida leafwing and Bartram's scrub-hairstreak butterfly	FL	8,283		10/15/2013	9/30/2013	FWS-R4-ES-2013-0031-0001
Graham's beardtongue and White River beardtongue	CO, UT	67,959		10/7/2013	9/20/2013	FWS-R6-ES-2013-0082-0001
yelloweye rockfish	WA, Puget Sound	1184 sq/mi		11/4/2013	9/20/2013	NOAA-NMFS-2013-0105-0001
canary rockfish	WA, Puget Sound	574 sq/mi		11/4/2013	9/20/2013	NOAA-NMFS-2013-0105-0001
sharpnose shiner, smalleye shiner	TX		623	10/7/2013		FWS-R2-ES-2013-0008-0001
Short's bladderpod, whorled sunflower	IN, KY, TN, AL, GA	2,487		10/1/2013		FWS-R4-ES-2013-0086-0001
Webber's ivesia	Plumas, Lassen, Sierra Counties CA	1,000		10/1/2013	9/16/2013	FWS-R8-ES-2013-0080-0001
Webber's ivesia	Washoe, Douglas NV	1,010		10/1/2013	9/16/2013	FWS-R8-ES-2013-0080-0001
Gunnison sage-grouse	CO, UT	1,700,000		9/3/2013		FWS-R6-ES-2011-0111-0129
northern Mexican gartersnake, narrow-headed gartersnake	AZ, NM			9/9/2013		FWS-R2-ES-2013-0022-0001
kookoolau, wahine noho kua, uhiuhi	HI	18,766		9/3/2013		FWS-R1-ES-2013-0028-0087
Mexican wolf	AZ, NM			9/11/2013		
Mountain Yellow Legged Frog	CA	2,000,000		11/18/2013		<a href="#">FWS-R8-ES-2012-0100</a>

---

## Critical Habitat Continued

---

### Information to Challenge the Listing

Researchers can only guess on where these frogs historically lived and their guesses can have huge impacts. In fact, there is little evidence of their historic range and the statements the frog is no longer found in “historic ranges” is mere guesses at what the historic range was. It is equally probable the frog never occupied sites considered for listing.

- **The distribution of these frogs historically is unknown and in fact until 1997 this wasn't even considered a separate species.**

“This recently described species (Green et al., 1997) has an impoverished historic record (about 70 localities verifiable from museum collections prior to 1980; McAllister et al. 1993, Hayes 1994a, unpubl. data) that complicates interpretation of its historic distribution.” From Amphibiaweb, Hayes, Pearl.

“Resurveys of historically occupied sites suggest that Oregon spotted frogs are extirpated from 70-90% of their geographic range: range reduction estimates differ based on whether using a site count (70%) or area-based estimate (90%; McAllister et al., 1993; Hayes et al., 1997). The species is thought to be extirpated over its California range, the lowland Willamette Valley of Oregon, and the lower Columbia River of Oregon and Washington. Populations west of the Cascade axis and at lower elevations in most drainages across its historic range appear to have been disproportionately lost: no Oregon spotted frog populations are known to persist across their historical lowland range in western Oregon, and only 7 extant lowland sites exist in western Washington and British Columbia (McAllister et al., 1993; Hayes, 1994; R. Haycock, K. McAllister, pers. comm.)” Amphibiaweb, Hayes and Pearl.

---

*The science on the demise of the Oregon Spotted Frog isn't solid. In fact it's pretty weak.*

---

The reasons for the decline of the Oregon Spotted Frog have little to do with outdoor human activity. Rather, the reasons for the decline, and the rationale for their increase are due to the

introduction of non-native predators and the introduction of a virus.

“Introduction and expansion of non-native predators is likely to have reduced abundance of Oregon spotted frogs (Hayes, 1997; Hayes et al., 1997). Non-native bullfrogs and fishes are widely distributed over much of the range of Oregon spotted frogs, and both have been posited as detrimental to spotted frog populations (Dumas, 1966; Nussbaum et al., 1983; St. John, 1987; Hayes and Jennings 1986, Pearl et al. 2004). Potentially damaging nonnative species such as the Louisiana red swamp crayfish (*Procambarus clarkii*; see Gamradt and Kats, 1996), are present in parts of the historic range of Oregon spotted frogs (Hayes 1997, Pearl et al. 2005), but their effects on OSF are currently unknown. Separating the relative importance of introduced predators from widespread habitat modifications remains difficult (Hayes and Jennings, 1986; also see Adams, 1999)...The chytrid fungus, *Batrachochytridium dendrobatidis*, has recently been found at 1 site each in Oregon (J. Bowerman, pers. comm.) and Washington (L. Hallock, pers. comm.)” Amphibiaweb, Hayes and Pearl.

The USFWS has adopted the environmentalist party line. Human's attempting to live, build roads and control their environment is responsible for the frog's extinction.

In your response to the USFWS listing quote the Amphibiaweb scientists. No amount of regulation or land use restrictions will bring this frog back until they eliminate the non-native predators such as stocked trout and bullfrogs. The outlook for all amphibians is dismal until a solution for the chytrid fungus is found. Placing additional restrictions on human activity will have no effect and is pointless.

---

Please educate yourself on this issue and take a few minutes out of your day to do the following:

- (1) Write or call your Congressional representative and ask them to intercede.
- (2) Go to the online site and voice your opposition to this listing.
- (3) Request a public meeting or hearing
- (4) Write a hard copy letter to the USFWS.
- (5) Write letters to the editor and inform your fellow citizens of this action.
- (6) Attend the public hearings and support efforts to stop this.

## Critical Habitat Continued

### Challenge the Listing!

Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–RI–ES–2013–0013, which is the docket number for this rulemaking. You may submit a comment by clicking on “Comment Now!”

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–RI–ES–2013–0013; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

