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Rebuttal and Objection to Desert Renewable Energy Conservation Plan (DRECP)

Additional submitted attachment is included below.

★★ **MMAC** ★★
MINERALS AND MINING
ADVISORY COUNCIL
FEDERAL PUBLIC LAND STAKEHOLDERS
NON-PROFIT 501(C)(6)
WWW.MMACUSA.ORG

Tuesday, February 27, 2018

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In Reference: Rebuttal and Objection to Desert Renewable Energy Conservation Plan (DRECP)

MMAC, MMAC Members, Miners and Mining Districts have not been included as Stakeholders, Coordinated with Kern County, Inyo County, Riverside County, San Bernardino County and any others affected from DRECP. In accordance with Executive Order #13817 Federal Lands must maintain Multiple Use with NO Mineral Closure or Exclusion of Certain Affiliate Mines. Attached are past electronic signatures and

responses on behalf of miners to be incorporated by reference. Further, all complaints registered in the prior DRECP hearings are to be INCORPORATED BY REFERENCE. Attached please find electronic responses from past DRECP and WEMO public comments from Kern County, objecting to the DRECP and WEMO process.

Mineral and Mining Advisory Council hereby states for the record that the DRECP process is incomplete and has deliberately ignored Mining Districts, to include all Mining District maps and Mineral Assessment Maps. This was true both in the prior DRECP scoping meetings, public hearings, as presented to the Desert Advisory Council (DAC), to include current DRECP scoping and public hearings. When presented with this information during the past and present scoping meetings, public comments, and hearings, BLM has refused to take corrective actions, in violation of Federal Mining Law and civil rights 30 U.S.C. § 21 (a), 30 U.S.C. § 22-54, 30 U.S.C. § 612(b), National Environmental Policy Act, and many other Federal and Supreme Court cases. The full force of government agencies are restricting access and use of federal lands to US citizens and materially interfering by moratorium or refusing to process applications or permits and/or coordinating with Mining Districts as Federal Land Stakeholders. (Miners own the mineral rights if they are mining the land.)

There is a failure of government of agencies to recognize and yield to mining as the dominant and primary use on federal lands, by DRECP on 10.8 million acres just in San Bernardino county and 22 million acres to include all other counties in Southern California.

Rebuttal to the DRECP plan:

All MMAC Assisted Mining Districts and MMAC Members do not want the DRECP for the following reasons listed herein. The spirit and letters from past "no-votes" (Nays) on this DRECP subject are still in force from the miners and/or mining districts and we hereby incorporate by reference any and all previous DRECP objections and complaints filed in the previous DRECP Scoping, Hearing and Public Comment periods filed with the California Energy Commission and Bureau of Land Management.

In rebuttal to the BLM believing that Mining Districts do not exist and that the Mining Districts are not the first Congressionally approved Land Use Designations: We hereby notify the BLM that Mining Districts *do* exist and you cannot place another Land Use Designation that will overlay and replace the primary designation without Congressional approval, to include the approval and concurrence of the Mining Districts. The Mining Districts exist; therefore DRECP designations cannot overlay and replace the Mining Districts.

1. The Rand Mining District of California in the county of Kern is only one example of thousands of mining districts that still exist and for the Rand Mining District there was a filed amendment in the county of Kern in February 1972 stating several facts for the Rand Mining District. This has gone on for many, many years with thousands of mining districts. The West Mojave Plan cannot overlay a pre

existing land designation either and miners and mining districts do not vote for or condone the illegal sue and settle agreement forced on the West Mojave's.

2. The California Resource Code (PRC) in 1953 grandfathered preexisting mining districts, but no new ones could be added.

Under PRC DIVISION 3.5. MINES AND MINING [3900 - 3985] (*Division 3.5 added by Stats. 1988, Ch. 259, Sec. 11.*)

CHAPTER 1. Manner of Locating Mining Claims, Tunnel Rights, and Millsites [3900-3924] (*Chapter 1 added by Stats. 1988, Ch. 259, Sec. 11.*)

This chapter does not in any manner affect or abolish any mining district or the rules and regulations thereof within the state.

3. Next, for mining districts to "cease to exist" they must be dissolved according to CHAPTER 1. Manner of Locating Mining Claims, Tunnel Rights, and Millsites [3900 -3924] (Chapter 1 added by Stats). Whenever any mining district in this state, organized or created under the laws of the United States, is dissolved, the officers or custodians of the records of the mining district shall deposit with the county recorder of the county, in which the district is located, all records of location notices or other documents affecting titles to mining claims in the mining district, shown by the records of the district. Now the counties under federal and state law must accept changes, addendums et:all to the mining districts of which they are not doing.

BLM has stated that the second item they are hanging their hat on is under 30 USC 22 the last sentence of, "so far as the same are applicable and not inconsistent with the laws of the United States." Now what BLM is not focusing on and fails to recognize is that the rest of the codes and laws also state, "as long as material interference is not present and a hindrance to mining."

