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Regards: 36 CFR part 228, subpart A

BY:

I would like to thank the Department of Agriculture for the opportunity to comment on the proposed changes in the United States Forest Service's (USFS) rules and regulations for mining in USFS managed areas. I would also like to commend the President of the United States for his call to increase and improve natural resource discovery, recovery and utilization. The President asks that the Government adopt a more pro-mining approach and reduce the difficulties faced with the current system. He has also asked that for every new rule or regulation, two older ones be withdrawn. The Department of Agriculture seems to be sidestepping the President's order and is instead increasing the number of regulations affecting mining and prospecting. In addition, the Department of Agriculture is infringing on the Department of the Interior's Bureau of Land Management (BLM) jurisdiction, accorded to them under Federal Laws. Given the trend of increased withdrawal of lands and ever increased costs and regulation of mining over the past 100 years I think this is merely a ploy on the Department of Agriculture's part to comply with public notice requirements, appeasement of the Presidential mandate, and will result in further tightening of illegitimate regulatory policies. I and most of the members in our District are opposed to any changes at this time. We believe Mining Districts are not subject to such USFS regulation within our geographic boundaries, when in fact, we must already comply with applicable State and Federal LAW!!

We resent the fact that miners and Districts, were not notified of the opportunity to make comments on matters that directly affect us. A few claim holders in our district were informed and it was brought to our attention with a few weeks left before comment closure. We certainly feel miners and Districts should have been notified directly about matters which affect them. A public forum is an inappropriate method of having to express our opinion. As a Mining District we deserve recognition and are entitled to negotiations regarding the rules and regulations that affect us.

I feel it necessary to comment on the vague and inconsistent interpretation and enforcement of your rules and regulations. The BLM and USFS interpret Federal Law and implement and enforce their rules and regulations as they see fit, without consultation of Districts or even individual minors. Often times Forest Service Officials over step their bounds and refuse to approve Plans of Operation. In the field claim holders feel intimidated and threatened by overzealous agents attempting to impose their "supposed" authority, when in fact, Federal Law

permits the USFS to manage agricultural resources on mining claims, but reserves the RIGHT OF WAY to the claim owner. A better solution would be to bring the matter to the attention of District representatives and let them remedy the situation in a professional manner.

The BLM has been tasked with administration of mining on public lands. Where that duty ends and enforcement of, we feel, potentially illegitimate rules and regulations begins is becoming an increasingly gray area. Many Mining Claimants are members of Mining Districts, we stipulate which District our claims are within on claim forms with the County Recorder and the BLM. Mining Districts were first formed in the mid 1800's, and established "rules and regulations" for each District. Congress recognized the wisdom and value of such Districts and adopted them in the 1872 Mining Laws. When Forest Reserves were established at the end of the nineteenth century, Mining Districts were excluded from their jurisdiction and allowed to maintain their own rules and regulations. More recent Laws allow the USFS to "manage surface resources" in National Forests, but mineral exploration mining and agriculture are still higher priority uses than forestry. Federal Law establishes that prospectors and miners have the right- of - way when operating on mineral resource land within USFS boundaries. Claimants have always been required to conform to the many Federal, State and Local Laws (as opposed to regulations) when working their claims and adopting District policies. The "Spirit and intent" of mining and land use laws has always been clear, Mining and Mineral exploration and the reasonable requirements therefore, take precedent over all other public land uses. Yet government agencies and special interests, continue to ignore and misconstrue the spirit and intent of the laws to, significantly impede Mining and Mineral Exploration. We feel this should stop!

Large mining interests have their own difficulties with all the legitimate laws they must contend with. For small scale professional miners and prospectors, like many of us in the SMD, the increased monetary, administrative and land closure impediments are making the pursuit of our right to mine more unreasonably difficult. I think it is important to remember that many significant discoveries of valuable resources have been made by independent individuals, and many more can be realized if given the opportunity. Closure of public lands by USFS and BLM and administrative and managerial practices are not allowing our nation's mining industry to meet its full potential. The President asks that we keep America strong and independent. In today's high tech world the need for efficient natural resource recovery and utilization has never been greater. We should not be

dependent on other countries to meet our needs. Many more worthwhile opportunities are available for American jobs and careers.

As a member of the SMD, along with other Mining Districts, I am working to protect our right to mine and mineral explore within the legal system we have been afforded. Our interests, and those of our country, are not best served by violation of the many laws that have been established at the Federal, State and local levels. And our interests are not best served by governmental agencies that continue to "Significantly Impede" the ability of miners to mine, and are wasting tax payer dollars to do so. Congress and the President in their wisdom have seen fit to promote mining and mineral exploration, as an ever increasing need for our country. Therefore, I and many other miners and Mining Districts are not in favor of the Department of Agriculture's proposed rule making. From experience we know that they will result in further significant impediment of mining, their continued disregard of miner's opinions regarding our livelihoods, and unwillingness to recognize Mining Districts, their importance and authority.

Respectfully; Ray Stout, 264 Columbia Rd., Ephrata, Wa. 98823. 360-606-4342
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