### List of Rivers Affected by the Spotted Frog Listing

<p>Oregon Counties: Multnomah, Clackamas, Marion, Linn, Benton, Jackson, Lane, Wasco, Deschutes, and Klamath.</p>	<ul style="list-style-type: none"> <li>• <b>Straits of Georgia sub-basin:</b> recently discovered (2011 and 2012) along the mainstem of the Samish River;</li> <li>• Lower Skagit River sub-basin: Skagit River-Frontal Skagit Bay and Finney Creek-Skagit River;</li> <li>• Skykomish River sub-basin: Woods Creek-Skykomish River at Monroe;</li> <li>• Duwamish River sub-basin: Lower Green River at Kent;</li> <li>• Lake Washington sub-basin: Lake Washington at Seattle;</li> <li>• Puget Sound (no sub-basin): Chambers Creek-Frontal Puget Sound (Spanaway Lake) and McLane Creek-Frontal Puget Sound (Patterson/Pattison Lake);</li> <li>• Nisqually River sub-basin: Lower Nisqually River-Frontal Puget Sound (Kapowsin);</li> <li>• <b>Upper Chehalis River sub-basin:</b> Black River (Demspey Creek, Beaver Creek, Blooms Ditch, and recently discovered in Salmon and Fish Pond Creeks);</li> <li>• Lower Willamette River sub-basin: Salmon Creek-Frontal Columbia River at Brush Prairie, Vancouver, and possibly Burnt Bridge Creek at Orchards;</li> <li>• <b>Middle Columbia-Hood River sub-basin:</b> White Salmon River (Trout Lake Creek at Gular and Trout Lake);</li> <li>• <b>Klickitat River sub-basin:</b> Middle Klickitat River (Conboy Lake on Outlet, Fraiser, and Chapman Creeks).</li> <li>• Lower Willamette River sub-basin: Johnson Creek;</li> <li>• <b>Lower Deschutes River sub-basin:</b> Tygh Creek and White River;</li> <li>• Clackamas River sub-basin: Oak Grove Fork Clackamas River;</li> <li>• Middle Willamette River sub-basin: Mill Creek-Willamette River and Oak Creek;</li> <li>• South Santiam River sub-basin: South Santiam River-Hamilton Creek;</li> <li>• Upper Willamette River sub-basin: Muddy Creek;</li> <li>• <b>McKenzie River sub-basin:</b> Upper McKenzie River and South Fork McKenzie River;</li> <li>• <b>Middle Fork Willamette River sub-basin:</b> Salt Creek-Willamette River;</li> <li>• <b>Upper Deschutes River sub-basin:</b> Deschutes River-McKenzie Canyon, Deschutes River-Pilot Butte, Deschutes River-Fall River, and Deschutes River-Browns Creek;</li> <li>• <b>Little Deschutes River sub-basin:</b> Upper Little Deschutes River, Middle Little Deschutes River, Lower Little Deschutes River, Long Prairie, and Crescent Creek;</li> </ul>
<p>California Counties: Modoc, Shasta, and Siskiyou.</p>	<ul style="list-style-type: none"> <li>• <b>Williamson River sub-basin:</b> Klamath Marsh-Jack Creek, West of Klamath Marsh, and Williamson River above Klamath Marsh.</li> <li>• Sprague River sub-basin: North Fork Sprague River and Sprague River above Williamson;</li> <li>• <b>Upper Klamath Lake sub-basin:</b> Wood River and Klamath Lake watersheds;</li> <li>• Upper Klamath sub-basin: Spencer Creek and Jenny Creek;</li> <li>• Lost River sub-basin: Lake Ewauna-Upper Klamath River.</li> <li>• Lost River sub-basin: Lower Klamath Lake.</li> <li>• Upper Pit River sub-basin: Pine Creek-South Pit River (near Alturas).</li> <li>• Lower Pit River sub-basin: Town of Pittville-Pit River (near Fall River Mills).</li> </ul>

\* *Bolded sub-basins represent the sub-basins with extant locales. Oregon spotted frogs may not be extant in all of the historic watersheds within these sub-basins.*

---

## EPA Conducts Military Style Raid on Miners

*The Environmental Crimes Task Force targets small miners*

---

When agents with the Alaska Environmental Crimes Task Force surged out of the wilderness around the remote community of Chicken wearing body armor and jackets emblazoned with POLICE in big, bold letters, local placer miners didn't quite know what to think.

Did it really take eight armed men and a squad-size display of paramilitary force to check for dirty water? Some of the miners, who run small businesses, say they felt intimidated.

Others wonder if the actions of the agents put everyone at risk. When your family business involves collecting gold far from nowhere, unusual behavior can be taken as a sign someone might be trying to stage a robbery. How is a remote placer miner to know the people in the jackets saying POLICE really are police?

Miners suggest it might have been better all around if officials had just shown up at the door -- as they used to do -- and said they wanted to check the water.

### **Lots of Federal land in Alaska**

Alaska's vast Interior, which sprawls to the Canadian border, has been the site of federal-local distrust in the past. It was near this area, 130 miles northwest of Chicken, that National Park Service rangers pointed shotguns at, then tackled and arrested a septuagenarian, for not stopping his boat in midstream of the Yukon River in the fall of 2010. Jim Wilde, 70 years old at the time, had been ordered to prepare to be boarded for a safety inspection.

Wilde didn't much like that demand. He swore at park rangers and then headed for shore and a meeting on terra firma. Wilde was arrested and taken to the jail in Fairbanks, more than 100 miles away. He was later tried and found guilty by a federal magistrate for failing to comply with a lawful order from federal agents.

The state of Alaska, as a whole, can be a place of deeply-rooted mistrust between locals and the agents who try to enforce federal rules.

Alaska has more federally owned and managed land than any other U.S. state. More than 65 percent of its land is under some sort of federal control. A multitude of federal parks, preserves and wilderness areas are patrolled by agents from more than a dozen U.S. agencies. Many of the people in rural parts of the state, which are either under federal control or border federally-managed areas, have more contact with federal officers than they do with representatives from the state.

### **Surprised by armed group of officers**

Miners from the Chicken area -- a gold mining town of just 17 full-time residents and dozens of seasonal miners off the Taylor Highway, between Tok and the Canadian border -- said that during the third week of August they were surprised by groups of four to eight armed officers, who swarmed onto their mining claims with little or no warning.

The officers were armed and wearing body armor. They were part of the Alaska Environmental Crimes Task Force and were there to check for violations of section 404 of the Clean Water Act, according to several miners who were contacted by the group. Section 404 governs water discharges into rivers, streams, lakes and oceans.

The task force's methods are now being questioned by the miners as well as the Alaska congressional delegation.

"Imagine coming up to your diggings, only to see agents swarming over it like ants, wearing full body armor, with jackets that say POLICE emblazoned on them, and all packing side arms," said C.R. "Dick" Hammond, a Chicken gold miner who got a visit from the task force.

"How would you have felt?" Hammond asked. "You would be wondering, 'My God, what have I done now?'"

Hammond and other Chicken area miners aren't alone in wondering what they have done now. Both Alaska U.S. Sens. Lisa Murkowski and Mark Begich have inquired into the task force's actions. Congressman Don Young is also looking into it. They have been having a difficult time getting straight answers from the EPA.

### **Rampant drug and human trafficking?**

The EPA has refused to publicly explain why it used armed officers as part of what it called a "multi-jurisdictional" investigation of possible Clean Water Act violations in the area.

A conference call was held last week to address the investigation. On the line were members of the Alaska Congressional delegation, their staff, state officers, and the EPA. According to one Senate staffer, the federal agency said it decided to send in the task force armed and wearing body armor because of information it received from the Alaska State Troopers about "rampant drug and human trafficking going on in the area."



---

## EPA Raid Continues

---

The miners contacted by the task force were working in the area of the Fortymile National Wild and Scenic River. The federal designation, made in 1980 as part of the Alaska National Interest Lands Conservation Act, protects 32 miles between Chicken and Eagle, Alaska. It is a remote area, close to the Canadian border and the town of Boundary. The nearest city of any real size is Fairbanks, 140 miles to the northwest. It was unknown to everyone in the area that there is a rampant problem with drug and human traffickers.

This also came as news to the Alaska State Troopers, whom the EPA said supplied the information about drugs and human trafficking, and at least one U.S. senator.

"Their explanation -- that there are concerns within the area of rampant drug trafficking and human trafficking going on -- sounds wholly concocted to me," said Murkowski, R-Alaska.

"The Alaska State Troopers did not advise the EPA that there was dangerous drug activity. We do not have evidence to suggest that is occurring," said Trooper spokesperson Megan Peters.

The Alaska Department of Law said it knew of the task force's investigation but that it did not advise the group about any ongoing problems or dangers in the Fortymile River area.

### 'Heavy-handed, heavy-armor approach'

"This seems to have been a heavy-handed, and heavy-armor approach," said Murkowski. "Why was it so confrontational? The EPA really didn't have any good answers for this."

According to the Alaska Department of Environmental Conservation, one of its compliance officers went along with the task force, but only to look for potential state violations at the mine sites.

