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USDA Forest Service Attn: Director-MGM Staff

BY:

1617 Cole Boulevard, Building 17, Lakewood, Colorado 80401

cc:

President Trump

The White House

1600 Pennsylvania Avenue NW

Washington, DC 20500

In reference to the proposed changes to 36 CFR 228 regulations , I submit the following:

Once again, with blatant disregard of the original intent of congressionally enacted federal statutes regarding mining, the Forest Service is seeking to increase their control over mining in this country. With complete contempt and defiance of President Trump's executive order 13817, the Forest Service seeks not to reduce regulation as ordered, but rather to increase their regulations and control over mining.

In 25 years as a miner I have never once experienced any sort of honest governmental services, or professionalism, on the part of the Forest Service. Neither have I (as mandated by Congress in the 1979 mines and minerals policy act) ever experienced anything remotely close to fostering and encouragement toward developing our domestic mineral resources. Quite the contrary, I have experienced only lies, deceit, intimidation, threats of legal action, and a complete disregard for my rights and obligations under the 1872 mining law. And they have done so openly, with malice, and unafraid, knowing they are protected as government employees and never held accountable for their actions.

The Forest Service and BLM have been ordered to reduce regulations.

Any increase in non compliance and enforcement powers is not the intention of this Executive Order. Any increase in authority to validate or invalidate mining claims is not the intention of this Executive Order. Any increase in authority to void a mining plan is not the intention of this Executive Order. And any authority to charge exorbitant bonding fees is not the intention of this Executive Order. From personal experience, all of these added authorities can and will be used against the mining community, and this is not the intention of this Executive Order.

The basic concept and meaning of the word "mining" is the extraction from the earth of naturally occurring rocks, minerals, and elements. The first stone tool, the first clay pot, the first rock shelter made

by man, were constructed of materials mined from the earth. Humans have been mining since the beginning of our existence and without mining, humans, as we know ourselves, would simply not exist. We are 100% reliant upon mining.

From the earliest days of our country lawmakers have understood this basic principal. Mining is, and always has been, the number one priority in terms of the use of public lands. And each act of congress affecting public lands or creating various government agencies to manage our public lands, has had explicit language EXCEPTING mining. Even the authority granted by congress to the various governmental agencies to make rules and regulations regarding how the public uses our public lands was prefaced with "so long as you don't materially interfere with mining".

Some say the 1872 mining law should be repealed because it is old and outdated. It is old, but it is not outdated. It is just as viable and important today as it was in 1872.

In 1872 congress recognized the value of a multitude of Americans searching for valuable mineral deposits. In keeping the public lands open to prospecting and location, congress knew that on the backs of miners and prospectors, the nation would prosper. Granting Americans the right to prospect for, and claim ownership of valuable mineral deposits was both right and just because in the long run, the nation as a whole, would profit immensely. Deposits would be discovered. Mines would be established. Jobs would be created. Towns would be built. Industry would thrive. Taxes would be paid. And the nation would be self reliant, wealthy, and secure.

The 1872 mining law is old, but it remains viable to this day simply because it works!

Neither the Forest service nor the BLM were ever intended by congress to regulate mining. The Forest Service was created and assigned two responsibilities. 1) To maintain a steady supply of wood products for the nation, and 2) To prevent wildfires and undue degradation to the nations forest reserves. On these two responsibilities they have failed on a massive scale.

In 1974, after over 100 years of the 1872 mining law working just fine, an overzealous Forest Service went looking for some way to claim authority to regulate mining. They went all the way back to the 1897 Organic Act. An act of congress enacted before the Forest Service even existed. And in that act they found one sentence, twisted it out of context, and claimed their authority to regulate mining. As smart and wise as congress had been up to this point, I find it astonishing that they sat back and allowed this to happen.

Since 1974 mining has been regulated nearly out of existence.

Executive Order 13817 has instructed the Forest Service to eliminate regulations, not increase them. Executive Order 13817 is not meant to give the Forest Service the arbitrary authority to fine a miner \$100,000 for bending over a blade of grass that was not in his plan of operations! Miners are required by federal statute to pursue the mineral content of their ground or risk losing their claim to that ground. The Forest Service does not have the authority to say via their rules and regulations, "as long as you don't bend over that blade of grass."

There are a host of laws both federal and state, that miners must follow to mine their properties in a responsible manner. We don't need a failed federal agency that can't even do their own job, creating even more rules and regulations, telling us how to do our's.

With modern technology making minerals once thought to have little or no value increasingly critical to our existence and security, we, as a nation, need our prospectors and miners now more than ever. Please stop with your rules and regulations and your misguided need for control. In the long run that will benefit us all.

I am not inclined, nor do I have the time, to explain the nightmare of over 25 years of Forest Service abuse, intimidation, and constant interference with my statutory right and obligation to pursue the mineral content of my ground. The Forest Service continually uses undefined words open to their own interpretation like, "significant", "damage", "disturbance", "reasonable", "harm" etc... to justify their misguided attempts to stop all mining. Any increased authority to regulate and penalize miners over arbitrary and prejudiced interpretations of undefined words within the CFR's will only end up in a very long and costly court battle over a federal government taking of private property. And that is not the intention of this Presidential Executive order.

Congress has long recognized, and the courts have long upheld, that; "a mining claim is not a mere assertion of a claim, as in the ordinary sense of the word, but rather, is real property in every sense of the word".

It is my firm belief that congress needs to, and my hopes that congress will, clarify once and for all, that mining is indeed the number one priority use of public lands. And that mining was, is, and continues to be, the "exception" to the rules and regulations of how the public uses our public lands, and "not to be interfered with".

Respectfully yours,

Robert A. Repin

Liberty, Washington

September 25, 2018