Mining District (short) Legal Authorities and AnalysisSM©

For purposes of brevity, this short discussion on the legal authority and analysis of the United States Mining Districts will not encompass the history and failure of the lease system in favor of the very successful location system presently reflected in the U. S. Mining Law (codified at 30 U.S.C. §§ (21a) & (22-54). Individuals are encouraged to read: "The Mining Law of 1872: A Legal and Historical Analysis", published originally by the National Legal Center for the Public Interest available in the Library of Congress. Republication was granted to Joe Martori, founder of the Minerals & Mining Advisory Council® and is presently available through: www.mmacusa.org

One of the earliest United States Supreme Court decisions discussing the legal authorities and the Congressional recognition of the Mining Districts under the U.S. Mining law was *St. Louis Smelting Co. v. Kemp, 104 U.S. 636 (1881)* where the court stated: "*The rules and regulations originally established in California have in their general features been adopted throughout all the mining regions of the United States. They were so wisely framed and were so just and fair in their operation that they have not to any great extent been interfered with by legislation, either state or national. In the first mining statute, passed July 9, 1866, they received the recognition and sanction of Congress, as they had previously the legislative and judicial approval of the States and Territories in which mines of gold and silver were*

found.”

The legal definition of a Mining District was recognized in *U.S. v. Smith, 11 F. 487 (1882)*, “The phrase ‘mining district’ is well known, and means a section of country usually designated by name and described or understood as being confined within certain natural boundaries, in which gold or silver or both are found in paying quantities, and which is worked therefor, under rules and regulations prescribed by the miners therein, as the White Pine, the Humbolt, etc. This term, and the thing signified by it, are also recognized by the United States Statutes. Sections 2319, 2324, Rev. St.; Copp, U.S. Min. Lands, 471. There is no method of proceeding known to the law by which a district of country can be prospected, surveyed, and established, or declared to be a ‘mineral district.’ The ordinary surveys of the public lands do not include any examination or exploration of them for mineral deposits, the surveyor being only required ‘to note in his field book the true situation of all mines, salt licks, salt springs, and mill-sites which come to his knowledge.’ Sub. 7, Sec. 2395, Rev. St.”

Later in *Del Monte Mining & Milling Co v. Last Chance Mining & Milling Co, 171 U.S. 55 (1898)*. The court discussed that before the 1866 lode law and before the more refined 1872 Mining law “that there was no general legislation on the part of congress, the fact of explorers searching the public domain for mines, and their possessory rights to the mines by them discovered, was generally recognized, and the rules and customs of miners in any particular district were enforced as valid. As said by this court in *Sparrow v. Stron, 3 Wall. 97, 104*: ‘We know, also, that the territorial legislature has recognized by statute the validity and binding force of the rules, regulations, and customs of the mining districts. And we cannot shut our eyes to the public history, which informs us that under this legislation, and not only without interference by the national government, but under its implied sanction, vast mining interests have grown up employing many millions of capital, and contributing largely to the prosperity and improvement of the whole country.’ See, also, *Forbes v. Gracey, 94 U. S. 762*; *Jennison v. Kirk, 98*

U. S. 453-459; *Broder v. Water Co., 101 U. S. 274-276*; *Manuel v. Wulff, 152 U. S. 505-510, 14 Sup. Ct. 651*; *Black v. Mining Co., 163 U. S. 445, 449, 16 Sup. Ct. 1101.*”

The court went on and stated: “The Act of 1866 was, however, as we have said, the first general legislation in respect to the disposal of mines. The first section provided: ‘That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.” (Emphasis added.)

In analysis of the last sentence, “...and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States” reflects the Mining District authority to make rules and regulations that shall not be in conflict with Congressional enactments of law. Of importance is the fact Congress does not command that the rules and regulations from the Mining District or the power that they exercise be *consistent with* other federal agency regulations. Although, like the power of the Mining Districts to issue rules and regulations to carry out their authority granted or mandated by Congress, no agency or the like, shall make regulations in contradiction to the clear intent and language of Congress and shall not be entitled to deference by the courts.

Mining Districts are the private regulatory authority granted by Congress recognized to regulate the mineral lands held by the United States and for the disposal to citizens of the United States, by means of development and potentially perfected by patent. Among other priorities, the Dept. of Interior since its inception in 1789 has always concurrently had a role in managing the mineral estates of the United States. See: *Best v. Humboldt*, 371 U.S. 334 (1963) “The Department of Interior has plenary authority over administration of public lands, including mineral lands, and it has broad authority to issue regulations concerning them. 5 U.S.C.A. § 485; 30 U.S.C.A. § 22; 43

U.S.C.A. §§ 2, 1201.” While the Dept. of Interior may have plenary authority over the administration of public lands, including mineral lands, that authority is not exclusive. See: *U.S.v.Backlund*, 2014WL5033202(C.A.9

(Or) “...Congress granted the Forest Service broad authority to regulate access to mining claims on National

Forest Service lands.”), cert. denied, 133 S.Ct. 1464 (2013); *United States v. Richardson*, 599 F.2d 290, 295 (9th Cir.1979) (upholding the Department of Agriculture's authority to regulate unpatented mining in national forests)”.

In 1955 under the Multiple Surface Use Act codified at 30 U.S.C. § 612(b), Congress directed that: “Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: Provided, however, That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto...”