The DEC officer was armed.

The task force is made up of members of the EPA, the FBI, Coast Guard, Department of Defense, the Alaska Department of Public Safety and the DEC. The chief investigator, Matt Goers, said he could not discuss the details of the recent Fortymile River investigations. So far, no charges, state or federal, have resulted from the group's work last month.

Miners in the area are not waiting for the results of the investigation. They have met in Chicken and are demanding a Sept. 14 meeting with the EPA, the state, and the members of the Alaska federal delegation to discuss the task force's tactics.

"Compliance exams are a normal thing for miners. Usually (Bureau of Land Management) or DEC points out a problem and you correct it. This (the task force's action) was way over the top and uncalled for. It was a massive show of intimidation," said David Likins, a gold miner in the Fortymile Mining District.

Most of the mines in the area are small, family-run placer operations. They are like the mines seen on the Reality TV show "Gold Rush: Alaska." They search for gold by digging up ground and running it through a sluice box, using water to wash away the rocks and leave the valuable gold behind.

The water they use must be allowed to settle in ponds before it's discharged back into streams or creeks, so that mud and rocks don't pollute clean, nearby waterways. Water turned turbid (cloudy or muddy) can kill fish.

Likins said the task force may have found one possible clean water violation at a mine near Boundary, very close to the Canadian border.

Likins said he believes the aggressive actions of the task force made their investigation much more dangerous for everyone, including the miners and the agents.

"If it were my mine, and I was sitting on some gold, and people came storming out of the woods, I would probably meet them on the porch, with my shotgun," he said.

Contact Sean Doogan at [sean\(at\)alaskadispatch.com](mailto:sean(at)alaskadispatch.com)

The above article was reprinted with permission of our friends at the Alaska Dispatch. You can visit their website at [www.alaskadispatch.com](http://www.alaskadispatch.com). We recommend you visit their site to stay current on Alaska issues.

---

## Legal Update

### Pacific Legal Foundation Sues to Delist the Polar Bear

*How do you fight endangered species listings? You sue to delist.*



Who doesn't like polar bears? The white, fuzzy animals have been popularized in soft drink commercials and featured on the pages of Geographic for decades. What's not to like about polar bears? The illegal listing of the species under the Federal Endangered Species Act.

All Americans — not just those in the nation's 49th state, should be concerned about this ill-conceived listing, and a dangerous expansion of federal power.

#### **Flawed listing a “thriving species”**

The United States Fish and Wildlife Service has declared the polar bear to be threatened solely because admittedly unverified and uncertain climate models predict a declining trend in Arctic sea ice, and not because of any current decline in the polar bear population. In fact, the polar bear's population — around 25,000 —

is five times as large as 50 years ago. Also, there are strong laws firmly in place to protect the polar bear.

The complaint and other background information may be found at PLF's website: [www.pacificlegal.org](http://www.pacificlegal.org).

This is the first time in the history of the ESA that a thriving species has been listed based entirely on speculative computer models forecasting future events.

In 2008, Pacific Legal Foundation attorneys [filed a lawsuit](#) to challenge the listing in federal district court. Federal regulators violated the clear terms of the Endangered Species Act, and created new perils for the economy, by adding a healthy species — the polar bear — to the ESA list.

In a [new PLF podcast](#), PLF Principal Attorneys [Reed Hopper](#) and [Damien Schiff](#) discuss the polar bear listing and the dangerous precedent it sets — listing a thriving species on the basis of “global warming” speculation.

#### **PLF seeks Supreme Court review of polar bear challenge**

On July 29, 2013, PLF attorneys [filed a petition](#) at the U.S. Supreme Court to seek review of the challenge to the polar bear listing. At stake, according to Hopper, is a dangerous expansion of federal power under the ESA by the U.S. Fish and Wildlife Service. Never before has a healthy species been added to the ESA list - because the law simply doesn't permit it. In effect, unelected regulators have devised their own new standard that allows the listing of species based on conjecture instead of hard facts.

“The polar bear listing is a primary example of the agency exceeding its authority. In fact in this case the agency redefined the standard for listing of a species as ‘threatened.’ Under the Endangered Species Act only those species that are likely to become endangered within the foreseeable future may be listed as ‘threatened,’” Hopper explains in the podcast.

---

# Legal Update

## Pacific Legal Foundation Sues to Delist the Polar Bear

“The term ‘likely to become endangered’ has been interpreted by the agency to mean ‘on the brink of extinction,’ but in this case, the agency never defined what it means for the polar bear to be on the brink of extinction, or when it would occur.”

Hopper said this overreach threatens the rule of law. And it spells potentially unlimited expansion of federal regulatory power — because bureaucrats would no longer have to show that a species is imperiled in order to list it and impose all the restrictions on economic activity that can come with ESA coverage.

Moreover, the government admits that the polar bear is already protected by strong laws — and the ESA listing will do nothing to bolster protections for the species. What it does do is give activists a tool to use “global warming” litigation to curtail industrial activity, energy development, and job creation, not just in Alaska, but in the lower 48 as well.

### ESA listings “radically alter” land use

In the podcast, Damien Schiff cites several other thriving species like orca whales, and Southern California populations of gnatcatchers and kangaroo rats, as evidence of the government’s abuse of the ESA:

“Too often their listing is used merely as a pretext for achieving some other end. The best example of that is the litigation surrounding the protections afforded for the Delta smelt under the Endangered Species Act.

These species have been used to radically alter the land use regime in California’s San Joaquin Valley,” stated Schiff. “The reason for the listing is not that people care that much about the smelt, but precisely because the powerful burdens of the Endangered Species Act can force people to completely change their way of life, limit their property rights, and limit their ability to conduct their livelihoods.”

### Spotlight on the ESA

All this year Pacific Legal Foundation is putting the spotlight on the Federal Endangered Species Act, which turns 40 this December. For all the good intentions behind the Act, its enforcement has created a wake of controversy and conflicts for farmers, ranchers, and foresters.

---

YOU CAN HELP our battle for the rule of law and balanced environmental regulations

PLF is a donor-supported, nonprofit watchdog that litigates for limited government, property rights, and a commonsense, balanced approach to environmental regulations. It’s our thousands of supporters, nationwide, who make our work possible.

Please [DONATE](#) so we can keep “rescuing liberty” from coast to coast!

---

*The Western Mining Alliance graciously thanks the Pacific Legal Foundation for their support of liberty and allowing us to reprint their important work. Please visit the Pacific Legal Foundations website to see their continuing fight to defend the Constitution. On their site you can read about the past seven cases in a row they’ve won in the U.S. Supreme Court - that’s quite the record.*

## Legal Update

### State loses attempt to dismiss cases

Judge Ochoa's written decision on several important issues from the August hearing were issued.

We survived the State's attempt to dismiss our cases. The State, in what is known as a demurrer, attempted to persuade the judge our cases had no merit and should be dismissed as baseless.

After considering our arguments Judge Ochoa refused to dismiss the cases and let stand our critical arguments on Federal Preemption and the vast majority of the CEQA case. The New 49er case also survived with all their arguments intact.

Miner Keith Walker, from Sonora, also withstood the State's petition and his case, which challenges the constitutionality of the law, will now move forward.

#### **We've now passed several major hurdles.**

We filed our cases under extremely short time suspenses. We were able to move the cases from Alameda County to San Bernardino County and we were able to counter the environmentalists move to select a judge favorable to their cause.

