



AMERICAN LANDS ACCESS ASSOCIATION, INC.

NEWSLETTER

Protecting the Public Lands for the Public
<http://www.amlands.org/>

July-August-September 2014

TOM BURCHARD - EDITOR
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PRESIDENT'S MESSAGE

SHIRLEY LEESON

president@amlands.org

BAD NEWS COMES IN BUNCHES

I was notified just before we left for Tulsa, Oklahoma that the Lolo Smoky Quartz Crystal collecting area had been closed by the Forest Service as of April 2014. This rockhound collecting site is famous for its crystals and has been a favorite spot for rockhounds and club field trips for many years. Thanks to Ben Odum of the Spokane Rock Rollers who brought this to our attention.

F14-007-Lolo-D3

LOLO NATIONAL FOREST

24 Fort Missoula Road

Missoula, Montana 59804-7297

FOREST SUPERVISOR'S ORDER

CRYSTAL DIGGING CLOSURE

Pursuant to Title 36 Code of Federal Regulations 261.50(a) and (b), the following act is prohibited as described below within the Missoula Ranger

District of the Lolo National Forest. These restrictions are

in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations, and become effective upon signing and will remain in effect until rescinded.

Area Description:

Boundaries of the area are outlined on the Lolo Creek Crystal Digging Area Closure map, dated 03/28/2014, and shown as **Exhibit A**.



Photo's courtesy U.S. Forest Service, Missoula, Montana

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ALAA DUES ARE DUE

JANUARY 1, 2015

This is an early reminder to get your dues in by January 1, 2015. We need you now more than ever.

Dues are delinquent February 15, 2015.

ALAA is run on the calendar year

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WELCOME NEW MEMBERS

GROUP

Oregon Agate & Mineral Society, Portland, Oregon

INDIVIDUAL

Michael Paone, Los Gatos, California
 Arthur Johnson, Los Gatos, California
 Merrill Dickinson, Gilbertsville, Pennsylvania
 Marilyn & Ernest Hanlon, Colorado Springs, Colorado
 Ann & Paul James, Woodville, Texas

WELCOME REJOINED MEMBER

Diane Weir, Roswell, New Mexico

CURRENT ALAA SCHEDULE for 2014

Northwest	Aug 15-17	Hermiston, OR	ALAA Booth & Program
California	Nov 7-9	Visalia, CA	ALAA Meeting



Rox Obiscum

NEWSLETTER DEADLINE

Articles for the NEWSLETTER are **DUE** to the Editor by the
1st of The Month - PRIOR - to the Month of Publication!

Editor - Tom Burchard - editor@amlands.org

801-791-2828 - or - Roxhund@aol.com

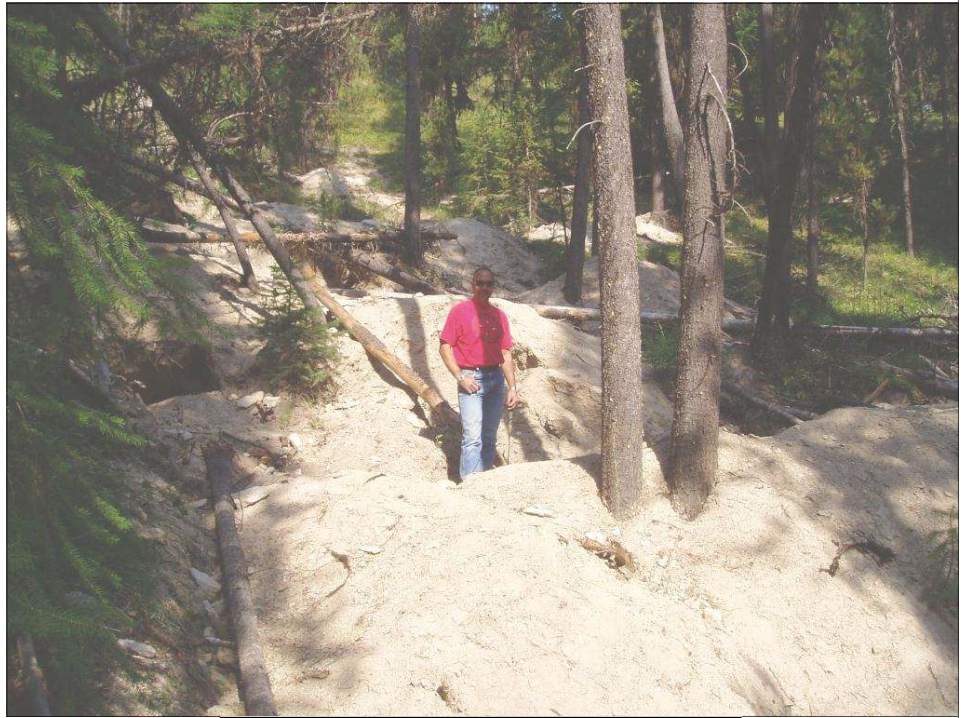
“President’s Message” - Continued from Page 3

36 CFR 261.53 – Special Closures

The following is prohibited:

It is prohibited to go into or be upon an area which is closed for the protection of: objects or areas of historical, archeological, geological, or paleontological interest, public health or safety, and property when the purpose of the entry is for the public digging or excavating crystals in the Lolo Creek drainage (36 CFR 261.53(c)(e)(f)).

For an idea of the area this covers, go to www.amlands.org and under ‘ACTIVE ACCESS ISSUES’, click on ‘Montana’ you will find the above information.



Photo's courtesy U.S. Forest Service, Missoula, Montana

In addition there is a second page I googled and this is what it says: “Holes dug into the inherently unstable granitic soils found in the Lolo Pass area can cave and bury crystal diggers and other recreationists.”

Who is to blame for the closure? **ROCKHOUNDS WHO HAVE NOT USED THE AFMS CODE OF ETHICS** practices and left holes when they left.

What can we do? In the 2nd Quarter ALAA Newsletter there was several pages of what is likely to happen to groups who use public lands. **PERMITS**, subject to refusal by the agency involved; **FEES**, subject to the organizations using those public lands; **RECLAMATION BONDS**, these are expensive and may be asked for.

Is there a possibility of negotiations? We can only hope.

There was a new firestorm when we got home from Tulsa. This time it was the Weyerhaeuser Lease Land Access Policy in Washington State. (The below is taken from their website)

WEYERHAEUSER LEASE LAND ACCESS POLICY

This information is current as of April 11, 2014. This message will be updated when there are changes to our access policy.

