



November 2015 Motherlode Monitor Newsletter

Upcoming Events

Dec. 2, 2015 Membership Meeting – scheduled at 12 Noon, 431 Crown Point Circle, Suite 150, Grass Valley. David Watkinson will give a talk on the McCook Reservoir Project in Chicago, where he worked as a Project Manager for Vulcan Materials Corporation in the early 2000's. The Project is part of one of the largest civil engineering projects in the world (a multi-billion project that will take about 50 years to complete) called the Tunnel and Reservoir Project (TARP). The McCook Reservoir Project is an example of how government and private industry can work together on projects that benefit society and how open pit mines and quarries can have positive uses after mining is completed. It is a model for how government agencies and private industry could work together and reduce costs to clean out reservoirs or construct new reservoirs in California.

We will have some Christmas goodies and other refreshments at this meeting, so we hope you will attend.

Dec. 9, 2015 Board of Directors Meeting – scheduled at 12 Noon, 431 Crown Point Circle, Suite 150, Grass Valley.

Restated Articles of Incorporation

The Sierrans submitted Restated Articles of Incorporation to the Office of the California Secretary of State on Sept. 19, 2015 to change from a mutual benefit corporation to a public benefit corporation as part of obtaining our tax exempt status. A stamped copy approving the filing was received from the California Secretary of State on October 5, 2015. The Restated Articles of

Incorporation are available on the Sierrans website at www.sierrans.org.

Sierrans Tax Exempt Status

The Sierrans is now a 501(c)(4) federally tax exempt non-profit corporation. In a letter dated Oct. 21, 2015, the Internal Revenue Service approved the Sierrans federal tax exempt statute, effective Sept. 21, 2015.

Application Form 3500A has been completed and was sent to the California Franchise Tax Board on Nov. 13, 2015 to request exemption from California state taxes.

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, very expensive, and time consuming to complete – potentially making recreational or subsistence suction dredging uneconomic and unfeasible for applicants. Note there is currently no actual permit process in place and a moratorium remains on vacuum and suction dredge mining in California.

The law also authorizes the state to regulate where suction dredging may or may not occur, maximum

size of the dredge, and the time of year the equipment may be used. It prohibits possession of a dredge in areas or within 100 yards of waters that are closed to dredging, regardless of whether you are actually dredging. It defines "the use of vacuum or suction dredge equipment, also known as suction dredging" as the "use of a mechanized or motorized system for removing or assisting in the removal of, or the processing of, material from the bed, bank, or channel of a river, stream or lake in order to recovery minerals". The definition is so poorly worded as to appear to also ban sluice boxes or other mechanized devices that have nothing to do with dredge mining and potentially also outlaws high banking (mining beside the river). It appears only non-motorized recreational mining activities, such as gold panning, are unaffected. The Bill gives no protection to existing dredge miners currently working on federal mining claims and effectively overrides their federal rights under the 1872 Mining Law and the Constitution of the United States.

The approach the state government has taken is to create a huge bureaucracy of multiple agencies with multiple permits to regulate a few recreational or subsistence dredge miners. The science shows that dredge mining effectively removes mercury from the streams and rivers. It shows that it is better to remove the mercury near its source in the headwaters of Sierra Nevada's rivers and streams, where water is cold and low in oxygen content to prevent potential mercury methylation. It shows that mercury is being moved downstream by natural water flow, storm events, and spring run-off and that potential for mercury methylation occurs continuously in the river systems. Removal of the mercury is the only way to improve water quality of Sierra Nevada's rivers and streams with regard to mercury remove the mercury threat for fish, wildlife, and humans in the long term.

The CEQA documents underlying the dredge mining ban and this law are currently being challenged in the courts by a variety of mining organizations and dredge miners. The Sierrans will continue to monitor and work to assist responsible dredge miners affected by this legislation.

The Sierrans believe in responsible and sustainable resource development and believe that dredge mining can be a responsible and sustainable resource industry that greatly benefits rural counties and also benefits the residents of California by cleaning up the historic mining legacy of mercury in Sierra Nevada's rivers and streams.

SB209 and AB1142 SMARA Reform

Two bills were moving through the California Senate and Assembly in 2015 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 2016 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).

Ad Hoc Meeting on Potential Services

An ad hoc meeting of members was held on Oct. 28, 2015. The purpose was to get a group of volunteers together that are interested in helping the Sierrans establish services that could support the resource industries. Support services discussed included education on technical or permitting issues, safety and wilderness survival training, assistance in filling out permitting and compliance forms and obtaining permits for small miners, education on existing or new legislation, special projects, and other potential needs. The discussion also included getting grants to fund some or all of these services. Additional meetings will be scheduled in the future to follow up on this meeting.

Talk by Charlie Alpers of the USGS

At our Oct. 7, 2015 Membership meeting, a talk was given by Charlie Alpers. Charlie Alpers is a Research Chemist with the USGS and has lead numerous investigations involving the environmental effects of

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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. His talk was on "Research on Sediment and Mercury Mobilization in the South Yuba River."

Mr. Alpers talk and subsequent question and answer period helped educate the membership on the potential for mobilization of mercury in Sierra Nevada rivers and streams by dredge mining and high banking (mining on the banks of the rivers). However, it also verified that mercury mobilization is also occurring as a result of natural water flow, storm events, and spring run-off in the rivers and streams and this had not been adequately studied by the USGS or other agencies in California (if at all).

Hence, it appears there is inadequate baseline analysis in understanding natural mercury transport and potential methylation of mercury in Sierra Nevada's rivers and streams and any CEQA analysis done to date is inadequate. There has been no analysis of naturally occurring mercury transport and mobilization and comparison to the actual impact of dredge mining to determine if dredge mining is significant or insignificant as compared to background. It would seem that removal of mercury from the rivers and streams by dredging would be desirable as it would eliminate this mercury from being transported or remobilized in the future by natural river or stream flows, storm events, or spring run-off. One would think the state should be working with dredge miners to remove, collect, and properly dispose of mercury from California's rivers and streams if the goal is to actually clean and improve the water quality, protect wildlife, and protect humans from exposure.

New Directors Come on Board

The Sierrans would like to welcome Eleanor Kenitzer as a new Director. Eleanor has been active in the Grass Valley and Nevada County community for many years and has worked in the resource

industries for much of her past. She founded the Cornish Carol Choir (1990) and the Grass Valley Male Voice Choir (1997) where she is the conductor and musical director. She has been a volunteer for many non-profit organizations in Nevada County and believes strongly in preserving the mining history and culture of the Sierra Nevadas.

The Sierrans would also like to welcome Rick Solinsky as a new Director, pending his completing his membership application. Rick lives in Truckee and is an experienced telemarketer. He was also a founding member of the Western Mining Alliance and has been involved in dredge mining for a number of years.

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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