We just survived the most important test - the judge found sufficient cause to believe we had legitimate legal arguments to restore our rights.

Following is a summary of the cases at issue.

#### **Kimble v. the State of California (Sept 2010)**

This case filed by, and fought by Public Lands for the People is about Federal preemption and whether the State can pass laws that prohibit mining. This case is a direct challenge to AB120 and SB1018 which prohibit suction dredge mining throughout the State of California. This case was filed after the passage of AB120 and then amended to include SB 1018. This case should be watched closely as it has issues of national importance. In Kimble we are arguing the State may not prohibit mining.

The State is relying on a US Supreme Court ruling called "Granite Rock v. the California Coastal Commission, to argue

they may regulate mining. However, in Granite Rock the US Supreme Court made clear the States could not regulate to the point of prohibition. We are arguing the threshold of prohibition has been reached.

The key issue to be settled includes what constitutes a prohibition and to what extent may a state regulate prior to it crossing the threshold of prohibition.

This case essentially is the first case to test the limits of what the state can regulate. This is the first case since the landmark Granite Rock case to challenge the state's ability to prohibit mining. In the Granite Rock case a mining company sued the state in Federal court challenging the state's ability to require a permit. The U.S. Supreme Court finally settled the case by saying the state did have the authority to require a permit to prevent environmental damage, but they left open the question of what becomes prohibitory actions. We are now challenging the reach of this decision.

#### **PLP v. The California Department of Fish and Game**

In PLP v. The State of California we are arguing the 2011 Supplemental EIR was flawed, the State misused science to achieve their own objective of banning dredging and they intentionally set out to restrict dredging to such a degree it could never be economically feasible.

This case also has great importance for all industry in California. In this case we are arguing the State could not set an imaginary environmental condition based on an environment they wished to exist, not one that existed at the time they started the process. If the State wins this then they will be able to set environmental conditions as a future, desired environment rather than the existing environment. This has the potential to cause extreme impacts on all industry throughout California.

More importantly, because the State selected a baseline that had never existed in California, if they win it opens the door to environmentalists challenging every Environmental Impact Report ever conducted within the State. They could force already permitted projects into a new round of environmental review.

# Legal Update Continued

## State loses attempt to dismiss cases

### **New 49ers vs. State of California**

This case, brought by the New 49ers mining club and their attorney James Buchal challenges the recent Department of Fish and Wildlife emergency rulemaking to prohibit alternative forms of dredging.

This case was filed in Siskiyou County where the New 49ers were successful in obtaining an emergency injunction against enforcement of the regulation.

They claim the State exceeded the definition of emergency and failed to involve the public in the rulemaking as required by law.

### **Walker v. The State of California**

Miner Keith Walker, of Sonora California, filed as an individual a lawsuit challenging AB 120 and SB 1018 as unconstitutional. The Walker case is consolidate with the other cases and will be decided with the other cases.

The issues being contested are extremely important. They go beyond suction dredging and have the potential to impact everyone throughout the State of California.

These cases are funded by us, the small miners, we really need your continued support to keep these cases moving forward. We've made tremendous progress so far and we need your monthly donations to finish these cases off. Please go to [www.plp1.org](http://www.plp1.org) and make a contribution today. If we all gave \$5.00 per month we would cover our costs. However, those of us who step up need to cover those who don't. Please plan on a monthly donation of \$20.00 to PLP to keep us in court. We can't overemphasize how badly we need the support right now.

### **The State v. Rinehart**

Brandon Rinehart, whose case we've covered for some number of months was convicted in May of dredging without a permit. The judge recommended the case be appealed.

Brandon, and his attorney, James Buchal appealed the case and the case has been accepted by the Third Appellate District for hearing. The State has supported the appeal in this case as a

means to quickly decide the issues being argued in San Bernardino.

Brandon's defense was federal preemption of the State's ability to prohibit mining. The trial court judge refused to hear this argument so now the Appellate Court will decide whether federal preemption prevents the State's enforcement of the dredging ban.

The State is eager to obtain a decision on this. If Rinehart wins his appeal then the State has no authority to cite dredgers for dredging - dredging season is open.

If Brandon loses then we're all in a world of hurt. The State will have confirmed their authority to enforce and maintain the dredging ban indefinitely. Of all the cases we have pending, it's likely Brandon Rinehart's case has the most potential to resolve the dredging ban the quickest. Let's hope Brandon wins. You can support Brandon's case by donating to the legal fund.

### **PLP Moves Towards Appeal**

PLP has initiated the legal actions to appeal the recent decision of Judge Ochoa denying our request for an injunction against enforcement of the dredging ban. PLP is submitting the necessary court documents to move the case to the Appellate Court.

The court will be asked to decide which of the two trial courts is correct. Was the trial court in Siskiyou County correct in granting the injunction against enforcement, or was the San Bernardino court correct.

Whenever you have two different decisions from two different courts on the same legal argument it requires an Appellate Court to decide which court is correct and settle the issue.

### **Support the Legal Fight**

As you can see we have significant legal bills. We desperately need your financial support to keep these cases moving forward. At the end of the day let's be able to say we did everything we could to win this. Please donate now to Public Lands for the People (501(c)3) by going to [www.plp1.org](http://www.plp1.org).

---

## Issue Updates

---

### Siskiyou County Votes to Withdraw

Siskiyou County, California, located in the northwestern part of the State passed a resolution to withdraw from the State of California by a 4-1 vote on the 3rd of September.

This decision comes on the heels of the majority of small businesses in Happy Camp filing suit challenging the State's ability to destroy their economic livelihood.

For years the State has imposed regulations destroying the logging, fishing and mining industries important to Siskiyou County. Now the county is ground zero for illegal drug operations that destroy the social fabric of both Native American and local communities.

Siskiyou County is urging other Southern Oregon and Northern California counties to pass similar measures in an effort to reform the State and Federal government's.

This is not unprecedented. For years residents of Southern Oregon and Northern California have dreamed of creating a new state called "Jefferson." The effort began in 1852 when a miner initiated bill was introduced in the California legislature to carve out the northern portion of the State. The bill died in committee.

The Siskiyou County action was followed by a vote by Modoc County on 24 September to join Siskiyou County in withdrawing from the State of California. A joke? Not hardly. Federal and State policies have destroyed rural America. Impoverished millions, destroyed our forests, polluted our water and conceded our sovereignty to outside interests. These votes are an excellent means to wake citizens up the power counties already hold - their jurisdictional authority. This authority is granted in the U.S. Constitution and requires no one's permission to implement. It's time the counties began enforcing their jurisdictional authority over their lands.

We applaud the actions of Siskiyou and Modoc and hope all the rural counties will stand up and be counted. You can assist by asking your county supervisor to introduce a resolution asserting the counties jurisdictional authority over lands within the county.

### Claim Owners Get Short Reprieve

Thanks to the California Association of Court Reporters for making us aware of this issue and working with us, tirelessly, over the past few months.

Also thanks to our dedicated WMA staff for not letting this one go. However, this issue is merely on hold and will likely raise its head again next year. This has the potential to impact claim holders in California to a significant extent.

Senate Bill 391 would impose a new tax of \$75.00 per filing when you do your annual recording. A county recorder provided us the following example of the impact if this bill passes:

"As an example of how bad this bill is, we recorded 51 location notices today for a single person. He paid \$714, if SB 391 becomes law he would owe \$4,539."