Effective now through July 31st 2014, the Doty block of the Pe Ell tree farm is open for recreational access. The Lincoln Cr. Bunker Cr. area is open for the spring Black Bear special permit season. The remainder of the Pe Ell tree farm is open only for NON-MOTORIZED recreational access in areas where we are NOT working. If a gate is open, it means we are working in the area and absolutely no access is allowed. If a gate is closed, you can walk, bicycle, or ride horseback onto the tree farm. Please check our recreation access website for updated information concerning 2014 permits and leases,

www.WYRecreationNW.com

The rules listed below are in effect at this time but could change during the permit season:

NO target shooting ever.

Don't dump trash or animal carcasses.

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SAGE GROUSE AND THE WESTERN STATES

Proposed sage grouse listings will cause more devastation to agriculture and access across the Western States, than any foreign country could cause, even with an arsenal of nuclear weapons. The above map was taken [from here](#).

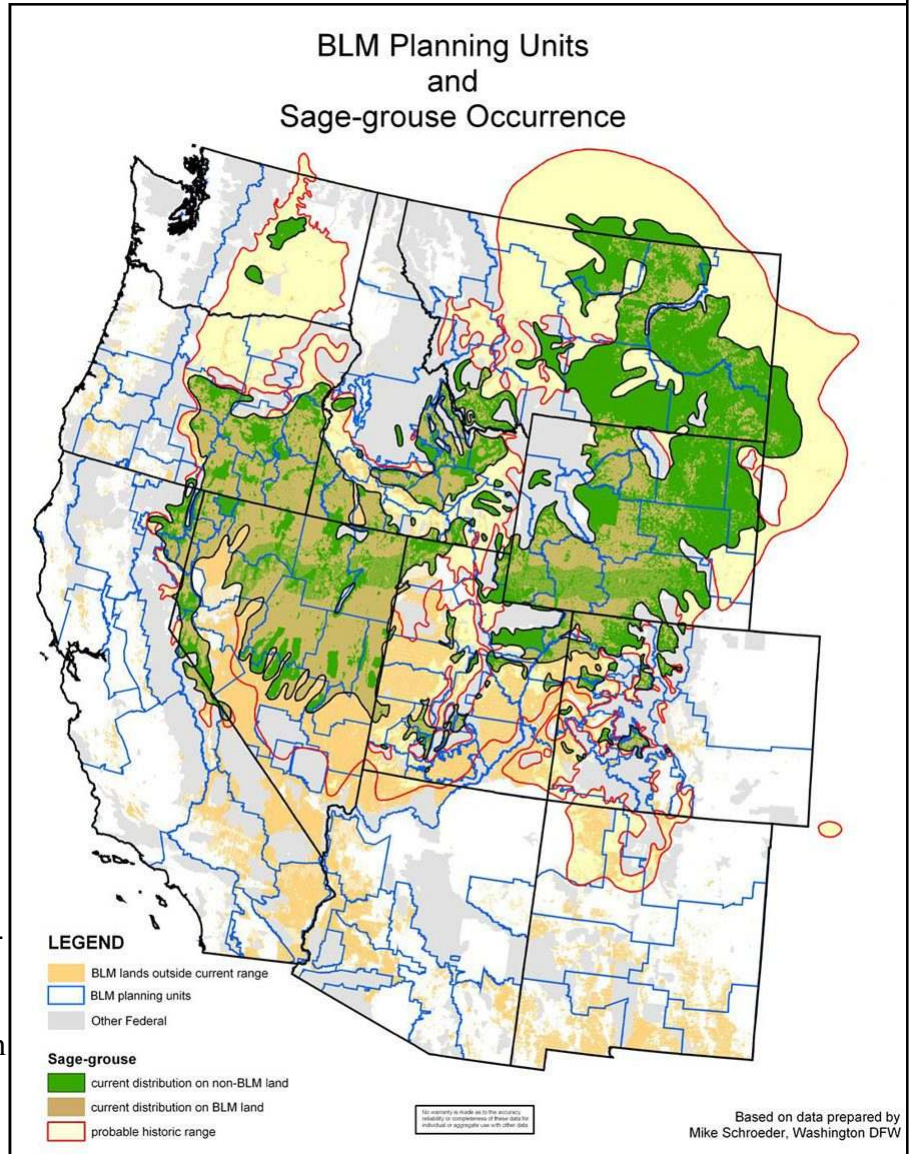
More fraudulent science? [Study finds sage grouse doing better on grazed lands](#). [Doyel]

This is a prime example of what neo-environmentalism is doing: plundering our lands, rights, and resources by cloaking their hostile and politically-motivated assaults as “environmentalism,” something our nation cherishes.

Take a look at the scope of the plan! It is clear this action is NOT about maintaining the viability of this bird, but about grabbing our federation's greatest natural resources.

According to Ray Haupt, a former federal ranger, “WOW. Way outside the law as written in ESA. The act forbids the encumbrance of land that is larger than that specifically required to protect the species on the fuller area of historic ranges, only enough for viability.”

The impact on California was disclosed in a prior e-mail a few weeks back. Here's an update: “Bi-State DPS four units consisting of approximately 755,960 hectares (ha) 1,868,017 acres (ac) in Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties, Nevada, and Alpine, Mono, and Inyo Counties, California (78 FR 64328).” [Doyel]



Why are our State and County “representatives” AWOL on these issues? That is the question. The sole legitimate purpose of government--the reason we created and tolerate it at all--is to protect our rights and property. They have not been doing their jobs, but I am encouraged many of them are coming to a true understanding of our situation, and are becoming more active on these issues.

Kirk MacKenzie

<http://www.defendruralamerica.com/DRA/Home.html>

[Editor's Note: The following link is to the document referenced above <http://regulations.justia.com/regulations/fedreg/2013/10/28/2013-24305.html>]

"President's Message" - Continued from Page 3

No rockhound activities of any kind are allowed.

ATVs, ORVs, motorcycles or motor-assisted bicycles are always prohibited.

We don't allow camping or fires or fireworks.

No firewood or other forest products can be removed with the exception of berries and mushrooms for personal consumption (5 gallon maximum per year). We do not issue firewood permits.

Obey all signs and don't block the gates when you park.

