



AMERICAN LANDS ACCESS ASSOCIATION, INC.

# NEWSLETTER

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

July-August-September 2015

TOM BURCHARD - EDITOR  
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OGDEN UT 84403-2931

## PRESIDENTS MESSAGE

LAUREN WILLIAMS, ACTING PRESIDENT

Cow Mountain Recreation Management Plan (northern California) is in the Scoping phase and has had meetings in September in Ukiah Field Office and Lake County Court House in Lakeport. For your input e-mail Sarah Mathews BLM CA Cowscoping@blm.gov. Or call 1-707-468-4051.

The Montana Fish Wildlife and Parks are continuing to push for free roaming bison on the Montana landscape. Those who oppose this policy say that free roaming bison can transmit disease to humans and cattle (brucellosis); damage crops and private property; a danger to public safety; no cost assessment has been included in the plan; no containment measures are included; no area of release has been identified; no party to assume liability for damage (we must sue somebody, this is what is wrong with the United States) is identified. If you think that hitting a moose at 45 mph is bad, try hitting a bison at 75 on an interstate. The official period for comment was the middle of September but it still would not hurt to give them your comments. The same arguments could be said for wolves.

There is an organization called Western Slope No-Fee Coalition, kitty@westernslopefee.org, which is fighting to NOT TO have to carry a permit when on forest service land, I think that would include everyone in the west. If the forest service gets away with this you know who would immediately follow suit. This is currently being considered By the Federal Lands Recreation Enhancement Act (FLREA).

Our annual Meeting in Austin will only be a few weeks off by the time you read this. The meeting is scheduled for Saturday October 24, 2015 at the Double Tree Inn, this is the show headquarters Hotel/Motel. Check as soon as you get into Austin to make sure that they have not changed the day or time of the meeting. NASCAR is in town the same weekend so make sure that you have your hotel/motel reservations made by now.

All of the Directors and Officers positions have been filled, and are ready for your vote. Come to the meeting to see who they are and then vote. Your vote will count. You can nominate from the floor. By being at the ALAA meeting you will know immediately who the new officers are, saving you from waiting until the next newsletter comes off the press.

John Martin has given a few talks to a couple of clubs in his area on who ALAA is and what new members can expect by joining ALAA. I do not know how he defines his 'area'. I am scheduled to give a talk to the Southern Nevada Gem and Mineral Society in Las Vegas on the same subject. Yes Las Vegas is out of my area. Do you think that we need a speakers form and/or have consistent information in all of the talks that are given about ALAA? And who is qualified to give a talk about ALAA, YOU ARE, every one of you that belongs to ALAA. John used Power Point, I have no idea of how to set up Power Point, and I do not own a laptop but I am an old guy and I do know how the world worked before computers.

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**CURRENT ALAA SCHEDULE for 2015**

- **ALAA at the AFMS/SCFMS SHOW**
- Austin, Texas October 23 – 25, 2015
- ALAA Annual Business Meeting Saturday, October 24, 4pm to 6pm
- Palmer Events Center, 900 Barton Springs Road

**PROPOSED ALAA SCHEDULE for 2016**

- **ALAA at QUARTZSITE**
- Quartzsite, Arizona, Public Meeting, Friday, January 22nd, 7 PM ‘New’ Community Center
- **Speaker: Michael Hunerlach, Mining Geologist and Mineral Specialist, Pacific Southwest and Regional Liaison for USFS**
- Quartzsite, Arizona, Board Meeting, Saturday, October 23rd, ??:AM
- Quartzsite, Arizona, CLEAN UP, Sunday, October 24th, 8:AM, Place to be announced



**NEWSLETTER DEADLINE**

Articles for the NEWSLETTER are DUE to the Editor by the 1<sup>st</sup> of The Month - PRIOR - to the Month of Publication!

Editor - Tom Burchard - [editor@amlands.org](mailto:editor@amlands.org)

801-791-2828 - or - [Roxhund@aol.com](mailto:Roxhund@aol.com)

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*"President's Message" - Continued from Page 1*

Get on the notification lists, attend the meetings, make your comments, write and e-mail and snail mail your letters! Nothing happens until someone, "you" does it! Do it! Do it now!