SB 391 was held in the Assembly Appropriations Committee, meaning it will now become a two-year bill. There is still much work to do to educate our lawmakers and the public on the impact this bill will have on the integrity of our land records and the citizens who use them.

Its looking like we may get lucky on this bill for this year. The democrats needed 54 votes to get their two thirds to pass . They only have 53 votes right now. And it's unlikely any Republicans will support the bill. But they will be back again next year. Scroll down and look at this guy who has 51 mining claims.

The bill was held in committee and will not become law this year. However, it can be resurrected next year and will pick up exactly where it left off. Before it can become law it needs to pass the Assembly Appropriations Committee, the Assembly Floor, the Senate Floor for concurrence and then to the Governor. Basically, what this does is give us a couple of weeks to relax before we have to rally the wagons.

Please continue to follow this issue with us. If this bill passes they are funding housing on our backs. We need to resist this.

# Ghost Mine

## Strange happenings just another day in the mines

There's a new reality program on TV called "Ghost Mine." It follows a group of gold miners opening a historic hard rock mine but with a twist. Apparently the mine is haunted so they bring in some supernatural investigator type people with all the strange equipment and cameras. This show got me thinking about some strange days I've had out mining.

My natural skepticism of all things supernatural makes it all the more interesting when something strange happens. There are some things unexplainable. It doesn't necessarily mean they're supernatural, just unexplainable by me.

A couple of my claims are in an area where two other miners work. One of the miners is a hardrock miner, the other a placer miner. As we all mine in the same general area we park in the same spot and generally sit around at the end of the day when we all come out of our claims and converge back on our trucks.

My claim is the furthest away. If you can picture a "T" shape my claim is the horizontal part of the T while the hardrock mine and the placer mine are located on the vertical part of the T. In between there is a steep gulch with some old drift mines on it forming a diagonal that intersects about where the vertical and horizontal parts of the T come together.

For a number of years I've been walking the trail that leads to my claim. To get there I follow a ridge which parallels the vertical part of the T where a small tributary of the main creek runs. Each day I walk past the gulch which had two old drift mines at the head of it.

The gulch is a very steep grade that runs for about 400 yards until it hits the small creek. Over the years I've poked around the gulch since it was used to flush tailings from the drift mines. I came to believe the gulch itself was cut from the flow of water and tailings that ran down hill.

I noticed over the years my dog would go to the edge of the gulch and bark at the gulch. I never gave it a second thought. It was probably a deer, rabbit, bear or person. That's what dogs do, they bark at things. My dog loves to chase deer. It's his hobby. He never catches them but there isn't a deer, squirrel or bear in the

woods that he wouldn't chase. But he never went into the gulch. He always stood on the edge and barked at the gulch.

### Noises from Mining, But no Miners?

Early evening one summer day I was returning along the trail from my placer claim when I passed near the gulch and I heard the clanking noises of a sluice box. The distinctive metal sound we're all familiar with. Hearing a sluice box on a placer claim isn't uncommon, even from quite a ways from the water. I assumed it was the miner who owned the claim using a sluice box. From the head of the gulch to the camp is perhaps 800 yards so I was surprised to see John, the claim owner, sitting comfortably in his chair drinking a beer.

"How'd you get back so fast?" I asked him. "Back from where?" He asked. I replied I heard him working down in the creek near the gulch. John said "I've been here all day, never left."

"Huh, did you let someone else go prospecting down there?" He said no, there wasn't anyone else around all day, and no one for miles. He thought it was the hardrock miner. I didn't think so, the hardrock miner was busy at his mine, a long ways from the gulch. In fact I walked right by him on the way out.



*Is this the source of the bad mojo?*

---

## Ghost Mine Continued

---

I shrugged it off to an echo, but never thought for a second “ghost.” Neither did John.

A few weeks later I was walking the trail out from my claim near the gulch with my wife and daughter. I had a heavy pack on and I needed to go down the gulch to pick up a rock hammer I had dropped a few days earlier when metal detecting.

As the gulch ran so much gravel from the drift mines I always thought it would be an interesting place to metal detect, so one afternoon I started walking up the gulch with my metal detector digging old square nails and bits of metal, but no gold. The gulch was very steep to the point at certain places you needed hand holds to go up, so the metal detecting was limited to areas where you could stand.

Working my way upwards I got a small hit near the edge of the chute where there was some decaying bedrock. I set the metal detector down and started digging with the rock hammer. I picked up the detector to pass over the dirt when I heard a loud buzzing sound behind me, I looked behind to see thousands of yellow jackets pouring out of a hole in the ground exactly where I’d dropped the hammer. I grabbed the metal detector, brushed off a dozen or so yellow jackets and I think in about three steps covered around 200 vertical feet downwards.

*I left the rock hammer to the yellow jackets*

I finally decided I would get the hammer. When we reached the spot where the trail ran near the gulch, I told my wife and daughter I was going to drop down the gulch and retrieve my hammer from the yellow jackets. I told them they could wait for me on the trail, or continue the remaining half mile to camp and I grabbed my metal detector and dropped into the gulch.

I immediately found the remains of an old punch plate just about the right distance from where I believed the opening of the drift mines were. I continued down the gulch metal detecting and getting the occasional hit, digging junk.

Like most summer days in the Sierras it was quiet in the gulch other than the sound of the wind in the pine trees and the occasional beep of the detector. I was more careful this time where I dug and I dug somewhat infrequently fearing stirring up another nest of yellow jackets.

Eventually I worked my way down to the rock hammer which was mere inches from the opening to the yellow jacket nest. Several yellow jackets a second were flying in and out of the nest. Doing my best impression of a mime I slowly worked my way to the hammer and recovered it.

### Laughing and Talking

As I got within a hundred feet of the top I could hear people talking and I thought my wife and daughter had decided to stay up top so I decided to spend a little more time detecting where I thought the bottom of the mine’s sluice would be. It sounded like one of the miners was on the trail talking to them and I could hear laughing. I thought this was unusual because neither of the other two miners were supposed to be at the claim that day, but I thought they’d decided to show up after all.

Eventually I worked my way up to the head of the gulch where the collapsed drift mine was and climbed back out of the gulch. A few hundred feet later I saw my pack but no one else. I thought I had just missed them so I picked up my pack and walked the trail back to the camp.

As I walked into camp I saw them sitting finishing lunch. I dropped my pack at the truck and walked over. My wife asked “Who were you talking to in the gulch?” “No one I said.” She said, “I heard you plain as day talking to someone.”

Not being one to talk to myself I hadn’t said a word. I asked them if they’d just got to camp and they replied they’d never stopped. They walked to camp as soon as I left them so they’d been there about an hour.

“You’re kidding me right?” She replied “No, look, we’ve had lunch already and we’re just waiting on you.”

“But I heard you guys talking and laughing at the top of the gulch.” She replied. “Wasn’t us, we never stopped!”

From the top of the gulch to camp was at least a half mile. There’s no way I could have heard them from the gulch. We both looked at each other and shrugged. That’s a little spooky.



## WMA Member Tells it Like it is

### *Miner blasts the environmental cash machine in Op Ed in Grass Valley*

A while back the Sierra Fund put an article in the paper that talked about the concerns of eating fish contaminated with mercury. This was nothing more than emotional environmental posturing that will lead to more donations and government grant money being wasted. They need to check their facts.

A California State Water Board study released May 22 indicates mercury in fish in the Gold Country is not a problem. The study (available with this story at [TheUnion.com](http://TheUnion.com)) is the most comprehensive and wide-ranging study to date conducted by the Water Board, and the results show that mercury is not a problem.