Looking Ahead

Starting August 1st, a recreation access permit will be required for all recreational access to the Pe Ell tree farm including non-motorized access including walk-on, horseback riding, and bike riding. Basic information is provided below:

Pe Ell Tree Farm Recreation Access Permits Overview

_ Permit required for ALL types of recreational access from August 1, 2014 to January 31, 2015

_ There are now 2 separate permit areas: Pe Ell South which lies south of Hwy. 6 and Pe Ell North which is north of Hwy. 6

This was implemented April 11, 2014 and they have a new Permit program for access to their vast area of forests both on their private land and those lands leased from the Forest Service. **NO ROCKHOUND ACTIVITIES OF ANY KIND ARE ALLOWED.** Several people have begun inquiries into what prompted this action, but I'm afraid, again 'rockhounds' did not follow AFMS CODE OF ETHIC procedures and left holes uncovered. These particular areas are famous for carnelian agate and it's a great loss.

Again, can we negotiate? We're going to try, but the price (not the cost, but the measures the company may enact for clubs to access these locations) may be steep.

The third problem is in Colorado. And it has to do with club claims. I won't mention any locations or names, but here's the information I received on this.... the Forest Service served a club with a cease and desist order because the claims had holes left from excavations. In order to lift this order the club would have to come up with a 'plan of action' approved by the Forest Service, which included filling in all the holes and doing reclamation on the claims. This is pending. The problem here is UNAUTHORIZED people have been on the claims, even though there have been attempts to stop the trespassing.

This was just received from Jim Urbaniak, President of the Oregon Agate and Mineral Society:

I have shared this correspondence with OAMS's editor of the "Rockhound Bulletin" and requested that she move the AFMS Code of Ethics to the front page of our newsletter and include a write up on what has happened regarding Lolo and why. What a marvelous collecting area! What a waste! I see our issues with land use being a two-pronged problem: 1) Members getting out to represent the hobby at hearings, via phone and e-mail. 2) Our ethical obligation not only to clean up and repair areas we have dug at but also to clean up and repair after others ('rogues') when we come into a site, even though we didn't cause the damage. We have an obligation as good stewards of the land to do this but we also need to do it, if for no other reason, than for self preservation.

One other thing, I strongly suggest you take out your copy of the AFMS Code of Ethics and read it carefully with your club members. Then on any future field trips you take pictures when you reach your site, and pictures when you leave, having filled in all the holes and cleaned up any debris, even if it's not your own. You might even consider taking those pictures into the nearest Forest Service or BLM Office to let them know you practice good ethics. Brownie points? Who knows.

CALIFORNIA DESERT UPDATE

BY KIM CAMPBELL ERB

There are many things currently underway that will shape the future use of our deserts, and two in particular that will require action just to preserve the current rock/gem/mineral collecting locations that we enjoy. It will be important that the rock/gem/mineral collecting community mobilize and respond in a timely fashion in order to maintain the status quo and avoid losing more collecting locations:

DESERT RENEWABLE ENERGY CONSERVATION PLAN (“DRECP”):

This is a first ever plan prepared jointly by Federal and State agencies to designate all lands, public and private, within a vast portion (22.5 million acres) of California, as preferred either for alternative energy projects or preferred for “conservation”. “Conservation” is defined broadly to include recreation as well as species and habitat conservation. The plan will have maps associated with it, and there will be many alternatives, including a no change alternative as well as the alternative that the agencies have designated as “preferred”. This will allow developers of alternative energy projects to undergo a much simpler and quicker approval process for projects in areas designated as preferred for alternative energy project, and it will make it more burdensome for them to obtain approvals for such projects in areas designated as preferred for “conservation”. The draft of this plan is anticipated by the BLM to be released for public review and comment **in early September**. Although we will not know with certainty how long the public comment period will be until the plan is released, it is anticipated that the public comment period will be only 90 days. Here is a link to the main web page for the DRECP:

Perhaps the most important thing that will be required in order to preserve our collecting locations is to pour over the maps that will be released with the plan to see how those areas, as well as the areas we need to travel to get to those areas, are designated as “conservation” areas.

The next thing we will need to do is to review the land use definitions and restrictions applicable to the proposed “conservation” areas to be sure they would allow for continued collecting. This plan will include a Land Use Plan that could be approved independently of the DRECP, so it will define use beyond alternative energy projects

Unlike other plans, this plan will provide for mitigation for loss of recreation (among other things), in areas designated for “conservation”, so it will also be important to determine if the mitigation proposed for loss of collecting areas is appropriate or sufficient.

To prepare for this, we should all be familiarizing ourselves with the Data Basin map system that the public agencies are using as the public will be encouraged to use this system to define the areas that we provide our comments about. Here is a link to the Data Basin website for the DRECP: <http://drecp.databasin.org/>

WEST MOJAVE ROUTE PLAN (“WEMO”): This plan describes all of the current routes and proposes which routes will be closed and which will remain open. If you recall, the Bureau of Land Management’s Desert Advisory Council had numerous meetings to take public comments about specific routes of concern during the scoping period. This plan should reflect the comments received during the scoping period, but will require significant review and by rock/gem/mineral collectors in an effort to keep the routes we use open. This plan is anticipated to be released sometime this fall. Here is a link to more information regarding this plan: http://www.blm.gov/ca/st/en/fo/cdd/west_mojave_wemo.html Hopefully the Data Basin mapping system will also be used to allow the public to identify routes that they comment on during the public comment period. We do not yet know how long the public comment period will be for this plan.

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“California Desert Update” - Continued from Page 6

SPECIAL RECREATION PERMITS (“SRP” Permits): The BLM requires that the public obtain SRP permits when a particular use of the public land is perceived to pose a threat to endangered or threatened species or their habitat, other members of the public or to create a nuisance. In the past, they have focused more on competitive or commercial events because of the obvious impacts to the land and to other users, but the focus seems to be shifting to other types of group events. ***Please come to the next Special Recreation Permit Subgroup meeting on September 17!*** This is your opportunity to shape policy regarding the application of these permits to group rock/gem/mineral collecting. Here is a link to the particulars: http://www.blm.gov/ca/st/en/info/rac/dac/dac_srp_subgroup.html

DESERT ADVISORY COUNCIL (“DAC”): This is a group made up of interested volunteers who represent the public, the environment, renewable resources, non-renewable resources, etc. who are charged with advising the Bureau of Land Management regarding important issues in their geographic area. The next meeting will be very important because they will be addressing the DRECP shortly after it has been released as well as specific energy projects that were recently proposed. Public comment is encouraged, and an official stenographer records the meetings and later provides a transcript that is used and referenced by both the public and the BLM. ***Please come to the next meeting on Saturday, September 27 and be prepared to provide comments on important issues affecting your access to collecting locations!*** Here is a link to the particulars for that meeting: <http://www.blm.gov/ca/st/en/info/rac/dac.html> Several reports as well as the transcript from prior meetings are posted for your reading pleasure!

