



October 2015 Motherlode Monitor Newsletter

Upcoming Events

Oct. 28, 2015 Ad Hoc Meeting – scheduled from 1 p.m. to 3 p.m. at 431 Crown Point Circle, Suite 150, Grass Valley. The Sierrans is looking to for volunteers that are interested in forming a services group that could potentially provide educational, technical, and other support to Sierrans working in the resource industries. Support could include education on technical or permitting issues, assistance in filling out permitting and compliance forms, safety training, education on new or existing legislation, and other needs to be determined. The discussion will also include potential for getting grants to fund some or all of these services.

Nov. 4, 2015 Membership Meeting – scheduled at 12 Noon, 431 Crown Point Circle, Suite 150, Grass Valley. Charlie Alpers from the United States Geological Service will give a talk on "Research on Sediment and Mercury Mobilization in the South Yuba River." Charlie Alpers is a Research Chemist with the USGS and has lead numerous investigations involving the environmental effects of historical mining. Since 1999, he has been a lead scientist for several multi-disciplinary teams regarding mercury contamination, transport, and bioaccumulation associated with historical gold mining in the Sierra Nevada Mountains of California.

November 11, 2015 Board of Directors Meeting – scheduled at 12 Noon, 431 Crown Point Circle, Suite 150, Grass Valley.

Sierrans Tax Exempt Status

The Sierrans is a 501(c)(4) non-profit corporation. The corporation has filed for tax-exempt status with the IRS and will subsequently do so with the State

of California. It is expected it will take several months to complete this process.

On September 8th, the Sierrans received a letter from the IRS requesting that the corporation amend its Articles of Incorporation to a public benefit corporation instead of a mutual benefit corporation and provide additional information on the Directors and Officers of the corporation. Restated Articles were drafted, members noticed, and a special meeting of the members was held on September 18th where the Restated Articles were approved. The Restated Articles were then filed with the California Secretary of State and confirmation of the filing was received on October 6th. The Restated Articles and other information have now been sent to the IRS.

SB209 and AB1142 SMARA Reform

Two bills were moving through the California Senate and Assembly with the goal of updating and reforming the Surface Mining and Reclamation Act (SMARA). These bills were both at the appropriations stage when the current government legislative session ended. It is expected that these bills will be consolidated and moved forward in the next legislative session. The Sierrans plans to work with the Western Mining Alliance, Miners Assembled, CALCIMA, and other organizations to follow, potentially have input, and ultimately support or oppose this SMARA reform depending on their final version of the Bill(s).

SB637 and Suction Dredging

Governor Brown approved SB637 on October 9th. This is a Bill that authorizes the State Water Resources Control Board or regional water quality

control board to adopt waste discharge requirements that address potential water quality effects of suction dredge mining. It prohibits the Department of Fish and Wildlife from issuing a permit for suction or vacuum dredge mining until the application is complete and includes all required permits. The Bill's potential effect is to make permitting of suction dredge mining extremely costly, technically difficult, and very expensive and time consuming to complete – potentially making recreational or subsistence suction dredging uneconomic and unfeasible for applicants. It is potentially a "taking" of existing mining rights on federal mining claims and another nail in the coffin of the small miner in California.

The Sierrans, several individual members of the Sierrans, other mining related organizations, and dredge miners wrote letters or signed petitions to attempt to get Governor Brown to exercise his veto pen on SB637. Unfortunately, Governor Brown elected to sign the Bill making a legal challenge the only available option for dredge miners.

For historical background, the Karuk Indian Tribe of California sued the California Department of Fish and Wildlife in 2005 over the adequacy of regulations (last updated in 1994) related to dredge mining. The Department of Fish and Wildlife did not contest the lawsuit, but negotiated a settlement to conduct an environmental review of its regulations. An order and consent judgement was issued by the Alameda County Superior Court in December 2006. However, funds were not made available for this environmental review by the State until 2008.

Note that there were about 3,000 dredge mining permits issued by the Department of Fish and Wildlife in 2005 for the entire state. While there appears to have been a concern about the potential increase in dredge mining activity due to increased gold prices at that time, the potential impact of disturbing existing mercury in streams and rivers and the potential of this mercury impacting fish and wildlife was used as a mechanism by opponents of dredge mining as a fear tactic to generate political support for putting moratorium on dredge mining.

Due to political pressure, suction and vacuum dredge mining was temporarily banned in the State in August 2009 through SB 670, signed by Governor Schwarzenegger). SB 670 placed a moratorium on dredge mining until completion of the court ordered environmental review on dredge mining by the Department of Fish and Wildlife and establishment of regulation to protect water quality, wildlife, and cultural resources by the Department.

Governor Brown signed AB120 in August 2011. AB120 extended the moratorium on suction dredge mining until June 30, 2016. It authorized that any new regulation adopted by the State would have to fully mitigate all identified significant environmental impacts potentially caused by dredge mining. It authorized the Department of Fish and Wildlife to implement a new fee structure for dredge permits, with the goal of significantly increasing fees to provide funding for the State to regulate dredge mining.

A report titled "Suction Dredge Permitting Program Subsequent Environmental Impact Report" was certified by the Department of Fish and Wildlife in March 2012 under the California Environmental Quality. A further environmental review as completed in 2014 and the Department of Fish and Wildlife subsequently amended its definition of suction dredge mining.

In July, 2012, Governor Brown signed SP 1018 requiring the Department of Fish and Game to consult with a wide variety of groups and agencies on the suggested motorized vacuum or suction dredge mining legislative changes and a fee structure. The Bill also extended the moratorium on suction dredge without a sunset limitation on time.

This analysis contained in the Suction Dredge Permitting Program and the Western Mining Alliance, Public Lands are currently challenging Subsequent Environmental Impact Report and regulations adopted by the Department of Fish and Wildlife in the Courts for the People, and a variety of other plaintiffs. A key issue is also whether the State is pre-empting federal rights under the 1872 Mining

Sierrans for Responsible Resource Development – Officers

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Law and Constitution through the moratorium on dredge mining and through subsequent regulation.

The Sierrans believe that dredge mining is the only way to remove mercury from historic mining and other sources from California's rivers and believe the government has missed an opportunity to work proactively with dredge miners to remove mercury from California's rivers. The Sierrans believe that the government could work with dredge miners to institute a mercury collection system in the state where mercury collected by dredge miners could be deposited and properly dispose of.

The approach the government has taken to create a huge bureaucracy of multiple agencies with multiple permits to regulate a few recreational or subsistence dredge mining shows the overreach of government. The science shows that dredge mining effectively removes mercury from the streams and rivers, it is better to remove the mercury near its source in the headwaters of Sierra Nevada rivers and streams where water is cold with low oxygen content to prevent potential mercury methylation, and the removal of the mercury will improve Sierra Nevada rivers and streams for fish, wildlife, and humans in the long term. The Sierrans are for responsible and sustainable resource development and dredge mining is a responsible and sustainable resource industry that could greatly benefit the residents of California by cleaning up the historic mining legacy of mercury in its rivers and streams.

Sierrans Website

Please visit the website at www.sierrans.org. This website contains information on the Sierrans, application forms, and news and locations of upcoming events.

Membership Drive

The Sierrans are commencing a membership drive in September through the end of the year. Please help us get the word out about our organization and help us find likeminded members who are interested in supporting the resource industries in the Sierra

Nevada Mountains. The best way to do this is to direct people to our website, where they can find information about our organization and membership forms are available for use.

Contact Us

You can contact us at info@sierrans.org or by mail at the address in the footer of Page 1 of this newsletter.

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