No mention is made to Mining Districts in the above enactment. Prior to 1955, mineral deposits were legally described in relation to Mining Districts (*U.S.v.Smith, supra*). To this author's knowledge, no court has ruled on the subject addressing “...(except mineral deposits subject to location under the mining laws of the United States)

...” statement within the 1955 Act itself. Instead, the courts have interpreted this section of the 1955 Act in terms of undue material interference by the public or the surface management agency itself. This was best illustrated in the Shoemaker case (110 IBLA 39) in 1989 where the court said: “Federal management must yield to mining as the dominant and primary use. The terms ‘endanger’ and ‘materially interfere’ used in subsec. 4(b) of the Surface Resources Act, 30 U.S.C. § 612(b) (1982), set forth the standard to be applied to determine whether a specific surface management action must yield to a conflicting legitimate use by a mining claimant. Where there is no evidence that such action endangers the claimant's operations, the question is whether the surface management activity will substantially hinder, impede, or clash with mining operations or a reasonably related use. Like ‘other surface resources,’ the terms ‘endanger’ and ‘materially interfere’ are general. Although the terms are not precise, the legislative history is clear as to their intended effect. In reference to the portion of the statute containing the terms, the House and Senate reports both state: This language, carefully developed, emphasizes the committee's insistence that this legislation not have the effect of modifying longstanding essential rights springing from location of a mining claim. Dominant and primary use of the locations hereafter made, as in the past, would be

vested first in the locator; the United States would be authorized to manage and dispose of surface resources, or to use the surface for access to adjacent lands, so long as and to the extent that these activities do not endanger or materially interfere with mining, or related operations or activities on the mining claim. H.R.Rep. No. 730, 84th Cong., 1st Sess. 10, reprinted in 1955 U.S.Code Cong. & Admin.News 2474,2483; S.Rep. No. 554, 84th Cong., 1st Sess. 8-9."The court went on to say:

"The change made by the Surface Resources Act was to create in the United States explicit authority to manage and dispose of the vegetative surface resources and to manage other surface resources. 30 U.S.C. § 612(b) (1982). Previously, Governmental agencies had been unable to do so once a mining claim had been located, even though the locator had only a limited right to use the same resources. See Bruce W. Crawford, supra at 365-66, 92 I.D. at 216-17.

Congress recognized that there would be instances in which Federal management of the surface resources found on a mining claim would conflict with legitimate use of the surface and surface resources by the claimant. The balance it struck in order to resolve such conflicts was to specify that the authority the statute granted would apply only so long as and to the extent that Federal use of the surface did not endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto. 30 U.S.C. § 612(b) (1982); see United States v. Curtis-Nevada Mines, Inc., 611 F.2d at 1283, 1285. When it does, Federal surface management activities must yield to mining as the dominant and primary use, the mineral locator having a first and full right to use the surface and surface resources." See also U.S.v.Lex,300

F. Supp. 2d 951 (2003): *"As a result of the Multiple Use Act, owners of unpatented mining claims must comply with government regulation of the surface of their claims, so long as that regulation does not materially interfere with prospecting or mining operations."*

The original documented rules, regulations and customs of miners (local rules and regulation bylaws) in their respective Mining Districts were also federally recognized in the United States Census in 1880 and is available online at the mmacusa.org website by clicking on "Mining Districts", then clicking on "Mining Laws 1880 Census" in order to download the documents. These local bylaws are actively being undated to be consistent with existing Congressional enactments within each local Mining District.

In summary, it is this authors opinion that although mining claimants have the legal authority to issue rules and regulations in the context of organized traditional Mining Districts, many miners insist that in the 21st Century all they wish to perform is customary arbitration (through a elected local Mining District board) to determine the reasonable applicability of today's agency regulations that have been misapplied or applied in an onerous fashion that unduly materially interfere. The net benefit of having the miners role clarified in modern times through legislation will save the

federal government and the private sector millions of dollars annually in litigation costs and delays, provide regulatory predictability that encourages investments domestically, enable a reliable source of domestically mined rare earth minerals and metals for military needs as well as economic security needs, and provide good paying jobs while still protecting the environment.

Now lets bring the current laws into play;

Multiple Use Lands, Symbiotic Relations and Conflict Resolutions©

In 1969 Congress declared under the National Environmental Policy Act (NEPA) that: "The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated **to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.**"

The following year in 1970 Congress declared under the National Minerals Policy Act: "The Congress declares that it is the continuing policy of the Federal Government in the national interest **to foster and encourage** private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities."

Then under the 1976 Federal Land Management & Policy Act (FLPMA). The Congress declares that it is the policy of the United States that--

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected

through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before October 21, 1976, be reviewed in accordance with the provisions of this Act;...

I will stop right there and repeat the last sentence as it is rather important. "Public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before October 21, 1976, be reviewed in accordance with the provisions of this Act". 1976 marked a year in which land management started to get rather complicated namely for one reason. The BLM and the Forest Service failed to consider that "Mining Districts" already occupied the public lands and were previous designations of specific uses. Species habitat under the Endangered Species Act and the "areas of critical environmental concern" that FLPMA enables, have now overlaid on top of prime mineral reserves within Mining Districts. Is it any wonder we now have conflicts and clashes in our national priorities?

In layman's terms you cannot place a new Land Use Designation over the first pre-existing Land Use Designation of a mining district without congressional approval and the approval and concurrence of the mining district. No DRECP! No WEMO! No Management areas! No Study areas! No Scenic areas! No Buffer zones! No Wilderness areas!

Mining Districts and the mineral claims they embrace are specific uses of the land. Congress gave us a solution to conflicts that may arise in the event of competing use of the lands in the 1955 Multiple – Surface Use Act. It was best said in the Shoemaker case (110 IBLA 39) in 1989 where the court said: **"Federal management must yield to mining as the dominant and primary use.** The terms "endanger" and "materially interfere" used in subsec. 4(b) of the Surface Resources Act, 30 U.S.C. § 612(b) (1982), set forth the standard to be applied to determine whether a specific surface management action must yield to a conflicting legitimate use by a mining claimant. Where there is no evidence that such action endangers the claimant's operations, the question is whether the surface management activity will substantially hinder, impede, or clash with mining operations or a reasonably related use. Like "other surface resources," the terms "endanger" and "materially interfere" are general. Although the terms are not precise, the legislative history is clear as to their intended effect. In reference to the portion of the statute containing the terms, the House and Senate reports both state:

This language, carefully developed, emphasizes the committee's insistence that this legislation not have the effect of modifying longstanding essential rights springing from location of a mining claim. Dominant and primary use of the locations hereafter made, as in the past, would be vested first in the locator; the United States would be authorized to manage and dispose of surface resources, or to use the surface for access to adjacent

lands, so long as and to the extent that these activities do not endanger or materially interfere with mining, or related operations or activities on the mining claim”.