ALTERNATIVE ENERGY PROJECTS: There are many alternative energy projects currently proposed within California’s Desert District. Here is a link to some of the information: <http://www.blm.gov/ca/st/en/prog/energy/pendingapps.html> One proposed project to watch is the North Peak Wind project in Lucerne Valley. A grassroots organization has formed to oppose that project and they appear to be a force to be reckoned with! At the last DRECP Subcommittee meeting, approximately 200 people showed up at the Bureau of Land Management office in Moreno Valley, which completely overwhelmed that facility. To see what a group can do when they come together to oppose a project in an area that would affect them, please visit this website: <http://noonwindmills.com/>

**FOR THOSE CLUBS WHO ARE ALAA MEMBERS,
WE OFFER YOU A FREE VENUE FOR YOUR SHOW INFORMATION
LOOK FOR “SHOW DATES” INFORMATION IN 4TH QUARTER NEWSLETTER**

WE NEED THE FOLLOWING:

THE DATE

NAME OF THE CLUB

THE CITY AND STATE

THE LOCATION

And either a contact Phone Number, E-Mail or the Club Website

SEND AT LEAST THREE MONTHS BEFORE THE SHOW

Send to: President@amlands.org

ENCOURAGING PARTNERSHIPS WITH THE FOREST SERVICE

Source: ARRA **Americans for Responsible Recreation Access**. July 2014 Issue.

ALAA, through our membership in CORVA (California Off Road Vehicle Assn is indirectly a member of ARRA.

A recent study by the Government Accountability Office found that the U. S. Forest Service was only able to maintain about 25% of the approximately 158,000 miles of trails to the “agency standard,” and that the trail maintenance backlog totaled more than \$314,000,000. Federal budgetary limitations require others solutions to address the trail maintenance backlog.

Rep. Cynthia Lummis (R-Wyoming) has made this issue a priority. Her view is that the lack of maintenance threatens access to public lands and may cause increased environmental damage and even threaten public safety. In an effort to deal with the trail maintenance issue, Rep. Lummis recently introduced legislation, H.R. 4886, the National Forest System Trails Stewardship Act of 2014, which would direct the Forest Service to significantly increase the role of volunteers and develop partnerships with other entities who would then maintain specific trail projects. The partnerships could range from recreation groups to outfitter companies to interested parties. Read more...

**FORESTRY TRAVEL MANAGEMENT PLANS
WITHIN EASTERN PART OF THE UNITED STATES**

FOR THOSE WHO CANNOT ACCESS THE LINKS PROVIDED BELOW GO TO:

http://www.fs.fed.us/recreation/map/state_list.shtml

THIS IS A LIST OF WEB SITES FOR NATIONAL FORESTS BY STATE

ALABAMA - <http://www.fs.usda.gov/alabama/>

Conecuh, Talladega, Tuskegee, and William B. Bankhead National Forests

FLORIDA - <http://www.fs.usda.gov/florida/#vumap>

Apalachicola National Forest - Ocala National Forests - Osceola National Forest

GEORGIA -

[Chattahoochee-Oconee National Forests](#)

ILLINOIS

[Midwin National Tallgrass Prairie](#) - [Shawnee National Forest](#)

INDIANA

[Hoosier National Forest](#)

KENTUCKY

[Daniel Boone National Forest](#) - [Land Between the Lakes National Recreation Area](#)

LOUISIANA

[Kisatchie National Forest](#)

MAINE

[White Mountain National Forest](#)

MICHIGAN

[Hiawatha National Forest](#) - [Huron-Manistee National Forest](#) - [Ottawa National Forest](#)

MINNESOTA

[Chippewa National Forest](#) - [Superior National Forest](#)

MISSOURI

[Mark Twain National Forest](#)

NEBRASKA - <http://www.fs.usda.gov/nebraska>

Nebraska National Forest - Samuel R. McKelvie National Forests - Oglala National Grassland

NEW HAMPSHIRE - <http://www.fs.usda.gov/r9>

White Mountain National Forest

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“Encouraging Partnerships” - Continued from Page 8

**FORESTRY TRAVEL MANAGEMENT PLANS
WITHIN EASTERN PART OF THE UNITED STATES**

NEW YORK

[Finger Lakes National Forest](#)

NORTH CAROLINA

[Croatan, Nantahala, Pisgah, and Uwharrie National Forests](#)

SOUTH CAROLINA

[Francis Marion-Sumter National Forests](#)

NORTH DAKOTA

[Dakota Prairie Grasslands](#)

SOUTH DAKOTA

[Black Hills National Forest - Fort Pierre & Buffalo Gap National Grasslands](#)

OHIO

[Wayne National Forest](#)

PENNSYLVANIA

[Allegheny National Forest](#)

TENNESSEE

[Cherokee National Forest - Land Between the Lakes National Recreation Area](#)

TEXAS

[National Forests and Grasslands in Texas, Angelina, Davy Crockett, Sabine, Sam Houston, Caddo/LBJ](#)

VERMONT

[Green Mountain National Forest](#)

VIRGINIA

[George Washington and Jefferson National Forests](#)

WEST VIRGINIA

[Monongahela National Forest](#)

WISCONSIN

[Chequamegon-Nicolet National Forest](#)

For those of you who live east of the Rockies and don't think you have concerns about using Forests to either collect in or go through to get to your collecting sites, think again. These forests are writing or have already written Travel Plans for each of them and the closure of roads throughout is stunning. And this only covers U.S. Forests, we are NOT talking about state forests which is a whole different problem. And don't forget all the states that have seashores. This is becoming another problem on what you can pick up on the beaches of each state.

Stay informed and let us know if there are problems, we can't police all areas, you as ALAA members need to get involved.

Shirley Leeson, ALAA President

LA POSA TRAVEL PLANS

Dear ALAA Members

I'd like to update you on where the Yuma BLM is with the La Posa TMP in Quartzsite. You may recall that we had anticipated completing the plan during the spring of 2014. We were hoping that after 10 years of on-again off-again effort we'd finally have a product so we could begin implementing the plan and calling on you to help us.

