

Date submitted (UTC-11): 10/1/2018 1:00:00 PM

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Comments:

The proposed changes to 36 CFR part 228 needs to define significant disturbance as it currently occurs this is purely subjective and changes with whomever you ask. I suggest this be defined. Specifically I recommend that a surface disturbance be defined as a disturbance of more than one acre of surface area yearly or 1,000 cubic yards of material excavated or moved and this measurement is not to include maintenance of existing camping areas (soil pads), existing trails or existing roadways. Disturbance of less area or cubic yard volume as defined above is not a significant disturbance. I also recommend that the definition of significant disturbance state that removal of up to 5 live mature trees (12-inches or greater diameter at chest height) per year and up to 15 immature trees (less than 12-inches in diameter at chest height) per year is not considered as a significant disturbance if tree removal is within to area being excavated/disturbed. Requiring all areas disturbed areas that have already been mined - outside of camping areas, trails and roadways - be restored to near original topographic configuration and seeded to stabilize soil to prevent erosion is reasonable.

There needs to be specific language that states "the U.S. forest service can not restrict federal mine claim owners from accessing their mining claim properties via existing roads and trails. If gates are erected across these existing roadways the federal mining claim owners must be given a key to the gate or be allowed to place their own lock in the chain or lock mechanism to the gate such that the mining claim owners have unrestricted access regardless of time of the year or whims of the U.S. Forest Service.

Currently the U.S. Forest service is blocking off RS 2477 roads (existing prior to 1976) and erecting gates across these roads and others in California. Then, the U.S. Forest Service has been requiring (trying to force) mining claim owners in California to submit a plan of operations (which they may never grant) to gain a key to the gate. They do this to force us to give up our rights existing under federal law and to make us post expensive reclamation bonds that they know are not required, as we have not been making a significant disturbance (by their own law enforcement officers admissions - verbally upon inspecting our mining sites - occurring after U.S. Forest Service sent us a letter making such significant and illegal disturbance claims without even knowing how to access the mining claim sites - again by their own admissions). In spite of the roads qualifying as a RS 2477 public road under federal law with an existing right of way conferred whether the roadway right of way was ever recorded with the county or not (per language in the 1976 FLMPA).

These roadway blockages are also in violation of the American Civil liberties disability Act (I among other nearby miners I know are disabled) and the U.S. Forest Service personnel have repeatedly stated that this act does not apply to them, so they can block off roads. When we raise these issues they have been telling us we still have access - we just have to walk down and then back up these roadways that change in elevation by several hundreds of feet along them in less than a miles distance. Its not their problem if we are incapable of doing this. This needs to be rectified by adding a statement to 36 CFR part 228 that states "the forest service must abide by this disabilities act and aid miners in getting access to their Federal Mining Claims by giving them access by way of existing roadways and trails without restrictions or additional impediments being imposed on these miners."

Miners should also have a prescriptive easements on these RS 2477 roadways since we have been using them for more than 10 years. Again the US Forest Service has ignored the law on this issue. The revision to 36 CFR part 228 should state that the US Forest Service abide by prescription easements on all roadways that the miners have been utilizing for 5 or more years previously as access to their federal mining claims.

Revisions to 36 CFR part 228 needs to state that suction dredge operations are not required to obtain a discharge permit to operate within the Forest System lands as no addition (pollutant) has been added to the discharge water and any materials discharged from the suction dredges are materials that already existed in

the river, stream or creek being dredged. This statement would align the US Forest Service policy to comply with U.S. Supreme Court rulings that already state this. A policy the US forest service has been ignoring. Miners invited personnel and their families need to be allowed to remain on their Federal Mining claims for longer than the proposed 14 days limit (36 CFR part 228 proposed changes. My suggestion is to allow miners to be able to stay for up to 4 months per year. Requiring a portable toilet be on site during stays longer than a week.