H.R.Rep. No. 730, 84th Cong., 1st Sess. 10, reprinted in 1955 U.S.Code Cong. & Admin.News 2474, 2483; S.Rep. No. 554, 84th Cong., 1st Sess. 8-9.

The court went on to say:

“The change made by the Surface Resources Act was to create in the United States explicit authority “to manage and dispose of the vegetative surface resources * * * and to manage other surface resources.” 30 U.S.C. § 612(b) (1982). Previously, Governmental agencies had been unable to do so once a mining claim had been located, even though the locator had only a limited right to use the same resources. See Bruce W. Crawford, *supra* at 365-66, 92 I.D. at 216-17. Congress recognized that there would be instances in which Federal management of the surface resources found on a mining claim would conflict with legitimate use of the surface and surface resources by the claimant. The balance it struck in order to resolve such conflicts was to specify that the authority the statute granted would apply only so long as and to the extent that Federal use of the surface did not “endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.” 30 U.S.C. § 612(b) (1982); see *United States v. Curtis-Nevada Mines, Inc.*, 611 F.2d at 1283, 1285. When it does, Federal surface management activities must yield to mining as the “dominant and primary use,” the mineral locator having a first and full right to use the surface and surface resources.”

So now that we have dispelled the notion that species habitat can dominate over a Mining District or mining claimant, does it mean that we should mine in a way that does not provide habitat? No. Webster’s defines “symbiosis” as: “the intimate association of two dissimilar organisms from which each organism benefits”. Remember that Congressional NEPA policy highlighted previously, where they said “...and maintain conditions under which man and nature can exist in productive harmony...” The automatic discrimination and exclusion of man from nature, like his access and use of the land, presupposes man as a destructive force for change, absent a relative hard look at the natural forces of change. Setting aside lands for non-use does not encourage wise use symbiotic tenets, which man has traditionally formed in its co-existence with nature. In the simplest terms, there are many people in our society that in growing up were never taught to play well with others in the same sandbox. This concept of playing well with others is embodied in the lion’s share of public land laws and its “multiple – use” principles. The 1964 Wilderness Act is the only law in the entire world that is not consistent with these multiple –use principles. The Wilderness Act presupposes man as a destructive force for change, regardless of any relative hard look at the natural forces of change.

Do wildlife species stakeholders have federal rights to the degree they hold a Constitutional Bill of Rights within a Mining District or mining claim? Technically no, but the Endangered Species Act does provide some guidance on lands not previously occupied for special uses. It is not uncommon for mining activities to create diversity in species’ habitat with land alterations, many of which are wildlife sanctuaries today. Agencies often deal with two competing objectives, exploitation vs. preservation. The balance can best be achieved by full participation by all stakeholders. Unfortunately, the

Mining Districts are not presently being represented within the BLM or Forest Service, but that can change and can be done under present law through a memorandum of understanding (MOU) with the Bureau of Land Management (BLM) and further clarified through the current draft Minerals and Mining Advisory Council (MMAC) Bill, "the Minerals and Mining Regulatory Reform Act – A Clear Path Respecting Mining Rights". The Mining Districts can bring to the table customary conflict resolution through board arbitration to help solve problems and to provide the proper balance. An example of such could very well be incentive based mitigation that respects the symbiotic tenets man has traditionally formed in its co-existence with nature.

These are some of the facts, in the California, Arizona and Nevada Deserts

1. Solar fields concept:
 - a. Some of the largest contractors shopping in the California deserts for solar field construction are Spain, Portugal and Italy. Italy is Europe's largest transmission line manufacturing source.
 - b. Income derived from these investments will be sent overseas to foreign corporations as profit.
 - c. Construction concepts are stalled out because transmission lines and easements are at capacity. New easements and transmission lines do not exist in some of California and western extreme desert locations.
2. Edison Power Company:
 - a. Transmission lines in the desert are at maximum scheduled capacity.
 - b. Large solar fields and/or wind farm electrical production will require new easements, transmission towers and transmission lines.
 - c. Edison Coordinated new easement construction possibilities with San Bernardino County Board of Supervisors and in-tandem & identified (5) potential sites that could be provided with transmission line construction by easement, without DRECP restricting all desert multiple land use on 22 million acres.
3. County of San Bernardino: Largest County in California – Mojave Desert.
 - a. This area is roughly from the San Bernardino Mountain Range to the Nevada State line.
 - b. San Bernardino County, California has prepared a resolution approving approximately (5) sites in the Mojave Desert region, in coordination with Edison Power Company, where new transmission line construction is feasible, for clean energy production. This includes either solar fields or wind turban farms. This is accomplished without DRECP closing down 10.8 million acres and by a blanket effect, terminating all multiple land use, with special emphasis on mining.

Special Note: Even now with this approval, the environmentalists have created a new "Buzzword," "Protected Landscape." Now nothing matters, not wildlife, plants, people, mining, clean energy, absolutely no U.S. Citizen is allowed to use federal lands for any reason. (No human allowed areas).