However, I've received comments from the public over the last couple of months that BLM is going to close all the roads in Quartzsite which would have a negative impact on the economy as well as denying mine claimants access to their claims. This just isn't so but it suggests to me that BLM needs to do more outreach to better explain how we came up with the plan and what we see as the

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ROCKHOUND SOAPBOX

JOHN MARTIN - CFMS PLAC

plac@antelecom.net

It is over half way through the year and to date there has not been any significant legislation enacted affecting amateur rockhound collecting on California's and Nevada's public lands. There are local land management regulations being enacted to limit the access and collecting of rocks, minerals and fossils on public lands managed by the US Forest Service and the BLM. These regulations and restrictions are being enacted through Travel Management Plans and land Manager Directives. Fortunately for the active rockhound some of these decisions have allowed for Public Comments through public meetings and forums. Those attending these meetings have the opportunities to express their ideas, views, feelings and comments on the proposed regulations for public land usage and recreational activities, including lawful Rockhounding. These meetings are regularly attended by Recreational Users including OHV activists, Ranchers, miners, Energy Producers, Equestrians, Hunters, Hikers, an occasional Rockhound and environmentalists. With environmentalists present at nearly every public meeting their agendas are receiving the attention of the land managers. They are making their voices heard and in some cases they have the most voices heard of all the land users.

The habitat of the California-Nevada Rockhound is decreasing at an alarming rate. In less than 50 years the habitat range of the Rockhound has been reduced from 47,458,744 acres to 32,058,744 acres by the closure of 15,400,000 acres of wilderness (Habitat reduction of 32.4%). Then add urban development, military installations, renewable energy projects, endangered species habitat closures, bureaucratic edicts, Land Management Decisions and Regulations the amount of Rockhound Habitat just keeps on shrinking. Can a rockhound help to save its habitat? Yes they can! How one asks! First cast off the cloak of the Rockostrich, pull your head out of the sand and observe the world around you. Decide to become proactive in decision making, both the Land Management Process and the political process.

Worried about you IRS 501(c) Tax Exempt status? Well do not be. Voicing an opinion at a public meeting, contacting an elected official with an opinion on an issue in proposed legislation, or joining another organization fighting similar battles as an individual or a group (Club or Society) will not have a negative impact on your IRS 501(c) tax exempt status. That is true as long as some simple IRS rules are adhered to: (1) Do not contribute, in the name of the organization, directly to a campaign fund of a candidate running for election. (2) Do not contribute, in the name of the organization, directly to a legislative cause or to a person having direct influence on that legislative cause. (3) Do not expend an amount of funds in excess of 10% of the organization's total annual income to the Lobbying Process. Donating or contributing to an organization which may in turn support or donate to a specific group or cause or individual having influence on an election or legislative action should not have any negative impact on your 501(c) tax exempt status. Joining an organization which donates funds in support of a third party legislative actions or litigation support will not have a negative impact on the 501(c) tax exempt status. Start protecting you Rockhounding Habitat, and show that you care for the future of rockhounds and lawful rockhounding by becoming proactive.

There is strength in number and the greater the number of Rockhounds that choose to participate in the processes the better chances there are to preserve your rockhound habitat. All you have to do is show up at a meeting, make a simple phone call or send a simple email. It is really not difficult. The choice is yours! See you at the next land management meeting! If you need help or more information contact your Federation Representative, go to the CFMS Website www.cfmsinc.com or contact the CFMS PLAC Committee plac@antelecom.net.

Happy Rockhounding and enjoy your Public Lands

TERRY, MONTANA: THE CLEANEST TOWN AROUND

Here's the ALAA clean up crew at Doug True's Terry, Montana Field Trip. We went to clean up a section of town, the off ramps to town, etc and there wasn't any trash to pick up. The 4-H students take pride in keeping their roads and town clean. So we collected our crew and took pictures of 'empty bags'. Shirley



"La Posa Travel Plans" - Continued from Page 9

benefits.

With that in mind, the plan will not be signed until we've done more outreach during the winter of 2014/15. I'd like to use this opportunity to invite myself to your winter meeting in Quartzsite. I've really appreciated the courtesy you've extended to me in my previous meetings with you and I regret I wasn't able to make the last meeting.

So, what's the BLM been doing?

Well, first off, reviewing the public comments and making changes to the maps took longer than we thought. Every specific comment or suggestion was discussed by our in-house team and myself. As a result of your input, we ended up proposing to designate more open trails.

Now there are routes that have not been recommended to be open due to possible conflicts with other resources, mainly wildlife and archaeology and in some cases soil erosion.

Let me clarify my terminology. A route is not necessarily a trail or a road. During the initial inventory, any linear disturbance wide enough for a vehicle, whether it was being driven on or not was identified as a route. This included residual scars on the landscape leftover from when the Army trained in this area during World War II, as well as pipelines or roads to abandoned mines. All routes were identified with a number and there were hundreds of them. So in our evaluation we usually put these self-reclaiming and re-vegetated route segments in the closed category.

In general, if a route was obviously being heavily used and not causing undo surface damage to wildlife habitat or cultural sites, we usually

left it open. However, when there are multiple routes/trails/roads leading to the same destination or running parallel we have proposed some of them to be closed.

Our goal has been to allow access to everywhere within the plan area without damage to other resources.

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A LOOK BACK INTO CALIFORNIAN'S ROCKHOUDING HISTORY

JOHN MARTIN - LAWFUL ROCKHOUND & ALAA WEB MASTER

In The early 1980^s, California Senator Alan Cranston had a vision to create a massive protected desert wilderness. Senator Cranston died in office before his vision could become a reality. Diane Feinstein became the senator after Alan Cranston and picked up where Senator Cranston left off and proceeded to push through the **California Desert Protection Act**.

It was 20 years ago on July 28, 1994 that California Rockhounds lost collecting rights in 1.6 Million Acres of the California Desert. In a final House vote of 298 to 128 the House of Representatives voted to create the largest Federal Wilderness and Parkland, outside of Alaska, in US History. The Senate had previously passed its own piece of legislation and now all that remains is for the two branches of Congress to agree on the slight differences and pass the legislation on to the president to sign into law.