**SHOW DATES FOR GEM AND MINERAL SHOWS  
SPONSORED BY MEMBER CLUBS AND SOCIETIES OF ALAA, INC.**

**YOUR ALAA AFFILIATED CLUB COULD HAVE ITS SHOW LISTED HERE.**

Send suggestions or problems to [webmaster](#)

**American Lands Access Association  
PO Box 54398  
San Jose, CA 95154**

**OCTOBER 17-18**

El Dorado Mineral & Gem Society  
El Dorado Co. Fairgrounds 100 Placerville Dr., PLACERVILLE, CALIFORNIA  
contact: [info@rockandgemshow.org](mailto:info@rockandgemshow.org)

**OCTOBER 24-25**

Peninsula Gem & Geology Society  
Los Altos Youth Center, One N. San Antonio Rd., LOS ALTOS, CALIFORNIA  
Contact: Steve Jobe [steve.jobe@sbcglobal.net](mailto:steve.jobe@sbcglobal.net)

Clackamette Mineral & Gem Club  
Clackamas Co. Fairgrounds, 694 N.E. 4th Ave, CANBY, OREGON  
contact: Beth Heesacker [heesacker@coho.net](mailto:heesacker@coho.net)

**NOVEMBER 7-8**

San Diego Mineral and Gem Society  
Al Bahr Shrine Center, 5440 Kerney Mesa Blvd., San Diego, CA 92111  
Contact: Bob Hancock [rtourmaline2@aol.com](mailto:rtourmaline2@aol.com)

**SODA FIRE/GRAZING ALLOTMENT RESTRICTIONS**

My sister wrote this post about the Soda Fire and I thought I would share it.  
"These figures are something to ponder. The BLM (aka--you and me--the taxpayers) spent \$4.7 MILLION to fight the Soda fire, which consumed over 280,000 acres--80% of which was BLM, 15% was private, and 5% was State land. The Owyhee 68 (google "owyhee68") is currently in a lawsuit with the BLM, because of their recent order which effectively CUT livestock grazing by up to 2/3's of what has been traditionally grazed in the past, to supposedly "save critical sage grouse habitat". Fried chicken, anyone? This spring was an unusually wet year, and yet the BLM would not budge on the grazing numbers or season allowed, and we left considerably MORE feed in our allotments AFTER they had been used than our cattle were moved into to START with last spring. That type of heavy feed was the very fuel that drove the catastrophic Soda Fire. You will notice that the private and State lands, which are managed differently sustained a much smaller loss. Location may have been part of it, but I'm willing to bet that common sense management of the land played a bigger part. Many ranchers had the fire burn right up to their fences, and then the fire went out, because it had been properly grazed, leaving a natural fire line.

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**NEW FOREST SUPERVISOR: SAME SAD EXCUSES. FROM THE WALLOWA-WHITMAN**  
**JOHN D. GEORGE, EASTERN OREGON**

The Wallowa-Whitman National Forest (WWNF) is fully into another year of planning, and never so self-evident as shown by the “guest comment” submitted by Tom Montoya in the Capital press. The current planning process on the forest is to test the waters, hope the public is not paying attention, and wait for light public response at meetings throughout the region, or which is not happening.

The forest service has started its re-engagement with local communities on the forest plan revision, focusing on access, grazing and pace & scale of restoration. In total 1,094 official comments were received for the forest plan revision, with residents speaking out about the restriction of motorized access in the Blue Mountains thru the designation of routes (closure of cross country travel) and reduction of road densities (closure/obliteration of historic roads). The forests have participated in meetings and so far have brought nothing new to the public.

While the forests do not have all the meetings scheduled, I do appreciate them working on meeting with the public. Each meeting held so far has had a very strong calling for the forests to develop a forest plan that retains and protects the current level of open motorized access to the WWNF and Malheur, as well as to reinstate an open motorized access system to the Umatilla.

Most concerning is the WWNF continued development of Subpart A report of the Motorized Use Restriction Strategy. Subpart A is an internally driven decision, developed by specialist at the supervisors office that identifies the minimum roads needed to “administer” the forest. Mr. Montoya makes it very clear that the Subpart A report is NOT A DECISION document, however, his supervisor, disagrees with him.