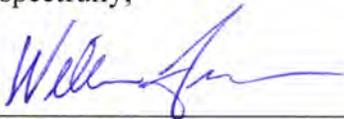
This is just one example, where (4) counties are affected in the western deserts of California. ie. Inyo, Kern, San Bernardino & Riverside Counties & equals a total of 22.million acres.

In conclusion;

MMAC, Members, Miners, and Mining Districts vote “NO” on the DRECP unless Mining Districts and Mineral Assessment Maps are recognized and excluded from the DRECP Land Use Designation – Amendments. Mining Districts have never been recognized in any of the Scoping Meetings or Public Hearings.

Per my (William Jensen) conference call with James Kenna, former California State Director of the Bureau of Land Management, and Congressman Cook’s office, James Kenna stated, “Mining Districts were NEVER supposed to be a part of the DRECP.” (see attached letter from Congressman Cook).

Respectfully,



William Jensen
Minerals and Mining Advisory Council

Congress of the United States
House of Representatives
Washington, DC 20515-0508

February 19, 2015

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
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RE: Including Minerals and Mining Representatives as Federal Stakeholders in the DRECP and Other Land-Use Planning

Dear Vicki,

I'm writing this letter to object to the exclusion of minerals and mining representatives as a federal stakeholder in the Desert Renewable Energy Conservation Plan. Additionally, mining interests have been ignored when designating Areas of Critical Environmental Concern, units of the National Landscape Conservation System, Desert Wildlife Management Areas, and the West Mojave Plan. This has prevented miners and mining interests from having a voice in the important planning processes that shape our desert. In particular, the exclusion of the California Desert District Mining Coalition (CDDMC) is troubling. The CDDMC has been the voice for minerals and mining in California, and any land use planning in the California desert should include them at the table, particularly in light of the 1872 Mining Law 30USC22-54.

The CDDMC has represented minerals and mining organizations and clubs for many years. It and its affiliates represent a substantial number of miners and mining claims in California (over 17,000 active papered mines) and have organized the Mining Districts of 19 states. This was done under the federal designation of the Minerals and Mining Advisory Council (MMAC). The participation of the CDDMC in the land use planning processes identified earlier would bring an important voice for resource development to these discussions. In these times of recession and anemic recoveries, jobs have been cited by both sides of the aisle as the priority for government. Few industries produce as many high-paying long-term jobs as the mining industry, and I am certain that CDDMC's participation would lead to an increase in the number of mining industry jobs.

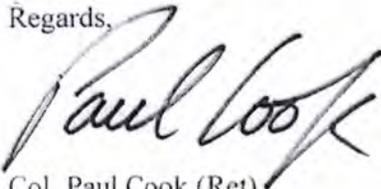
I am urging you to take immediate corrective action to assign minerals and mining representatives from MMAC and/or currently CDDMC to your committees and Mapping Organizations. Additionally, I ask that you conduct the proper public hearings and obtain proper public input to include the mineral and mining representatives as authorized federal stakeholders before enacting any rules, regulations, or restrictions that may unlawfully impact the National Mineral and Mining Policy Act 30USC21(a) not excluding the National Security Interests that may exist in **Strategic and Critical Materials Stockpiling**

Act 50 U.S.C. 98 et seq. & 98(c) to prevent further harm from being done to the California mining industry.

Minerals and mining representatives must be recognized as Federal Stakeholders in all public land multiple use decisions, and I urge you to act quickly to ensure that this happens.

If you have any questions, please do not hesitate to contact my office at 202-225-5861.

Regards,

A handwritten signature in cursive script that reads "Paul Cook". The signature is written in black ink and is positioned above the typed name and title.

Col. Paul Cook (Ret)
Member of Congress

cc:

Department of Interior (DOI)
Bureau of Land Management (BLM)
California Energy Commission (CEC)
California Department of Fish and Wildlife (CDFW)
US Fish and Wildlife Service (USFWS)
Desert Advisory Council (DAC)
California Desert District Mining Coalition (CDDMC)
Defense Logistics Agency (DLA)

QUESTION TO ONLINE PEOPLE: Do you want mining closures from DRECP and MEMO taking away your mining rights?