An article in the International California Mining Journal, written by Scott Harn, states, and I quote: "The study was the third in a three-part study extending over seven years that sampled 63 rivers and 568 fish to determine the health of California sport fish. Without exception, the fish in the mountains and gold-bearing areas of California were either well below or significantly below established criteria for consumption. 87 percent of locations sampled tested below mercury threshold levels and 100 percent of rivers in the Gold Country tested below U.S. Environmental Protection Agency (EPA) thresholds. The only areas found with levels of mercury exceeding advisory criteria were in the Sacramento Delta, which is consistent with earlier testing."

Other facts issued by the California State Water Resources Board and other experts can be read at <http://westernminingalliance.org/>. So why would an environmental group come out with an editorial warning people about eating contaminated fish? So they can get everyone's emotions stirred up. Environmentalism isn't about the environment, it's all about money. These organizations get hundreds of thousands of our tax dollars in government grants to do their "scientific" studies. They get emotions stirred up first, like they have done with the mercury issue and suction dredging.

Why can they dredge Combie Lake to eradicate the mercury, but it's not OK for the miners to dredge for gold in the streams and rivers? Money, that's why. There are millions to be made in government grants for these businesses and environmental groups regarding mercury eradication.

A recent letter in The Union newspaper talked about the dredging that was going to be done at Lake Combie by NID and Teichert aggregate. What they failed to mention in the article was the \$6.5 million that Sen. Feinstein has allocated to do this.

Another article I read said they were hoping to retrieve 75 pounds of mercury by dredging the lake; 75 pounds for \$6.5 million. I think our tax dollars could be better spent somewhere else.

What about the methyl mercury they will create? That's why they claim they don't want miners suction dredging any longer. In playing to these emotions, they use people in the scientific society who follow the same agenda, so they get the results to prove their agenda while ignoring science that points to the contrary.

That's why Sierra Fund CEO Izzy Martin has said that the "science is settled" concerning mercury and dredging. That's what you say when your science hasn't proven your theories and when there is science that contradicts yours.

They're doing this because of millions of dollars in government grants for the eradication of mercury, even after it's been determined that it's not a problem.

They want to stop the miners from suction dredging so they will give up their claims, because they can't dredge on someone's mining claim.

They do this because environmentalism is a business. It doesn't have to produce a product and doesn't have to produce a profit in order to stay in business. The website [www.guidestar.org](http://www.guidestar.org) lists the Sierra Fund in 2011 as having received \$482,363 dollars in contributions and \$514,223 in government grants. They list total expenditures at \$995,573 dollars. For what? To pay their attorneys to file endless lawsuits against government agencies to influence regulations created from those agencies?

They label themselves a nonprofit and play to that so everyone thinks they're only in it for the environment. Remember, this is just one environmental organization. That's why there are "friends of this creek" and "friends of that creek." It's a money-making business that doesn't have to produce anything.

I'm left to wonder why our politicians hand out money hand over fist for environmental groups while Social Security and Medicare are underfunded, along with police, fire and schools. Work needs to be done to dry up the money that gets funneled to these environmental groups.

Wes Hawkins lives in Grass Valley.

## JOIN THE WESTERN MINING ALLIANCE

We're an all volunteer organization funding this fight by selling hats and your membership contributions. (so buy a hat dammit!)

There are a lot of organizations who are in this fight. We mean the big picture fight, the fight to save America. They include organizations like the National Rifle Association; Defend Rural America; Public Lands for the People; the Pacific Legal Foundation; the Mountain States Legal Foundation and a number of clubs and organizations throughout the west.

Consider this statistic from a well researched book by Elizabeth Nichols, *Eco-Fascists*, as of 2005 there were 26,500 environmental groups in

the United States these groups collectively spent \$9.7 billion per year. The top 50 alone account for nearly \$5 billion of that spending.

Because environmental groups don't produce a product, nor a service, the money is spent on raising more money through propaganda. You've all received it in the mail, the heart tugging pictures of dead wolves, drowning polar bears and starving deer. That works out to nearly \$400 million per month spent on one giant propaganda campaign.

And the budget for our side? One of the largest and most effective groups in the country for rural Americans is based out of Texas called the Americans Stewards for Liberty. It

has a budget of about \$350,000 per year and a staff of four.

The environmental groups are mere shells. The membership rolls are rarely what they claim there's just not that many Americans that rabidly environmental. Most Americans are just like you and I.

So our request you join the Western Mining Alliance is really a request you join with somebody in this fight. You pick the group that is doing the good you want done and join them.

This is a long fight, we're just awakening to it and learning how to use legal, the media and the political process. It won't be quick and it won't be easy but we must fight. There simply is no other choice. Join

## FROM THE WMA PRESIDENT



### ***It's time to step up, or out***

The long painful road to a conclusion of the court cases is underway. Through the next months we can expect an endless flurry of petitions and counter-petitions. We've passed the first two hurdles and survived the government's first two challenges. We won our fight to move the case out of

Alameda County; we won our struggle to obtain an impartial judge and we survived the State's challenge to dismiss our cases.

Our position is solid and it's because of you. For everyone who has been financially supporting the case we've made it to here. Now we must finish what we started. We have one lawyer, the environmentalists have eight and the State has three. If you like a good underdog story you're in it.

We collectively pay the lawyer bills. Find us a lawyer who will work for free and we'll be glad to hire him at that price but the reality is they're not out there, and if they were they may not be worth the price. So we must pay a lawyer to prosecute our case. No money for the lawyer and we have no case. Once again we ask you to step up and make a monthly donation from now

until the end of the case. Every month we're asking you to donate \$20.00 to the cause. Is that worth it to get back in the water next summer? What's our alternative – quit? If we quit, they win, they just took something from us we can never get back. When they take the next thing will you decide it's time to fight?

Here's the reality. This newsletter goes out to thousands, if everyone just sent \$5.00 per month we could cover our bills, but we're asking for \$20.00 per month because the vast majority donate nothing and we need those who will donate to cover the lack of donations of the majority. That's life, we're not complaining about it. We can't, and wouldn't try to force people to donate. If we did we'd be no different than those we oppose. This is a free country, you are blessed with liberty. Let's keep it that way.

# Support the Western Mining Alliance

**We've got full stockage of our hats again!** Check out our unique hats where you can swap out a patch every day if you like. By purchasing stuff from the Western Mining Alliance you help us fund our efforts to stay in the fight. All profits go to funding the fight. If you've already bought a hat you really need an extra patch.



ATACs



OD Green



Black



All Cotton  
OD Green



Khaki



Back of  
mesh hat

**\$14.99** with WMA patch. These are nice hats. Each hat ships with a WMA velcro patch. You can swap out the patch and have a different hat for each day. The mesh backing provides for cool wearing but if you prefer the all cotton we now have those in stock. If you've already bought a hat, consider buying some additional patches and impress your



**\$87.95 New!** The ATACs camouflage day pack is perfect for the short trip into the mountains. Lightweight and durable this thing has an amazing amount of straps for carrying equipment such as rock hammers and picks.

## Bumper Stickers

Bumper stickers are cheaper than a new paint job. If your truck is like mine, there's likely a rust spot somewhere that needs to be fixed. A bumper sticker is a cheap solution. Only \$3.50 each it's a great way to show your support and annoy an environmentalist at the same time.