On June 12th, 2015, Mr. Pena wrote in a response to my Freedom of Information Act (FOIA) request he was denying the request per Exemption 5 “to prevent injury to the quality of the agency decisions” an exemption claimed to protect a government decision, of which Mr. Montoya claims this is not a decision.

What is sold to the public as a flexible report, actually becomes a noose around the neck of rural communities as road closures and motorized use restrictions spring forth from this internally developed, agenda driven document. This model has been used throughout the west, and is now rearing its head in Eastern Oregon in an attempt to restrict human interaction on the landscape, per the draft forest plan revision.

The road system identified under the Subpart A report would be the minimum roads needed to meet the current forest plans objectives, but does not have in its development any official public input combining the management objectives with the rural communities needs to access resources in the region. The recommendations from the Subpart A report will serve as a “spring board” to the Subpart B plan (closure of cross country travel) that is scheduled to take place in 2016, and assist in moving the people towards a “closed forest” system for motorized access.

Residents expect to be involved in the process of developing the report, we will not be allowed to see the report until after its finalized, making it an ineffective tool for the region, except for those that mean to restrict motorized access. The report will serve as a baseline for future site-specific planning efforts to close/decommission roads and restrict open motorized access throughout the region.

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***“New Forest Supervisor” - Continued from Page 4***

Mr. Montoya states he “strongly encourages” further public involvement, but when the public requests to participate, they are told no.

While the WWNF appears to have deferred work on Subpart B, it has not. With work continuing on Subpart A, the larger process of developing a Motorized Use Restriction Strategy is ongoing, and moving forward without public input or involvement, and the WWNF continues to breed hard feelings and mistrust in the public.

Motorized use restrictions have generated a great deal of debate in Eastern Oregon over the last 8 years, as it should. We have aging residents, and families living below the poverty level, that are heavily dependent on open access to the resources that make our communities resilient to the adversities of today’s world. The WWNF and Region 6 need to understand that the same people that feel sustaining their customs, culture and economic sustainability are in important, are the same people that cherish the natural resources around them.

The people openly accept the opportunity to engage with the WWNF and Region 6 on the Motorized Access Restriction Strategy and Forest Plan Revision, but must be fully included, and not brought into the process after plans are developed, as is currently being done.

**NEW DESIGNATION FOR ‘MIDDLE ROGUE RIVER’**

From: Defend Rural America

Date: August 19, 2015

Subject: Jo County Commissioner provides what has been lacking: +LEADERSHIP+  
Commissioners Oppose New Designation For Middle Rogue River

The Josephine County Board of Commissioners ruled in favor of private property rights as well as sustained timber harvests and mineral extraction during its weekly business session this morning.

The commissioners unanimously approved a resolution of opposition to the proposed inclusion of an additional section of the Rogue River into the Wild and Scenic Rivers System.

The Bureau of Land Management plans to ask Congress to include a 63-mile section of the Rogue from Lost Creek Dam downstream to the mouth of the Applegate River in the designation. The section from the mouth of the Applegate down to the Lobster Creek Bridge is already Wild and Scenic.

In the resolution opposing the move, the commissioners pointed out that nearly 86% of the Rogue River corridor, including the Grants Pass section, is privately owned, plus the county operates several parks along the river. Any new Wild and Scenic River designation would adversely affect both private and public property rights affecting usage and development.

The board also unanimously approved responses to the BLM’s Resource Management Plan. Commissioner Simon Hare stated that the plan falls short when it comes to proper management of timber and mineral resources. He also said the federal agency has failed to coordinate with Josephine County.

## ROAD CLOSURES IN WYOMING

FROM E-MAIL SUBMITTED TO ALAA

I'm forwarding this e-mail as an attachment. I'm hoping that you can disseminate the information to as many rockhounds as possible.

If the Sierra Club can have a campaign to close roads, then why can't the rock clubs get one going to keep them open?

I guess it depends on whether rockhounds want to continue collecting rocks!

All the information is not yet available but the ALAA should be able to get the necessary information. I will forward info as I receive it.

Thanks for reading!