Name	City	State	Zip	Country	Signed On	Comment
Steven Eugene Reed	Acton	CA	93510	United Stai	8/6/2012	Keeping hopefully, my family's and may GOD given rights.
Russ Pearce	Florrisant	MO	63031	United Stai	8/6/2012	you have tread on us long enough! now its our turn! voting tomorrow to kick all of you out of office!
Randall Seden	Simi Valley	CA	93065	United Stai	8/8/2012	I am a small miner and do not want to lose my right to mine public lands.
Cecilia Villalobos	Woodland	CA	95695	United Stai	8/24/2012	because I want politicians to stop stealing our land to pay for their mistakes! As a prospector, I see the rights of people like myself falling by the wayside. I want to insure that my right to prospect is clear and legal. Mining is an upstanding way of life, and great jobs and benefits can be had by doing so.
erik honeycutt	crockett	CA	94525	United Stai	8/24/2012	by doing so.
Janette Butler	Davis	CA	95618	United Stai	8/25/2012	Don't want mining or land use taken away or further restricted.
Barry Calica	Pittsburg	CA	94565	United Stai	8/25/2012	The state and federal government must not allow to give away to foreign either non - US citizens. I utilize the land for my income to support my family this would be a hard blow to my kids future as well as
Curtis Timmons	Baldwin park	CA	91706	United Stai	8/27/2012	mine
Lewis Eakman	Temecula	CA	92592	United Stai	8/28/2012	I want my grandkids to be abl to enjoy the outdoors Too much land has us already locked out. The public use of public lands has to be foremost, no more lockouts, already too much wilderness, already too much land set aside for singular use. Multiple Use for all.
Ken Knull	Paradise	CA	95967	United Stai	9/1/2012	all.
TERRY HEBERT	HEMET	CA	92544	United Stai	9/2/2012	We made the government now they want to take over sounds like Stalins Russia land other than what the govt actually needs for commerce and military should be for the people,the forgotten people!
Terry Blow	murrieta	CA	92562	United Stai	9/2/2012	Our future for our children should not be taken away by the debts of political agendas against the founding fathers of this great nation.
Deborah Maslyk	Escondido	CA	92025	United Stai	9/3/2012	this land is my land, this land is your land..... do i need to say more
shawn hamilton	fulton	NY	13069	United Stai	9/3/2012	Mining done correctly can protect the environment and create much needed jobs and revenue to the state
Emily Barron	Moreno Valley	CA	92551	United Stai	9/4/2012	Public lands must remain public and accessible to all.
Donn Nay	Burbank	CA	91505	United Stai	9/4/2012	I want to keep our freedom an rights for now and the future. Stop stripping the rights of the people for corporate and monetary interests! Time to DO YOUR JOB... Of the People, For the People, By the People! Tell Corporate entities they CANNOT BUY our elected officials!
robert eury	ocean side	CA	92056	United Stai	9/5/2012	IT IS TIME TO STAND UP... DO WHAT IS RIGHT!
Janice LeVan	Lansford	PA	18232	United Stai	9/5/2012	I am off road friendly.
deanna jenkins	rosamond	CA	93560	United Stai	9/5/2012	
shawn severing	Menifee	CA	92584	United Stai	9/6/2012	I fought for this country,for are freedom. Prospecting is something I like to do .so is dirt biking next. I would be supplementing my income with dredging, sluicing and panning if there was reasonable work to be had, without a regular full time job, dredging was putting enough money in my pocket to support myself and pay my bills. The government doesn't want a populace capable of supporting itself. They want a workforce that borders on slave labor that will forced to work for survival.
Lance Wood	Auburn	CA	95603	United Stai	9/14/2012	
Sarah Reijonen	Placerville	CA	95667	United Stai	9/15/2012	I love the outdoors and want to be able to enjoy it to the fullest without the bureaucrats getting involved.
J M	Grass Valley	CA	95945	United Stai	9/18/2012	YEAH!
jim dandy	westminster	CA	92683	United Stai	9/18/2012	I like to prospect

Edward Farley	San Diego	CA	92111-7222	United Stai	9/18/2012	It's only the right thing to do. Don't give away our properties.
Brian Winter	Lakeside	CA	92040	United Stai	9/18/2012	It is the right thing to do.
Wayne Jones	San Diego	CA	92110	United Stai	9/18/2012	I'm a recreational gold prospector freedom here is for all people, to walk the land, and to be enjoyed by all.. lets keep it that way.. in the
John schotsch	Santee	CA	92072	United Stai	9/18/2012	name of JESUS!
Abe Mendez	Sun City	CA	92586	United Stai	9/18/2012	I am a Prospector
Ted Pool	Palmdale	CA	93551	United Stai	9/19/2012	Placer mining has turned the desert into a good place to enjoy a new hobby
Daniel Stukey	Descanso	CA	91916	United Stai	9/19/2012	Involved with mining I use the public land for fishing, boating, gold prospecting, and hiking. IT's public land not government land.
Fred Goode	Folsom	CA	95630	United Stai	9/19/2012	With that in mind, I say to you GET OFF OF MY LAND!!!
Paul GrosLouis	Murieta	CA	92562	United Stai	9/20/2012	This is unlawful What happened to free enterprise?We need the government to work with us and not against us if we are
Dennis Hamill	Mojave	CA	93501	United Stai	9/20/2012	going to turn this economy around.
James gaughan	Prescott Valley	AZ	86312	United Stai	9/20/2012	I prospect gold in Arizona and California
Gilbert Deal	Daytona Beach	FL	32119	United Stai	9/20/2012	I use public lands for camping, hiking, metal detecting, and just enjoy the use of our public lands!
Howard Hadsall	Anderson	CA	96007	United Stai	9/21/2012	It was My Fathers land and his fathers before him ! This country is being completely dependent on "foreign" sources for our needed etals and minerals..
Jerome BALCER	RIDGECREST	CA	93555	United Stai	9/27/2012	Enough is enough !!
Gary Baldridge	Mariposa	CA	95338	United Stai	9/27/2012	We need the minerals, and I mine for a hobby! I went to war for my rights, Did you?
John muensterman	wrightwood	CA	92397	United Stai	9/27/2012	Its taking away freedom we can put so many back to work here in are own country.we need the mom and pop companies,the usa
jeff mcauliff	castro valley	CA	94546	United Stai	10/3/2012	was not to be a dictatorship!! stop taking away our freedoms!! Americans own this land and should be able to provide for themselves and their families by mining on the
Guy McDonald	South Houston	TX	77587	United Stai	10/4/2012	lands. I make my living mining and have worked the last 20 years perfecting metal detectors to limit digging on
Wayne Good	Gold Hill	OR	97525	United Stai	10/4/2012	the lands.
Steve Waters	Colorado Springs	CO	80916	United Stai	10/16/2012	Jobs
Eric Westphal	Salida	CO	81201	United Stai	10/17/2012	I'm a minner!
jon holcomb	spanaway	WA	98387	United Stai	10/19/2012	I own a mining claim public lands are for Americans to enjoy, and prosper. the mining law is in place so that "average Joe" can
Jason santos	san jose	CA	95127	United Stai	10/24/2012	have the same right to prospect as the billion dollar mining company
Daniel Jimenez	Irvine	CA	92620	United Stai	10/24/2012	Less government involvement and control will lead to a better US and California. California is killing long term high paying new jobs along that we can create instantly with responsible
Joe M	Randsburg	CA	93554	United Stai	12/27/2012	mining
Steven Scott	McArthur	CA	96056	United Stai	2/17/2013	These are our lands- paid for with the blood of our forebearers to ensure our freedom.
Wayne Good	Gold Hill	OR	97525	United Stai	2/21/2013	Agenda 21 takes away work and another freedom.