**\$4.99** Our additional patch selection is available on our web site. All these patches have velcro backing and will attach to the WMA hat, or anything with velcro.

# Support the Western Mining Alliance

New this month!



**\$49.95** The lightweight pack in OD Green. This is a nice pack for a day trip out. With comfortable straps, a surprising amount of cargo space and plenty of places to stow things and hang things you'll find this to be your favorite pack.



**\$11.95** If you carry a radio while your out this OD Green radio pouch is perfect for attaching to your belt and securing your radio. The design allows for no obstruction of the antenna and depending on the design of your radio you can access your channel knob. The longer design of the pouch provides for a flexible approach where you can stow lots of different things.



**\$19.95** Non-slip rubber cap



**\$15.95** Hard plastic cap



**\$12.95** We started stocking these because several of us (well most of us) have M-4 type assault rifles. The type that drive the anti-gun people nuts. So what to do with those high capacity magazines - how about a double M-4 magazine pouch? This is the first month we've stocked these. As you'd expect they fit a 30 round M-4 magazine, have drain grommets in the bottom, are made of tough cordura and secure using velcro.

Yeah, we're actually miners so when we buy things we buy stuff we need, and hopefully you need. We use knee pads when dredging, they're cheaper than replacing a wetsuit every year. We're now stocking two different types of knee pads. Both sets have velcro straps for easy fitting and a durable pad for at least a seasons worth of wear.

# The Closing Statement



I've been reading some lately on this so-called Agenda 21. I've got to admit when I first heard of it I thought it was a little far fetched, but the more I read the more troubled I become.

Let me summarize my concern like this. You see, I'm a n u n a p o l o g e t i c capitalist. I don't believe

in "sustainable" anything. In fact, sustainable is just the opposite of my beliefs. I believe in consumption. I think if you want to drive a Hummer, have at it. If you want to turn on your water spigot and run your water all day - go for it. I believe if a person is willing to pay for something they should be able to use all they want.

I don't believe we have any type of moral obligation to buy into this sustainability crap. It's communism, plain and simple. Consumption is what drives wealth. Use more of it I say. You want to leave your air conditioner on 52 degrees all day? Great, I'll mine more coal, in fact I'll hire two more people to mine that coal.

Don't buy into this sustainability bull. When you hear "sustainable" insert the word "communist" and you've just about got it. Don't be sustainable, be a consumer. Be a user of resources. The way society moves forward is through demand, not through self imposed or government imposed rationing

If you want to make a statement against this sustainability stuff, and the "precautionary principal" then we could sure use your help about now. In fact, we're in critical need of your help.

You see, we've got a legal case we need to finish off and when we beat these rat-ass bastards we're going to sue the State for our legal costs, then we're going after these punks that put us

off the river for four years. The only sustainability they'll get is the sustainability of some whoop-ass for a few years.

We can win this case, but to win we've got to stay in the game. Let's annoy the hell out of the socialists and let's stay in the legal fight. I'm counting on you to cough up \$20 a month and send it to PLP. Don't give me any bull about "well if only they would....then I'd support it." That's crap. We're doing the best we can with the talent we got and now we need your help. Either step into the ring, or go home. No sniveling. We're in the fight of our life and what we do now will impact the life we leave for our children. Do you want sustainability for a future or would you rather open up some whoop-ass?

This is our lawsuit, this is our fight. We're standing alone. There is no white knight going to ride in and write us a check for a couple hundred thousand and save the day. If we're going to save the day then we better just buck up and do it.

As a group we must support the lawsuits, it's all we've got. Put aside arm-chair quarterbacking and grumbling. Ultimately we'll win but we have to get used to collectively supporting the lawsuit by donating every month. We're going to have setbacks and it's almost a certainty this case will go to appeal but we've got to see it through.

We didn't claim to be the most brilliant folks around. We're just like you, we're would be miners trying to scratch out some gold from the rivers. We may not have the resources to hire eight lawyers like the enviros do, but what we got is by-God grit, and that's something they don't have.

It's time to step up folks. The fate of our lawsuits depends entirely on you and whether you're willing to forego \$20 a month and send it to the good folks at PLP. Those of you who don't know Jerry Hobbs, then I recommend you ask around about him and how he had to close his mining store to lead this legal fight, or about how he struggles each day just to push this thing forward despite his own challenges. Join us in the fight of a lifetime.

*Molon Labe*



# Down River

---



Last month we posted the above picture of an old bridge spanning a mining river. Apparently this foot bridge has been around for a very long time. One of the claim owners sent us the picture on the right showing the newly rebuilt foot bridge constructed and funded entirely by miners even though many others use it for access.



To the left is the camp of a miner patiently awaiting the re-opening of dredging. Deep in the wilds of the Sierra everything must be packed in and packed out.



# Down River

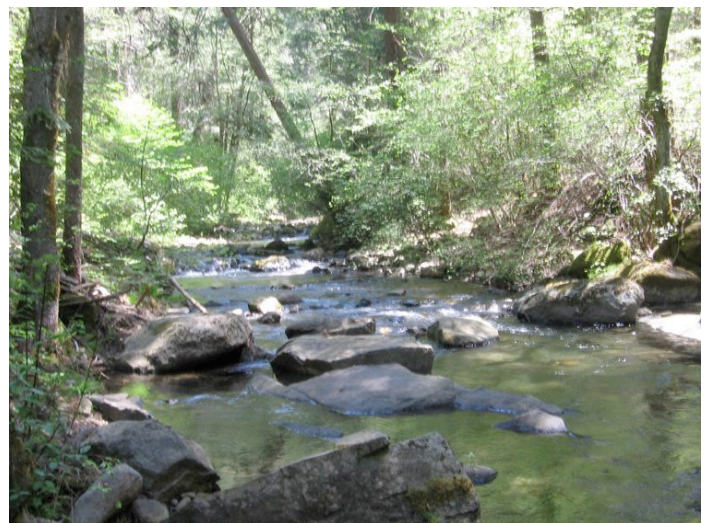
More pictures of mining claims and some of the scenery surrounding the claims. If you'd like to contribute something for us to show please contact [MinerRick@theminingalliance.com](mailto:MinerRick@theminingalliance.com) or [theminingalliance@theminingalliance.com](mailto:theminingalliance@theminingalliance.com).



A WMA member sent us a couple of pictures of another beautiful claim high in the Sierras. This claim is another great example of an area continuously mined for over 150 years and yet it is more pristine today than it was 100 years ago. Thanks to claim owners who pack their, and others garbage out. There is no trace of human activity on this claim. Now if we could only see a dredge in this picture we'd have the perfect outdoor picture.



To the right is yet another claim. This one at a lower altitude than the one above. If you've been running around the mountains for very long you didn't need me to tell you that. You could tell from the picture.