Jim McGarvey  
Concerned Rockhound

-----Original Message-----

From: JimmyMac <degarbey@wyoming.com>

Subject: Road Closures in Wyoming

Date: Wed, 30 Sep 2015 00:14:32 +0000

To: undisclosed-recipients:

I'm sorry to inform you that the Sierra Club is forcing the Forest Service to close roads to motorized travel in some of rockhounds favorite collecting areas. Would you be happy if they closed the roads into the Wiggins Fork area so you can't go in and collect Wiggins Fork wood anymore? That's one of the areas that will be closed.

It seems that the Sierra Club got something like 23,000 letters to be sent to the Shoshone National Forest planners to close down those roads and many other roads in Wyoming. At a recent meeting a representative of the Sierra Club pointed to a map and told the Forest Service representative that these are the roads he wanted closed.

Rockhounds have got to start participating in these government decisions if they want to continue to collect rocks. This is not just in Wyoming, its happening all over our United States!

What do YOU want to do about this? Rock clubs (the club) can't do much. It's up to the individuals in the clubs to act. We need a national response to this control of our hobby.

I hope you can muster up the courage to fight this obstacle to our "Pursuit of Happiness"!

Thanks,  
Jim McGarvey  
Riverton Mineral and Gem Society, Inc., Wyoming.  
Wyoming State Rep. for Public Lands Advisory, Rocky Mt. Federation of Mineralogical Societies

## **THE FOREST SERVICE AND A BOX OF FROGS**

BY BRIAN GARDNER

After 30 years of dealing with the U.S. Forest Service, I sense that they are finally reaching a critical melt down stage.

Land management policies are spinning wildly out of control and biological anarchy rules. Administrators and personnel jump in and out of the political cauldron like a box of frogs on steroids.

Here are ten reasons that explain how they got where they are and why you probably cannot expect things to change anytime soon:

### **REASON 1: PROMOTION/ADVANCEMENT SYSTEM**

The Forest Service rewards rank and tenure, not genuine experience, intelligence, skill or virtue.

Forest Managers and scores of other FS employees are regularly forced to fill job openings elsewhere across the nation in order to advance or survive within the government bureaucracy. Of course they are rendered completely ignorant when they arrive at their new job locations, since the land they descend upon is nothing like the landscape they left behind.

This kind of transient, revolving door management scheme would be considered insane by any private, bedrock industry on the planet. Real enterprise requires talented, experienced personnel on site to direct and manage land holdings. But in the Forest Service, a ranking Supervisor from a tiny Florida cypress swamp is likely to be promoted to manage a vast, Oregon alpine forest of fir and pine. All they require is a basic understanding of the latest CFP Regulations and a means to deposit their paychecks.

### **REASON 2: ROMAN ETHICS**

Every Forest Service employee, regardless of rank, is indoctrinated with an ancient Roman concept: That government is an end in itself and their *raison d'être*. They must be made to believe that their regulations and penalties are actually a gift to the public and a benefit to all of humanity, that without their superior control and enforcement, National Forests would become, well, the diseased,

insect infested, worthless wasteland that they have become.

Why else, in the face of their overwhelming failure, would they arrogantly persist in proclaiming themselves the saviors of the ecosystem and lords of the biosphere?

### **REASON 3: HIRING/FIRING POLICIES**

The Forest Service has become an employment juggernaut and safe haven for anyone who manages to break the barrier of 'temporary' job status. Once made permanent, you couldn't successfully terminate Charles Manson without reams of administrative documentation to substantiate individual acts of misconduct over five years, intervention hearings, formal appeals and supporting testimony.

More realistically though, it has become nearly impossible to dismiss from service the incompetent, the lazy, the inordinately prejudiced, the foolish, the deranged. Unless they commit the vilest of bureaucratic sins: insubordination. To disagree or question any directive, no matter how senseless it may seem, is a cardinal violation of internal politics and will get you canned (or more likely re-assigned) in a week.

Their method tends to reward those who are lazy but compliant, to promote people who are incompetent but who object the least to performing nebulous tasks. Those who remain become entrenched Lemmings. When they retire or leave the FS (for any reason), they seldom find work in the private sector, unless the employer desperately needs a FS interpreter to fix government contracts, because they have no viable skill in the actual economy.

### **REASON 4: JOB SECURITY MOTIVATION**

Forest Service employees do not spend sleepless nights worrying about the condition of the National Forests or the welfare of American citizens. They do not drive to work dreaming of ways to improve land management or cut costs.