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Name	City	State	Zip	Country	SignedOn	Comment
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Cecilia Vilalobos	Woodland	CA	95695	United Stat	8/24/2012	because I want politicians to stop stealing our land to pay for their mistakes! As a prospector, I see the rights of people like myself falling by the wayside. I want to insure that my right to prospect is clear and legal.
erik honeycutt	crockett	CA	94525	United Stat	8/24/2012	Mining is an upstanding way of life, and great jobs and benefits can be had by doing so.
Janeite Butler	Davis	CA	95618	United Stat	8/25/2012	Don't want mining or land use taken away or further restricted.
Barry Calica	Pittsburg	CA	94565	United Stat	8/25/2012	The state and federal government must not allow to give away to foreign either non - US citizens.
Curtis Trimmors	Baldwin park	CA	91706	United Stat	8/27/2012	I utilize the land for my income to support my family this would be a hard blow to my kids future as well as mine
Lewis Eakman	Temecula	CA	92592	United Stat	8/28/2012	I want my grandkids to be abl to enjoy the outdoors Too much land has us already locked out. The public use of public lands has to be foremost, no more lockouts, already too much wilderness, already too much land set aside for singular use. Multiple Use for all.
Ken Knull	Paradise	CA	95967	United Stat	9/1/2012	already too much land set aside for singular use. Multiple Use for all.
TERRY HEBERT	HEMET	CA	92544	United Stat	9/2/2012	We made the government now they want to take over sounds like Stalins Russia
Terry Blow	murrieta	CA	92562	United Stat	9/2/2012	land other than what the gov't actually needs for commerce and military should be for the people,the forgotten people!
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Jim dandy	westminster	CA	92683	United Stat	9/18/2012	I like to prospect.
Edward Farley	San Diego	CA	92111-7	United Stat	9/18/2012	It's only the right thing to do. Don't give away our properties
Brian Winter	Lakeside	CA	92040	United Stat	9/18/2012	It is the right thing to do.
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Jon Holcomb	spanaway	WA	98387 United Stat 10/19/2012	I own a mining claim
Jason Santos	sain jose	CA	95127 United Stat 10/24/2012	public lands are for Americans to enjoy, and prosper. the mining law is in place so that "average Joe" can have the same right to prospect as
Daniel Jimenez	Irvine	CA	92620 United Stat 10/24/2012	the billion dollar mining company
Joe M	Randsburg	CA	93554 United Stat 12/27/2012	Less government involvement and control will lead to a better US and California.
Steven Scott	McArthur	CA	96056 United Stat 2/17/2013	California is killing long term high paying new jobs along that we can create instantly with responsible mining
Wayne Good	Gold Hill	OR	97525 United Stat 2/21/2013	These are our lands- paid for with the blood of our forebearers to ensure our freedom. Agenda 21 takes away work and another freedom.

★ MMAC ★
MINERALS AND MINING
ADVISORY COUNCIL
FEDERAL PUBLIC LAND STAKEHOLDERS
NON-PROFIT 501(C)(6)
WWW.MMACUSA.ORG

**ALERT
ACTION ITEM**

Date: February 21, 2018

To: Donald Trump, The President of the United States
John Kelly, Gen. Ret., USMC, Chief of Staff to the President
Michael Rogers, Admiral USN, Director of the National Security Agency
Ryan Zinke, Secretary of the Department of the Interior
Scott Pruitt, Commander USN-Ret., Administrator of the Environmental Protection Agency
John McCain, Senator, USAF-Ret, U.S. Senate Armed Services Committee
Lisa Murkowski, Senator, Chairman, U.S. Senate Energy & Natural Resources Committee
John Thune, Senator, Chairman, U.S. Senate Commerce Science & Transportation Committee,
Lamar Smith, Congressman, Chairman, U.S. House Science, Space & Technology Committee
Rob Bishop, Congressman, Chairman, U.S. House Natural Resources Committee
Mac Thornberry, Congressman, Chairman, U.S. House Armed Services Committee
Murray Hitzman, Associate Director Energy Minerals, USGS
Lawrence Meinert, Acting Deputy Associate Director, USGS
Peter Navarro, White House Advisor-Trade
Wilbur Ross, Commerce Department

From: William O. Jensen, President
Minerals and Mining Advisory Council, (MMAC) mmacusa.org

Regarding: Presidential Executive Order 13817 on Federal Strategy to Ensure Secure & Reliable
Supplies of Critical Minerals, Metals, Rare-Earths and Microbials

Subject: Urgent and Immediate Recommendation of Critical Minerals, Metals, Rare-Earths
and Microbials Listing. (See Attached.) Do not limit!