The Environmentalists had been trying to get increased protection for the southeastern California desert for years, claiming it is being destroyed by urban sprawl, off-road recreational vehicle enthusiasts, Rockhounds and commercial development.

The critics of the Bill, including five Republican lawmakers who represent the desert area, called the measure an intrusion on property rights that harms ranchers, mining companies, recreational activities and local residents.

The combination of the passage of **HR518** and **S21** created the **Mojave National Preserve** and was signed into law by then President William Jefferson Clinton on October 31, 1994.

Today there is 15.4 million acres of California Public Lands designated as Wilderness or Restricted with limited use designations. This public land is held in trust for the American Citizens and being managed by the Bureau of Land Management, the National Parks Service and the US Forest Service.

Happy Rockhounding and enjoy your Public Lands.

ALAA TULSA REPORT

LAUREN WILLIAMS VICE PRESIDENT

The Annual ALAA Business Meeting was held in Tulsa, Oklahoma on Saturday July 12, 2014 at 9:00 am at the Hilton Garden Inn, the host hotel for the 2014 AFMS/RMFMS Convention.

After the Pledge of Allegiance to the Flag and Invocation given by Marion Roberts, who will be next year's AFMS President, the election of ALAA's officers for next year, 2015, was held. The 2015 officers elected are the same as the officers for this year, 2014. Next was the election for three year term of Directors, they are Dr. Bob Carlson who is from the Rocky Mountain Federation, Doug True who is from the Northwest Federation, and John Wright who is from the Southeast Federation.

After the rest of the verbal reports from the Permanent Directors, President Shirley Leeson commented on the most recent and pressing problems facing our access to collecting areas. John Wright from the Southeast Federation talked about how it use to be and how the government got us to where we are today.

President Shirley Leeson then opened the meeting up for open discussion; anybody could talk about anything they wanted. It was really interesting the way the government that is, federal, state, and local, is slowly eroding our collecting sites, not to mention environmentalists. The bottom line result is that no matter whom it is we are losing collecting sites and access to our Public Lands. We pay taxes just like the environmentalists do, but I have never heard of an election for voting for environmentalist organization into existence. It is pure discrimination!

NMOHVA BOARD VOTES TO APPEAL FEDERAL COURT'S DECISION

In a special board meeting, your NMOVHA Board of Directors voted unanimously to appeal Judge Johnson's ruling against our lawsuit. This decision was reached after a thorough discussion of our case, the costs of an appeal, and the advice of our attorney Karen Budd-Falen. The appeal will be heard by the US 10th Circuit Court of Appeals.

Why We Are Appealing: Judge Johnson agreed with the major point of our legal challenge, but decided that point wasn't enough to throw out the Santa Fe's travel management decision. Our attorney strongly believes the judge's decision is not in accordance with the law. By appealing, we have another chance to argue the case before the higher level court. If we don't appeal, the case is finished. Can we win? Quite possibly. Can we lose? We can, but we definitely have lost if we don't appeal.



What Laws Were Broken? The law says the environmental impact statement's "no action" alternative (the baseline condition) must include all the roads and trails that were legal to use. The Santa Fe National Forest environmental impact statement (EIS) deliberately excluded 2,200 miles (about 30%) of roads and trails. The Forest Service fully acknowledged these excluded routes were part of the official transportation system.

They Did What? Imagine you have \$7,200 in bank. Then the bank decides it will only count \$5,000 because you are "not using" the other \$2,200. And your \$2,200 disappears. Sound insane? The Santa Fe National Forest did just that. It closed those 2,200 miles under the excuse that the public wasn't using them. Our lawsuit argued that the 2,200 miles must be counted because they were official, existing, and legal to use. The judge agreed it was illegal not to count them; but then he let the Santa Fe National Forest do it anyway.

The judge's decision unexpectedly created another legal issue. There is a specific law that determines whether an EIS is legal or illegal. It's called the Administrative Procedures Act (APA). The APA has two standards (or requirements) for legality. The APA says that to be legal, an EIS must obey both standards. An EIS is illegal if it violates either one OR the other standard. we believe that Judge Johnson did not properly apply the APA. He ruled the Santa Fe's EIS violated one of the two standards, but also ruled that the EIS was still legal. This is like saying it's OK that you were driving without insurance because your car is registered. The driving laws says you are driving illegally if you are missing either insurance OR registration. It is not possible to be missing either one and still be driving legally. But that is just what the judge did. He decided that the EIS was still legal even though it violated one of the two APA standards by "being contrary to law."

This decision creates a legal precedent that makes it twice as hard to fight any agency action in court. You would have to prove an EIS violated both APA standards, instead of just one. This would apply to any lawsuit in the country, filed by anyone, against any agency. Our NMOHVA lawsuit is the only way to overturn the Santa Fe's travel management closures, but now our lawsuit has also become something larger and of national importance.



ALAA BUSINESS MEETING HIGHLIGHTS

July 2014

SHIRLEY LEESON, PRESIDENT

There were several important items discussed and passed at the Annual Business meeting recently: The website now has a "Terms of Use Policy".

The "Action Fund" was approved. This will allow donations as well as auctions and other Fund Raisers to go into a special fund for use when legal issues are pending. ALAA is a 501 (c-4) - Non-Profit Educational Lobbying Organization. That means donations by individuals and corporations can't be taken off their income taxes.

The website will now have a "ALAA Club Show Date section. Go to: www.amlands.org on the left hand side at the bottom: Show Dates. The reason for this is Rock & Gem Magazine has been sold. The editor, Lynn Varon and Senior Consulting Editor, Bob Jones are not under contract, they are working out of their homes. They haven't been given a 'vote of confidence' by the new owners so this addition to our website is to see that ALAA club members have a place to post their shows. More on this in another section of this newsletter.

The Election of Officers was held and the following Officers were elected for 2015:

- Shirley Leeson -- President
- Lauren Williams -- Vice President
- Susy Martin -- Secretary
- Frank Mullaney -- Treasurer
- Cheri George -- Assistant Treasurer/Membership

The Election of Directors for a Three Year Term, running through 2017:

- Dr. Bob Carlson - Rocky Mountain
- Doug True - Northwest
- John Wright - Southeast

THANK YOU

ALAA received a huge boost at the Annual Business Meeting in Tulsa, Oklahoma recently. Doug True, President of the Ye Old Timers gave ALAA a check for \$900. This is half of the receipts for the annual auction at Quartzsite in 2014. This is in addition to the \$400 donation received recently from the Prineville Rockhound Pow Wow Association of Oregon.