Instead, they mainly focus upon sustaining their jobs, along with the opulent medical and retirement benefits the government guarantees to all its minions, and upon

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*"Forest Service - Frogs" - Continued from Page 7*

positioning themselves to move up the bureaucratic food chain. The aloof and vacant attitude they project to the general public is not the result of some special, objective professionalism they possess. The fact is that they truly don't care. That is, of course, unless you're powerful enough to impact their job status or threaten their internal advancement.

**REASON 5:  
SOCIAL STIGMA**

FS personnel don't often hang out with ranchers, farmers, loggers, miners or anyone else who has a sincere, vested interest in the land they manage.

Much like law enforcement officers, they sequester themselves into small cloisters of like-thinking individuals and conduct their social activities inside the sphere of their own little group. Thus surrounded by people who uniformly support and confirm their opinions, they begin to view everyone outside their group as an adversary or obstacle to their progress.

This elitist, esprit de corps attitude is widely promoted and encouraged in corporate america. But corporate america isn't a public service industry nor do they control vast tracts of public lands, the disposition of which directly impacts millions of American families.

**REASON 6:  
THE NUREMBERG FACTOR**

Immediately following WWII, at the Nuremberg Trials, and endless procession of war criminals pleaded innocent to a laundry list of human atrocities by claiming that they were merely 'operating under the orders, directives and regulations of higher authorities'.

In similar fashion, the Forest Service regularly uses the identical blanket-excuse to justify ugly local land management decisions, horrible fiscal policies and performance failures. They want us to believe that they are merely the puppets of their masters in Washington D.C. and, as such, cannot be blamed for their blatant procrastination, incompetence, obstructionism or mismanagement. This 'don't kill the messenger' plea is nothing but a ruse to defray the responsibility for bad decisions

away from themselves, which is precisely where it belongs.

It is the classic persona of the faceless, irresponsible bureaucrat who wishes to remain anonymous and distant from the destruction he/she creates. If we are to think of them as messengers of any kind, then they might better be described as the type that precede Armageddon rather than those who deliver babies.

**REASON 7:  
PSEUDO MILITARY STRUCTURE**

The only military operating procedures the Forest Service has adopted are the ones that make them among the least effective organizations on the planet.

The 'foyer' system was outdated shortly after the signing of the Magna Carta. The 'why have a hundred people do it with shovels when you can have a thousand do it with tea spoons' philosophy was dropped after the last depression but is still overwhelmingly popular with FS Administrators. Perhaps the one contemporary characteristic that both the military and the Forest Service share is their propensity to spend an incredible amount of money on new equipment and menial tasks.

**REASON 8:  
PROBLEM SOLVING MENTALITY**

Problem-solvers need, uh, well, problems. The Forest Service is saturated with people who couldn't pour water out of a boot if the directions were carved in the heel, unless the task was presented to them as a problem to solve. And everybody knows there isn't any money in prevention.

But the problem (with problems) is that something has to happen before a team can be assembled to fix it. That makes everything they do ex post facto. Insects must first destroy half the forest before the team can figure out how to save the other half, maybe. The ash from a 'controlled burn' has inadvertently landed in nearby drainages and formed natural lye, thus killing every species of fish in the streams for twenty miles in every direction. That's a problem.

But the real problem is you. Everything you might use the National Forest for, whether it's hiking, riding, mining,

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***“Forest Service - Frogs” - Continued from Page 8***

grazing, camping, etc., is considered inherently destructive. The FS not only views you as an enemy, but considers your personal conduct potentially dangerous regardless of your activity. Smokey the Bear has become a paranoid, cynical, suspicious overlord.

**REASON 9:  
BUDGET PROCUREMENT**

The government rewards lavish spending (see #7). The more you spend, the more you can ask for and receive. The unbelievable waste of both equipment and personnel used to fight forest fires in the west is legendary. But, even without a wildfire, the FS can spend a bloody fortune annually on a single EIS (Environmental Impact Statement) that takes years to produce. That, along with a whole raft of highly questionable employees on the payroll, including wolf-callers, bird-spotters, junior college archaeologists, illegitimate geologists, untrained biologists, tree painters and others, make the Forest Service the most extravagant, least efficient organization outside Sweden.

