

The New 49'ers

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Mark Stopher
California Department of Fish & Game
601 Locust Street
Redding, CA 96001

SUBJECT: The term "Recreational" in the suction dredging EIR

Dear Mr. Stopher,

I am president of The New 49'er Prospecting Association. I have actively managed the program in Siskiyou County since 1986. We have 2,000 active members. The results from a survey we performed last year shows that our active members comprise around half the number of suction dredge permits which you sold during 2008. This letter is a close representation of many conversations I personally have had with members of our Association. I believe it represents a full consensus of all our members.

As we are aware that Jerry Hobbs of Public Lands for the People (PLP) has already provided substantial input on this and related subjects, we only want to make some brief comments which we do not believe have been fully addressed.

I personally have been managing a very active mining association for 23+ years. So I have a very unique perception concerning this term "recreational mining."

I believe PLP already pointed out that the federal government has already weighed in on this matter, agreeing with our position that the federal mining law does not distinguish between a person who is pursuing a serious mineral discovery, and a person who is pursuing the activity as something he or she simply enjoys doing. All Americans have the right to pursue mineral discovery whether they enjoy it or not. It does not matter what term others decide to place on the activity.

I can give you many, many examples over the past 23 mining seasons where we have had members that were mainly just out enjoying the great outdoors with their families, with

the hope of finding gold as a side benefit. Then, by luck or otherwise, when the person(s) discovered a valuable deposit of gold, I have never seen a time when the priorities did not immediately change.

Gold is very valuable. In all my years, I have never seen any miners (serious or otherwise) out there giving gold away. Every time someone turns up a valuable deposit, regardless of what the person's program was before, he, she or they become deadly serious about recovering the gold out of that deposit.

While it is seldom so dramatic, I have seen a 70-year old man become violent over a rich gold deposit (that he did not even know existed the day before; he was "just enjoying the outdoors"), when someone else tried to move in on his discovery. Once real gold gets into play, it no longer matters that the person believed he was "just doing it for fun," or just doing it part time.

So while it is true that some people (initially) pursue gold dredging as an outdoor adventure activity that could be classed as "recreational" in some circles, the main difference is that:

- 1) The federal mining law allows every American to go out and search for minerals no matter what your primary motivations are, and:
- 2) Regardless of the person's initial motivations (it could be a hiker who is not even looking for gold), once a valuable discovery of gold is made, the person has a vested property right to recover the value out of that deposit.

These things are that make gold prospecting and suction dredging totally different than the other types of outdoor activity and recreational programs which the Department manages or oversees in California.

The reason we raise the issue is that we see this "recreation" term tossed around a lot, especially by anti-mining activists. Sometimes the Department uses the term, as well. Sometimes, the term is mistakenly used to class us as "just recreationalists." That's a mistake.

I can tell you with authority that no matter who it is, and no matter what their initial motivations were, once someone locates a rich gold deposit, it all becomes about the gold (recreation, if any, is no longer the primary motivator).

While we understand that the Department is assigning itself "a project" for the purposes of creating a State-wide EIR that will create a set of regulations allowing a certain blanket level of activity, we request that you please be mindful that the individual dredging operations are not really the State's, and they are not really "recreational" in the same manner as you would consider other outdoor activities. **These are mineral exploration and developments.**

Make no mistake about it. As gold prices just keep going up and up, the volume of gold required to make a person (very) serious is actually quite small.

Sincerely,

Dave McCracken