The Presidents Executive Order 13817 of December 20th, 2017, needs all the following minerals,
metals, rare-earths' and a new listing for "microbials" (List attached herein). These must be all
inclusively added as follows;

1. **Each and every one, of the minerals, metals, and rare-earths' should be included** as "Critical".
(See Attached Listings.)
2. **Attention should be paid to the "Combination of ALL" items Listed and attached** as minerals,
metals and rare-earths' have, by metallurgy, structures and mixtures the potential to create elements
not found in nature. The error of not recognizing one element may hinder or corrupt the ability of
science to provide critical new scientific break-throughs.
3. **Please be advised: The western territories of the USA have the largest expanse of Federal
Lands, some of which were the bottom of oceans 25 million years ago.** These lands still hold
NEW and UNDISCOVERED ELEMENTS. The land must be kept opened, for exploration by
prospecting and mining, to allow for discovery, extraction and production.

4. **A new discovery, for example, is a MICROBE (millions of years old) that will come back to life** when mixed with water and a proprietary blend of Sulfur and other compounds. The microbe can safely destroy a fungus that is killing coffee trees in Central and South America. The mixture of minerals and microbes protect the root systems with no harm to the environment. NOTE: The copper spray's that have been used on the coffee trees is no longer effective. The fungus has become immune to the copper spray. New minerals and microbials have the ability to destroy the fungus without harming the Leaves of the tree or its root systems. Ref. AP News Mary Clare Jalonick, May 19, 2014 11:27 AM EDT Coffee Fungus Raising Prices for High- End Blends.

NOTE: Coffee tree plantations have provided an alternative to the coca crops in Central and South America. Losing the coffee tree agricultural complex, would result in the loss of ten's of millions of dollars of U.S. tax payers money that has been invested in to provide an alternative economic income as a way to eradicate the coca plant as a long term drug interdiction plan.

5. **We do not understand all of the aspects of what mother nature has to offer.** Therefore, limiting the Executive Order list to these few minerals and metals (23), and not including Microbials or the attached list, is a mistake. Placing limits on this list, due to over-zealous environmental policies, completely undermines the 1872 Mining Laws and the wisdom of some extremely important Presidents that saved this Nation over the course of History.

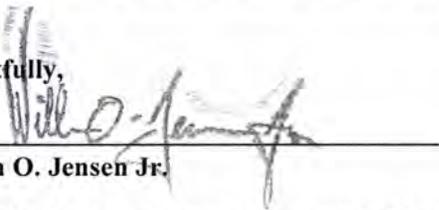
Example: George Washington required the miners to provide gun powder ingredients, Iron and shot for cannon and rifle. Abraham Lincoln did the same & added more iron for railways. Railroads were given every other section of land north and south of the railway easements so that miners could access sufficient minerals and metals. President Eisenhower had an absolute technological leap to contend with as he approached the Manhattan Project. He had to prospect, explore, discover, extract and produce uranium and all of the elements needed by every other President before him for war readiness.

NOTE: Each President left the Surety of Mining, until President Clinton abolished the Mining Bureau during the 1990's, because it was getting in the way of the "Environmental Agenda," removing regulatory predictability and leaving mining un-bankable.

6. **The future scientific value of yet undiscovered elements, should be the predicate to protect "ALL" aspects of mining, with the full scope of human understanding, that we cannot see into the future. To coin a phrase, "We have not yet discovered, everything that exists".**

Please accept this letter and advise the President of the United States, that "ALL ASPECTS" of Mining are Critical to National Security, even the rock and gravel that will be used in the "Infrastructure Budget." Please include this letter and its recommendations with the attached list of minerals and metals, further to include "microbials" to his "Executive Order #13817."

Respectfully,



William O. Jensen Jr.

Mineral & Mining Advisory Council (MMAC)

Locatables'-- designates Sixty (60) metals and or minerals including the following; 43 C.F.R. § 3830.11
In reference to: 30 U.S.C. §22-54

1. Aluminum
2. Antimony
3. Beryllium
4. Bismuth
5. Cadmium
6. Chromium
7. Cobalt
8. Columbium
9. Copper
10. Germanium
11. Gold
12. Iodine
13. Lead
14. Manganese
15. Mercury
16. Molybdenum
17. Nickel
18. Platinum,-group metals
19. Silver
20. Tantalum
21. Thorium
22. Tin
23. Titanium
24. Tungsten
25. Uranium
26. Vanadium
27. Zinc

Rare-Earth Minerals -- The term 'rare earth minerals' means any of the following chemical elements in any of their physical forms or chemical combinations:

28. Scandium.
29. Yttrium.
30. Lanthanum.
31. Cerium.
32. Praseodymium.
33. Neodymium.
34. Promethium.
35. Samarium.
36. Europium.
37. Gadolinium.
38. Terbium.
39. Dysprosium.
40. Holmium.
41. Erbium.
42. Thulium.
43. Ytterbium.
44. Lutetium.

MICROBIALS and BACTERIA:

45. Alunite
46. Natural Sulfur (Not Extracted as a byproduct of oil and gas refining)
47. Jarosite
48. Althiomite
49. Montmorillonite Clays
50. Calcium and Sodium Bentonites
51. Lignite as source of Humic and Fulvic Acids and Lignin
(Used as Biostimulants to enhance crop yields)
52. Thiobacillus Thiooxidans
53. Thiobacillus Ferrooxidans
54. Delftia Tsuruhatisensis
55. Mycorrhizal Fungi (endo and exo types)

End Message.