**REASON 10:  
LEGAL TIMIDITY**

Like any bureaucracy, the Forest Service is terrified by lawyers, law suits, or even the suggestion of legal action. The law supersedes their Ranger Dictatorship and threatens to hold

them accountable for their actions. And why are they so timid? Only because they realize that their regulatory laws are no match for actual statutory law. Their inter-office, kangaroo court decisions don't cut it when put under a microscope.

So they spend their time planning the battles they can win and scheme to assert their will upon individuals who cannot afford to oppose them.

**THE BOTTOM LINE**

While I know and respect several exceptional individuals who work (or have worked) for the Forest Service, the overall condition of the agency itself is so dismal, corrupt and self-serving that any hope of repairing it is becoming more futile every day. Appointing a political commission of overseers is like asking the rats to watch the mice.

Alarmist environmental constraints will continue to force the Forest Service to circle the wagons and erect every regulatory barrier they can to prevent any activity that even hints of profitability. The legitimate development of natural resources, or even setting foot upon them, has been condemned as a sinful and destructive practice for any reason, let alone mining.

In the meantime, while the National Forests continue to self-destruct under poor management, the Forest Service will continue to thrive until it collapses utterly and completely like the recent stock market or like a pillar of ash that has grown far too high only to implode upon its own flimsy structure.

***“Soda Fire” - Continued from Page 3***

Please understand that with this abundant old grass left over from this year, we are still expected to follow the new cuts that have been ordered by the BLM. This means we were allowed to pay our lease to graze it for this year, but year two (2016) we would ONLY be allowed to graze from October 25 until December 25. Ordinarily, we start gathering the mountain to come home by the middle of October each year. By then, the springs, creeks, and reservoirs are drying up, and we are often hauling water to the cows, so it means we would be trying to push cows to go UP into the high country when the grass has already dried up for the season, and the water supplies are short. It also means that when the first snowflakes fall in November, Mother Nature tells the cows it is time to head OFF the mountain, not UP the mountain. Year three on our scheduled BLM rotation (2017) is scheduled as a year of “rest”, with NO grazing allowed, so this would effectively mean a 2/3's cut in our grazing for our allotments. Hunting will be affected by this change in grazing, because the wildlife prefer the young, tender grass, not old rank feed that cattle will graze. This is why the wildlife leave “protected” range and follow the livestock onto range that has been grazed. If these rigid grazing cuts remain in place, it will effectively

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**COLLECTING OBSIDIAN  
DAVIS CREEK & MODOC N.F.**

This report is a result of more than a few e-mails, and a 'Report', starting back in August. I hope that I have everything in chronological order so that all can understand the issues involved.

From: "J. R. Martin" <smartin@antelecom.net>  
To: jckeffer@comcast.net  
Cc: "American Lands Access Association" <alaa@amlands.org>  
Sent: Friday, August 7, 2015 8:42:28 AM  
Subject: Davis Creek Obsidian

James C. Keffer

I have been receiving several e-mails about the issues at Davis Creek and Obsidian collecting.

I have read your correspondence to the USFS and your request for information and meetings.

I understand what some of the problems are there and agree with you and your quest.

I have not seen or am I able to find the USFS documents or documentation that started your process.

Can you provide me with the link to the USFS documents or provide me with the copies of the documents and their source?

Thank you for bring this issue to light.

John Martin

American Federation of Mineralogical Societies

Legislation and Conservation Committee Chair

afmscl@antelecom.net

smartin@antelecom.

---

From: James Keffer [mailto:jckeffer@comcast.net]

Sent: Friday, August 07, 2015 3:02 PM

To: J. R. Martin

Subject: Re: Davis Creek Obsidian

John,

Finding documents that started this whole process was/is part of the problem. The USFS and Timothy Davis (Chief Forest Ranger, Modoc Nat. Forest) in particular, did not go to any great lengths to publicize the rule change. The only reason I found out is from rock hounds and flintknappers who recently visited the Davis Creek area and were made aware of the change by the people at the Davis Creek Mercantile.

The only other reference I found was a rock club in Reno. I seems someone affiliated with the club knew about the proposal and sent a notice to the members. Other than that no one I've heard from was ever notified and no one was aware of a public comment period. In fact NONE of the rock hounds or flintknappers who had obtained permits for recreational rock collecting in the past were notified of a public comment period or of the proposed limit reduction! And the USFS has their contact information! That is one of the basis for which I've filed a complaint with the USFS 5th District headquarters.