Both these donations will go into our new 'ACTION FUND' for future legal issues.

ALAA sincerely thanks both the Ye Old Timers and the Prineville Rockhound Pow Wow Assn for their generous donations.

THANK YOU

from the Officers and Directors of ALAA

WETLANDS

- The new EPA Corps Wetlands Regulations are an outright assault on freedom, property rights, state's rights, and recreational uses of Federal lands and waters.
- The economic and social implications of this proposal are enormous. A massive loss of jobs will be the result of these proposed new EPA Wetlands Jurisdiction Regulations if they are approved.
- The economic impact assessment, including the cost benefit analysis, is fundamentally flawed.
- The science behind the proposal has been manipulated to support an ideology. EPA sent the proposed regulations to OMB even before they received comments from their own Science Advisory Board.
- The proposal ignores recent, bi-partisan Congressional opposition and three U.S. Supreme Court decisions that imposed limits on Federal jurisdiction under the 1972 Act Clean Water Act.
- The proposal is presumably based on a scientific report, but it has not been peer reviewed.
- The proposed regulations, rather than "clarifying" jurisdiction, will have the effect of creating further confusion. The proposal will impact millions of additional people, and create much more unnecessary litigation. Average Americans would not be able to afford the legal fees necessary to battle the wealthy environmental lobby and taxpayer supported government agencies.
- Like the Oberstar/Feingold Clean Water Restoration Act, Congressional Committees other than the Transportation Committee, should hold hearings on the proposal. Those Committees should include the Natural Resources, Agriculture, Small Business and Commerce Committees.
- The proposal fails to comply with regulatory requirements, including Executive Order 12866, which provides criteria for interagency review of rulemaking procedures.
- Several states have approved water rights and Wetlands protections with strong, bipartisan support.
- State and local governments are best equipped to produce common sense solutions to water quality and other environmental problems; Local government is closer to the people and can work out solutions that meet local needs. Local solutions are faster, more lasting, less costly, and more consistent with constitutional principles. "The principal responsibility for protecting the quality of our waters must be exercised where it naturally reposes—at the local level." - President Dwight Eisenhower

URGENT CALL TO ACTION

Defeating the Proposed EPA/Corps of Engineers Federal Power Grab will require aggressive, grassroots action. To make a difference, here's what you must do:

- 1. Congress will go out for the August recess soon. Call your Senators and Congressman to ask for their schedule in your state and district. Try to attend one or more scheduled meetings. Ask them whether they support or oppose passing a bill to stop the new EPA Corps Wetlands Jurisdiction Regulations. Tell them you will consider their position when you vote this fall.
- 2. Call both your Senators at 202-224-3121. Ask for the staff person who handles Wetlands issues, EPA and Corps of Engineers. Ask that your Senator support Senator Barrasso, R-WY, S 2496 to prevent the new EPA Wetlands Jurisdiction Regulations from going forward. Be aware that Senator Ron Wyden (D-OR) is putting together a huge Omnibus Federal Lands Bill. It will include a lot of bills you don't like. Be sure to ask your Senator to oppose ANY Omnibus Federal Lands Bill.
- 3. Call your Congressman at (202) 225-3121. On June 17 the House Appropriations Committee approved a Energy and Water spending bill (HR 4923) with the Wetlands rider in it matching the Senate bill S 2496. Ask your Congressman to commit to support HR 4923 with the Wetlands language included to stop the proposed EPA Corps Wetlands Jurisdiction Rule. Ask your Congressman to oppose any Omnibus Federal Lands Bill.
- 4. Contact your state legislators. Urge them to oppose this proposal and to write your Governor urging his or her opposition.
- 5. Contact your local elected officials, including your county commissioner,

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“Wetlands” - Continued from Page 15

county supervisor, township supervisor, mayor, and city council members. Ask them to pass resolutions of opposition to the EPA proposal. The views of local elected bodies will be critical in the outcome of this issue.

-----6. Get organizations in your area to oppose the EPA plan. Key groups include those involved in agriculture, energy, forestry, mining, outdoor recreation, and business in general.

-----7. Contact newspapers, radio and television stations and encourage them to do stories on the issue. The media generally tends to be soft on issues related to the environment. Let them know that this issue is about governance, not the environment. We all want clean water. It's not good to have a bureaucrat from Washington, DC telling you what you can or cannot do with your land or water.

-----8. Comment directly to EPA on their proposal. Comments can be sent by e-mail to: ow-docket@epa.gov. Include EPA-HQ-OW-2011-0880 in the subject line of the message. To review the proposal on line, google EPA-Waters of the U.S. and follow the instructions. As Jim Burling, Director of Litigation for the Pacific Legal Foundation said, “If our constitutional system of limited federal powers means anything, we have to win on this issue.”

Sincerely,

July 2014

Chuck Cushman

PS. Your Senators and Congressman can stop these new regulations. Urgent Action Required. The plan by the EPA and Corps to bypass Congress, the Supreme Court and the word “Navigable” in the Clean Water Act to take Jurisdiction over all “waters of the US” is the biggest land and power grab in history. You must save the word “Navigable” in the Clean Water Act. Whoever controls the water, controls the land. You can help by sending back your comments to EPA on the proposed EPA Corps of Engineers Wetlands

Jurisdiction Regulations. This new water rule poses a threat to our freedom and economy that is much more severe. State and local governments have our non-navigable waters well in hand. They know better than bureaucrats in Washington what oversight homeowners, farmers, businesses and developers need to responsibly use their own land.

EPA has no valid scientific basis for pushing this rule. EPA's cost-benefit analysis is deeply flawed, employing decades-old cost estimates that were not adjusted for inflation, nor current economic and market conditions.

From the Congressional Record:

=====June 25, 2014 -- WASHINGTON, D.C. – Today, U.S. Senator John

Barrasso (R-WY) called on the Senate to support his legislation to prevent the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) from finalizing their March 2014 proposed rule which would significantly expand federal authority under the Clean Water Act (CWA).

Excerpts of his remarks:

“I would like to thank my friend and colleague, the former Gov. of North Dakota, now the Senator from North Dakota, who knows these issues very well, and the Senator from Kansas, who talked about the administration's overreach and overregulation and the impact that it has on the economy of the United States. “And, there's very disturbing news out this morning reported by Reuters headlined ‘Bad to worse: U.S. Economy shrank more than expected in quarter one of this year.’ “The U.S. Economy contracted’—not grew, not stayed the same but contracted, ‘at a much steeper increase than previously estimated in the first quarter.

