

Data Submitted (UTC 11): 3/21/2022 4:00:00 AM

First name: Kenneth

Last name: Casebeer

Organization: Southern Appalachian Mineral Society

Title:

Comments: Objection To Nantahala Pisgah National Forest Plan:

James Melonis, Forest Supervisor

Objector: Southern Appalachian Mineral Society

PO Box 15461, Asheville, NC 28813; www.main.nc.us/sams/

Lead Objector: Kenneth Casebeer

President, SAMS, 77 Pinecroft Rd., Asheville, NC 28804;

casebeer@law.miami.edu; 828-424-7176

Objection first presented in Nantahala Pisgah Forest Partnership 2020 Comments on New Forest Plan. Recreation Section.

The Plan states: [ldquo]REC-S-03 Non-commercial mineral collection, such as rockhounding, gem collection, and gold panning for personal use, may take place [hellip] Restrictions apply:

1. Following the identification of areas where surface penetrating tools can be used for non-commercial mineral collection (REC-O-02) use of surface penetrating tools for collection is only allowed in identified areas.

Objection: The use of [ldquo]Surface Penetrating Tool[rldquo] is undesirable as a legal term of prohibition.

[ldquo]Surface Penetrating Tool [ldquo] never appears in Forest rules until the new plan. The Statute prohibits only [ldquo]significant disruption of the surface.[rldquo]

If the language is interpreted literally it contradicts all other encouraging mentions of mineral collecting everywhere in the plan. (Apparently one can collect only by lifting a rock that is fully exposed. Since that cannot be what was intended, some surface penetration will occur. Hands after all can become claws.

Not surprisingly, this new language also contradicts current National Forest management practices. [ldquo]On the Pisgah and Nantahala National Forests materials must be removed using small hand tools without mechanical means or motorized equipment. You cannot remove mineral materials with a pick, shovel, sluice box or similar large tools.[rldquo] Essentially tools can be used which in some ways are merely extensions of the hand and forearm.

There is a reason for this differentiation. IS a finger, a stick, a branch, a stone hammer, or stone lever, or anything the Native Americans used as pre-metal tools, surface penetrating? Rockhounding [lsquo]s most basic tool is a [lsquo]rockhammer.. If so any rock has another surface beneath it and around it, especially in old mine areas. That is why rockhounters go to such sites. [ldquo]Yes, we will direct you to Ray Mines but you can[rsquo]t pick up any rocks unless like pick-up sticks you penetrate nothing? Contradictory at worst, and a slippery slope for any enforcement.

Until the promised joint conferences actually exist and further clarify rules for rockhounding, Do the current regulations of rockhounding still apply until modified by the triggered conferences? Or is it Ranger discretion? Or something else. This unclarity can only create conflict in the interim. See, [ldquo]Rec-O-2: Objectives: Tier 1: identify areas where surface-penetrating tools can be used for non-commercial mineral collection within three years of plan approval.

Management approach: The identification of non-commercial mineral collection sites and techniques (REC-O-02) will involve collaboration with mineral and rock collecting groups, volunteer or partner organizations [Us], and/or state or local governments with an interest with an interest in minerals and geology.[rdquo]

Easy fix: insert the word [ldquo]mechanical[rdquo] in front of [ldquo]Surface Penetrating Tool[rdquo]. Again this reflects and preserves the status quo until the triggered conference is held. Nothing mechanized can be used, nor complex physical exertion like using pikes or shovels. Just hand tools can be used.