After hearing from several flintknappers (I'm the webmaster of our website <http://PugetSoundKnappers.com> and keeper of the Master Membership Roll) I decided to contact the USFS to try and get an explanation as to why and how the decision was made. I made three separate request under the Freedom Of Information Act (FOIA); 1) for all material - reports, analysis, studies, etc. that were used to justify reducing the recreational obsidian collection limit from 500 pounds to 100 pounds, 2) for an accounting of all funds generated from the sale of so-called

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**"Collecting Obsidian" - Continued from Page 10**

'commercial licenses' and 3) the rationale for allowing 'claims' on obsidian which is contrary to the Federal Mining Act.

So far I've not received a satisfactory answer on any of these requests and they have been elevated to the USFS Regional Headquarters. Even the request for an accounting of the proceeds from the sale of the commercial licenses have been unavailable - a 'no records determination' was made at the District office. This was forwarded to the Regional Headquarters who have launched an investigation.

Prior to receiving any reply to my FOIA request, Ranger Tim Davis asked for a conference call to include USFS Rules Administrator Jayne Biggerstaff, the USFS Geologist, and myself. I arranged for our own professional geologist, James Miller (Master Flintknapper and Rock Hound) to be included on the call. I insisted that they grant permission to me to record the call and I received their permission and did record the 45 minute conference call.

In spite of both my and Jim Miller's considerable efforts, we were unable to get Ranger Davis to provide any justification for reducing the recreational rock collecting limits. It became apparent though that the reason was to allow unfettered access to the commercial people. In the past 1,000 - 1,500 recreational rock collectors would visit Davis Creek annually (USFS numbers) and only a couple dozen commercial licenses were being purchased. From what we have learned there are only a few commercial licensees and they are shipping container loads of obsidian to China. The USFS is aware (admits) to this and has no problem with it.

The USFS has no way of enforcing the limit - they have no authority to issue citation, arrest, etc. They simply refer the matter to the federal police for investigation of theft of Government Property.

Ranger Davis and Jayne Biggerstaff suggested that they could allow a modification of the 100 lbs. limit for 'organized clubs'. Essentially they would give individual club members permission to collect larger amounts for the entire club. The PSK Council of Elders rejected that proposal - we did not want to be put in a position of 'favoritism' over independent/individual rock hounds or flintknappers.

As it stands right now recreational collecting is limited to 100 lbs. per person per year. I've started contacting every federal legislator in Washington to enlist their support and I'm encouraging all rock hounds and flintknappers to do the same.

I've also notified the Alturas City Council of the probably adverse impact this decision will have on rock hounds and flintknappers not visiting the Alturas area. I plan to expand that theme to the local legislators, Chamber of Commerce, etc.

I'm also drafting a letter to all of the schools, scout groups, museums, etc., where Puget Sound Knappers have conducted demonstration, lectures and classes, requesting their support via letters, phone calls and e-mails.

Anything that you and your group can do to help in this regard would be greatly appreciated!

Sincerely,

James C. Keffer

Proud Member of the Puget Sound Knappers Association

Chief - PSK Clan of the Ooga Booga Tribe

Webmaster - <http://pugetsoundknappers.com/>

Publisher - SPALLS, the Official Newsletter of the PSK

=====

In a message dated 8/7/2015 7:04:51 P.M. Mountain Daylight Time, smartin@antelecom.net writes:  
Marion, Tom

I have been following this, from a distance, and it seems that a USFS manager has changed the rules on collecting obsidian at Davis Creek. I have never been to Davis Creek. It seems he has changed the amount of obsidian that an amateur collector can collect and have in possession, kind of like trout, from

*Continued on Page 12*

*“Collecting Obsidian” - Continued from Page 11*

500 lbs to 100 lbs. The problem is no body can find any written document stating the change and no USFS person can or will produce a document of any kind. These people in Puget Sound area have ask the USFS for the documentation, even through FOIA and have been stonewalled it seems. Without a published written change in the rules, how can the collecting limit change be enforced or can it? Without any form of written, dated and signed documentation the collecting limit of 500 lbs. should still stand, correct? Davis Creek is in California and falls under the umbrella of the CFMS, however the issue is being addressed be Washington State which is in the Northwest Federation. Since it does cross jurisdiction lines should, could, would a letter from AFMS or CFMS to the