“The Commerce Department said on Wednesday that Gross domestic product fell at a 2.9% annual

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“Wetlands” - Continued from Page 16

rate, the economy's worst performance in five years. “Worst performance in five years—it's because of the overreach, the overregulation that's coming out of this administration. “That's why I rise today in support with my colleagues and my colleagues who have very serious concerns about the EPA's proposed Clean Water Act jurisdictional rule. “Many if not all of these colleagues recently joined me in introducing the Protecting Water and Property Rights Act of 2014 (S. 2496). “In fact, 34 Senators have cosponsored this bill—more continue to join the important effort. “They have joined this effort because this important and consequential legislation restricts the expansion of federal authority by this EPA, which the EPA is trying to use to encompass all wet areas on farms, ranches and suburban homes all across America. “More specifically, this bill eliminates this Administration's proposed rule to implement the expansion of such federal authority. “Through this recently proposed rule, federal agencies are attempting to expand the definition of ‘waters of the United States’. They want to include ditches and other dry areas where water flows only for a short duration after a rainfall. But the government wants to control even that. “Federal regulations have never defined ditches and other upland drainage features as ‘Waters of the US.’ “But this proposed rule does and it will have a huge impact on farmers, on ranchers, on small businesses that need to put a shovel in the ground to make a living. “The rule amounts to a federal user fee for farmers and ranchers to use their own land after it rains. “It forces suburban homeowners to pay the EPA and Army Corps to use their backyards after a storm.

“Let's be clear what is proposed in this rule. It takes money away from family farmers and ranchers who just want to grow crops, raise cattle, and it taxes suburban middle class families that just want to recreate in their own back yard without Uncle Sam bankrupting them for the privilege. “This is the worst thing I could think we could do to Americans in this economy—an economy that is shrinking. “That's why my legislation is endorsed by both the American Farm Bureau as well as the American Land Rights Association. “It is because they know how devastating this rule is to farmers, to ranchers, to homeowners, and to other small businesses. “Despite what this Administration may say and has said about providing flexibility—they use that word for farmers and ranchers in the proposed rule, the farmers and ranchers of America are not deceived. They will not be misled by this administration.

“According to the June edition of the publication National Cattlemen, an article entitled ‘EPA's Ag Exemptions for WOTUS’, and let me just point out that the National Cattlemen, it is the trusted leader and definitive voice of the beef industry, the official publication of the National Cattlemen's Beef Association. “What that front page article says is ‘Although agricultural exemptions are briefly included, they don't come close to meeting the needs of the cattlemen and women across the country.’

“The President of the National Cattlemen's Beef Association, Bob McCan, stated in the article, ‘For example, wet spots or areas in a pasture that have standing water, under this rule, could potentially be affected. We'd now need permission to travel and move cattle across these types of areas.’ “The article lists some other major areas of agriculture not exempted by the EPA's proposed rule when the article states ‘Activities not covered by these exemptions include introduction of new cultivation techniques, planting different crops, changing crops to pasture, changing pasture to crops, changing cropland to orchard/vineyard and changing cropland to nurseries.’

“Congress never intended the Clean Water Act to be used this way.”

**WE MAY LOOSE ANOTHER COLLECTING SITE
PROPOSED: BOULDER WHITE CLOUD - A NATIONAL MONUMENT**

For a number of years some legislators from Idaho have been trying to create more WILDERNESSES in IDAHO, as if we don't have enough already. It has not happened so the latest try is to make the Boulder White Cloud area of Idaho, a National Monument, which almost does the same thing as wilderness. If they write the law the same way they, in Washington, DC usually do, it will not allow 'picking up rocks and especially not excavating' within the monument. Boulder White Cloud is currently within the Salmon-Challis National Forest. Why fix what's not broken?

Here is a list of areas within Boulder-White Cloud that I personally know has collectable rocks:

East Fork of Salmon River through Herd Creek: Agate, Jasper, Amethyst Crystals and Petrified Wood

Trail Creek Through Copper Basin: Agate, Jasper and Petrified Wood
Livingston Mine included specimen collecting on old mine dumps

Horse Basin: Agate, Jasper and Petrified Wood

Dee Holland, ALAA Director
Salmon, Idaho

ps: Thanks to Shirley Metts of the Magic Valley G/M Society for forwarding this important information. Shirley is also an ALAA Representative for Southern Idaho.



"La Posa Travel Plans" - Continued from Page 11

Finally, I wanted to thank those that participated and supported the clean-up you did on BLM managed lands last January. We appreciate and rely on supportive groups like yours in helping BLM manage your public lands.

I look forward to seeing you next January if not sooner. Please call or stop by the office if you have any questions.

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SOUTH DAKOTA Jan Baumeister

TEXAS Terry Proctor

UTAH..... Evan Day

WASHINGTON

Central..... Andy Johnson



AMERICAN LANDS ACCESS ASSOCIATION

NEW MEMBERSHIP and ANNUAL RENEWAL

APPLICATION FORM

PLEASE PRINT ALL INFORMATION
(Must be postmarked or received by December 31, each year)

Are You Applying As? (Please Circle Which)

Individual / Couple: _____

OR

Last Name

First Name

Club / Society: _____

Club or Society Name

E-Mail Address: _____

(An E-Mail Address is Essential for Our Organizations Communication Process)

NEW: Individual / Couple **OR** Club / Society (Circle Which)
RENEWING: Individual / Couple **OR** Club / Society (Circle Which)

Address: _____
Street City State Zip

Phone Number: _____
Residence Cellular (if any)

Member Signature: _____ Date: _____

Make Checks payable to:
American Lands Access Association (ALAA)

Send Completed form with Dues to:
American Lands Access Association
C/O Membership Chairman
P O BOX 54398
San Jose, CA 95154

Dues are: \$25.00 for Individual / Couple
\$50.00 for Club / Society Amount Enclosed \$ _____

ALAA Newsletter by E-Mail _____ (✓) or Snail Mail _____ (✓)

For more information or questions on membership E-Mail to: membership@amlands.org

A Grassroots 501-C-4 Educational, Non-Profit Organization,
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ALAA New Membership & Annual Renewal Form
Revised 3/18/2014 - atb
(Distributed each year in October)