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Comments:

My spouse and I own 1 mining claim in the El Dorado National Forrest. We established this mining claim to teach our kids the history of our area and to teach them valuable skills such as conservancy, wilderness survival, respect for other peoples property, fundamental values of our country and how to mine and prospect for valuable minerals. We are active members of American Mining Rights Association (AMRA). We have had to get involved with the rights of miners since they are being stripped away and ignored by USFS rulings, regulations and policies. In reality, what we have had to teach our kids has been how to deal with government bureaucracy, how one special interest is favored over other special interests, and how the rule of law is being traded for the rule of regulation.

This proposal will directly affect and prohibit small-scale miners who own the mineral rights and pay property taxes on Forest Service Land. We also remove other heavy metals like lead from buckshot, weights from fishermen and 99% of the mercury in the rivers and improve fish spawning and habitat areas. We have removed 100 times more lead and mercury out of the land than we have taken in valuable minerals. This is a hobby for my family that has been increasingly difficult to maintain because of the regulations have not been written adequately. What a small-scale miner does is considered de minimus (not harmful) based on multiple reports because we mainly use hand tools and small lawnmower sized motors. Getting a Plan of Operation is hugely prohibitive to small scale miners that own mining claims in the Western US. Our claims are typically only a 14 mile long on the river.

It is my understanding that in 1974 no Plan of Operation was required for suction dredging because the USFS view was that it did not create a significant disturbance. This is the same activity, suction dredging, as well as, high bankers, sluices, panning etc., with two completely different outcomes. The only reason for the difference is the USFS personnels interpretation of USFS regulations. These incorrect interpretations are occurring because USFS has no nation-wide policy directing USFS staff to consistently interpret regulations and policies based on sound scientific analysis, legal interpretation and common sense. I find it extraordinary that the BLM/USFS uses suction dredging to rehabilitate areas with high concentrations of mercury when if there was a place for us to deposit these materials we would be helping to rehabilitate these areas.

There needs to be a policy with a clear list of what equipment requires a Plan of Operation and which do not, what defines a significant disturbance and what does not. Stating that if it causes a significant disturbance and not defining what that means in a measurable and scientific manner is like having no definition. That is where USFS is right now, and that is why there are so many lawsuits surrounding them.

Answers to questions: 1c. USFS using BLM 3 Classes-Casual Use, Notice and Plan of Operation levels are still not clear enough. Casual use states It MAY include use of small portable suction dredges. In my mind this means pans, metal detecting, sluices, high bankers, dry washers and dredges are casual use. This equipment needs to be specifically called out as casual use to decrease confusion for all parties involved. 1d. Proposed Requirements for 3 Classes-Casual use is specified in 1c above. Notice Levels is just for the agency to decide if it is a casual use or needs a Plan of Operations. Plan of Operations should be required only if using earth moving equipment. There must be a 15-day max processing time for USFS to respond, or if no answer is returned it is assumed to be approved. 1e. Issues and Challenges Experienced-N/A 1f. Notice of Intent Experiences-N/A 1g. Activity, Location Should Have Increases Classification? N/A 2c,d, f d. Expedite Approval of Plans of Operations-If a Plan of Operations IS required, it must be a fast process. 2e. Paperwork for Plan of Operations-Having consistent requirements and simplified, universal forms for all divisions to use for Plan of Operations would make for a better process. 3c,d,e. Modifications to Plan of Operations after Approved-Requests for modifications should be a quick continuation of the initial process. 4g,h,i. USFS using BLM Enforcement of Locatable Minerals-No, USFS should not be more consistent with the BLMs regulations

governing the enforcement of locatable mineral operations.5e,f. Reasonably Incident Use and Occupancy-No, USFS should stay with its current regulations.6a,b,c. Financial Guarantees-we have no experience with this.7d,e. Operations on Withdrawn or Segregated Lands-I feel that there should be an appeals process.8c,d,e No change to salable or locatable minerals under USFS. USFS should not be able to delay the substance removal while they consider whether the substance is a salable material rather than a locatable material.