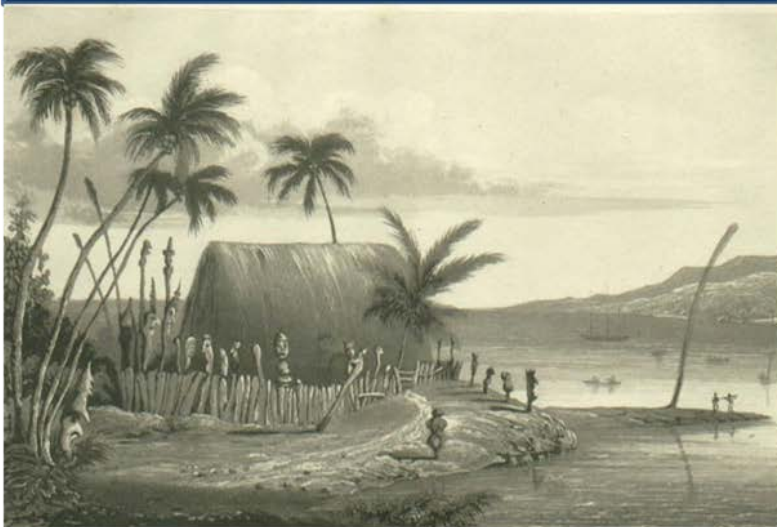


# Support Those That Support Mining

Do you want to advertise with us? This monthly publication goes out to thousands of people each month and redistributed through other networks to extend our reach. The newsletter is provided free of charge as an informational vehicle and is distributed solely to people involved in mining issues. We can certainly use the support to help fund our efforts to continue the fight to restore our rights. You can contact us at [theminingalliance@theminingalliance.com](mailto:theminingalliance@theminingalliance.com). We respond to every e-mail.

Please support those that support mining by buying stuff from them. Keep their businesses going and support American industry

## OLD HAWAIIAN COFFEE COMPANY

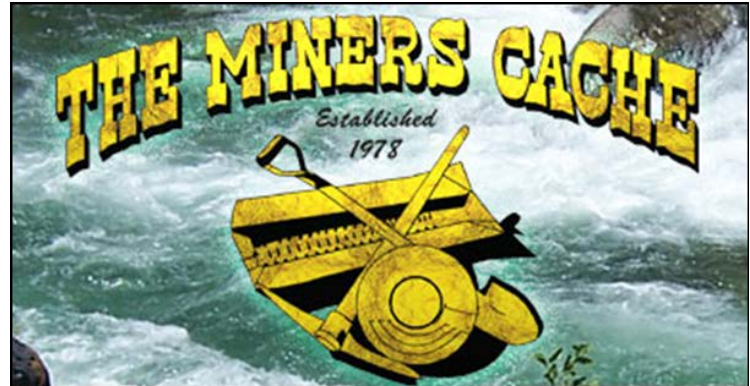


Misha is a dredger with claims on the Klamath. He also runs a 10 acre coffee plantation near Kona, Hawaii where he has been growing 100% pure Kona coffee. He uses no pesticides, herbicides or genetically modified plants. We know you need coffee, so order your coffee from Misha. Kona coffee is considered the best in the worlds. Try some and you'll agree.

### TO ORDER CONTACT:

[misha@oldhawaiiancoffee.com](mailto:misha@oldhawaiiancoffee.com) or phone Misha at the coffee plantation 808-328-2277

84-5042A Mamalahoa Hwy Captain Cook, Hawaii 96704



Chip and Stacy Hess run the Miners Cache in Redding, California. They've been supporting mining for over 40 years and continue to operate their "brick and mortar" store where they stock everything you need for small scale prospecting.

The Miners Cache • 1600 East Cypress Ave, #8  
Redding CA, 96002 • 530-410-3122

[www.theminerscache.com](http://www.theminerscache.com)



**MINING SUPPLIES**  
**METAL DETECTING**

559-298-9096

850 San Jose Ave. Ste.110  
Clovis, Ca. 93612



# Support Those That Support Mining

**SETH MITCHELL'S**  
**GUIDE SERVICE**

**YOUR GATEWAY  
TO CALIFORNIA'S  
PRODUCTIVE WATERS**



Guided Fishing for Salmon,  
Steelhead, Shad, Stripers, Trout

Guided Wild Boar Hunts  
on a Private Ranch

Packages include Boat, Guide,  
Gear and Gourmet Meals

Shasta | Sacramento | Tehama | Butte | Glenn Counties

[www.sethmitchellsguideservice.com](http://www.sethmitchellsguideservice.com)

(530) 515-5319 CHICO, CA



If you're into customizing cars call Dave Antonucci, the owner of FAB Quest for all your customization needs. You may recall Dave's excellent articles on dredging from a few months ago. Dave is an avid dredger and has been supporting the fight since we started.

[www.fabquest.com](http://www.fabquest.com)

**Sierra  
BLASTER**

You may have seen this booth at the Las Vegas gold show. We've used the Sierra Blaster to change some very big rocks into some small rocks and we can tell you it works. You don't need any special permits (can you believe that?) to use the Sierra Blaster. It's a really cool explosive about the size of an M80 and even works when wet. If you want a full review contact [MinerRick@themineraliance.com](mailto:MinerRick@themineraliance.com). We've seen some very good results using this.

# Consulting Services

---

## AFFORDABLE COMPLIANCE ASSISTANCE

---

- Safety Person Mine startup
- MSHA Approved Instructor
- Part 46 & 48 Training Policy
- Cal/OSHA certified/Licensed
- Safety Representative, Gas Tester, Blaster
- Fed/OSHA Authorized Construction Trainer
- OSHA 10 OSHA 30 classes
- Red Cross First Aid & CPR
- Cal State certified Electrician

***First consultation free***

**Bill Slack 530 277 3447**

**slack@jps.net**

---



---

## WINDRUSH MINE SAFETY CONSULTING

---

### ***Miners - Get Legal!***

With MSHA and CAL/OSHA Requirements

*Did you know MSHA inspectors use high resolution satellite images to find remote mining activity?*

Citations and shutdowns are very expensive; no longer can you operate under the radar.

AFFORDABLE COMPLIANCE ASSISTANCE  
FIRST PHONE, EMAIL CONSULTATION FREE

- MSHA approved underground surface instructor ●

I'm the daughter of a gold miner and I've been in this business for many years. Please call me with your compliance needs. - Lyla Tracy

---

Windrush@hughes.net

530-265-5466

---

# Some Parting Shots

*Some photos from members*

---





---

# Siskiyou Secession Resolution

---

RE:A Resolution for the withdrawal of Siskiyou County from the State of California.

WHEREAS, there are times in our history, when it is apparent that the political separation of one people from another becomes necessary, both for the survival of the one, as well as, the continued well-being of the other.

WHEREAS, the Siskiyou Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature and the Board is aware of an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in the form of illegal fire tax, property rights violations, assaults upon Second Amendment rights, as well as, disregard for other unalienable Rights of the Citizens of Siskiyou.

WHEREAS, Agencies of the Executive Branch of the State of California are engaged in an attempt to remove four, fully functional, well maintained, hydroelectric dams on the Klamath River over the objections of the Board of Supervisors and those of a vast majority of the Citizens of Siskiyou County.

WHEREAS, State and Federal Agencies through the process commonly known as, "Sue and Settle," have denied the County of Siskiyou, its businesses, and citizens, access to our most abundant natural resources, causing untold harm to our economy, as well as to our health and public safety.

WHEREAS, the Board of Supervisors for the County of Siskiyou, have come to the realization that the State of California is ungovernable in its present form

IT SHALL THEREFORE BE RESOLVED, that the Board of Supervisors for Siskiyou County, would endeavor to make a "New Start." This Board desires, with the involvement of our citizens, and hopefully, with the involvement of other Counties within rural California, to withdraw Siskiyou County from the State of California. This Board would "Start over," by helping to form a "New State," which represents the needs, provides opportunity, protects the rights, liberties, public health, and safety of the people of the new State of Jefferson.

The above Resolution was, on motion, made and seconded on this day, the \_\_\_\_\_ day of \_\_\_\_\_, 2013