Modoc Forest Manager or the higher up DOA Officer be of any use to get the issue solved. It does not really matter to me if it is 500 lbs. or 100 lbs. What does matter is that the change must be in some form of published written document, which so far the USFS, according to the Flint Knappers of Puget Sound, has not produced. Is this something that CFMS, AFMS or maybe even ALAA should get involved with? Not to take sides but to state that if a rule change is not published and made available to the public than no change has occurred and the collecting amount as currently published still stands and is valid!

Your thoughts!

John

AFMS, CFMS. ALAA. PGMC, etc.

PS: I have been looking through the USFS website information around Davis Creek and have not found anything even remotely indicating any changes in rules or regulations!

From: Davis, Timothy E -FS [mailto:tedavis@fs.fed.us]

Sent: Friday, September 11, 2015 9:19 AM

To: shirleyleeson@cox.net

Subject: Modoc NF Obsidian Collection

Ms. Leeson

Your e-mail dated August 15 was just recently forwarded to me. The Forest's Public Affairs Officer is checking into why it is taking so long for e-mails to our information inbox to show up where we can read them.

Earlier this summer I approved a new policy and plan to manage the collection of obsidian from the four approved areas in the Warner Mountains. The old policy had been in place since 1992. Primarily due to the increased demand and use of the approved areas by commercial obsidian collectors there was a need to review the old policy and make needed changes. This review was conducted under the requirements of the NEPA and included public involvement. We did the best we could with public involvement but it was not possible to get the word out to everyone who has used or had an interest in obsidian collection. Over the years there have been hundreds of users from a diverse audience. We sent out information about the NEPA review to many of the clubs we were aware that used the areas, published notices in the local paper, and put information on the Forest's webpage.

Actually the change from 500 pounds to 100 pounds per personal use certificate occurred several years ago and my recent decision just affirmed that change. That change was made by my predecessor on the advice of the Forest's minerals specialist. There was a concern with some unsafe collection practices, such as tunneling, and it was thought that a reduced collection limit would allow for better management of the collection areas.

Yours has not been the only question about the collection limit associated with personal use. I appreciate the fact that many collectors come from a considerable distance and because of that need to collect enough material to last for at least a few years. I have told others that I want to see if the 100 pound collection limit is effective in meeting management objectives before I

*Continued on Page 13*

"Collecting Obsidian" - Continued from Page 12

consider any changes. The limit is part of the collection plan which is subject to a review every year and can be changed by me. I appreciate your question and interest in obsidian collection. I would like to hear additional feedback as that will help inform any modifications to the collection plan.

I also want to let you know that while there is the 100 pound limit per personal use certificate, there is no limit on the number of certificates that can be issued to an individual. And there is no limit per group, so each member of a party can be issued a certificate. It is also possible to get certificates issued by mail which would allow more than one certificate to be issued to an individual. As I stated before the reduction in collection amount per certificate was made to allow for better management of the resource. If I find this is not effective and there are better ways to achieve our goals I am willing to make changes to the collection plan.

Thank you again for your inquiry. I value hearing from people like you.

Timothy Davis

District Ranger

Forest Service

Modoc National Forest, Devil's Garden/Warner Mountain Ranger Districts

p: 530-233-8812

c: 530-708-1364

tedavis@fs.fed.us

225 W. 8th Street

Alturas, CA 96101

[www.fs.fed.us](http://www.fs.fed.us)

<http://usda.gov>/<https://twitter.com/forestservic><http://facebook.com/USDA>

Caring for the land and serving people

=====  
From: Shirley Leeson [mailto: shirleyleeson@cox.net]

Sent: Friday, September 11, 2015 10:06 AM

To: 'Davis, Timothy E -FS'

Subject: RE: Modoc NF Obsidian Collection

Good Morning Timothy,

Thanks for getting back to me on this important issue. I'm afraid rockhounds aren't too handy in getting involved in government 'business', they usually don't yell until after the fact.

I've forwarded this to several friends who have been to the obsidian sites in the past to see if any will contact you with their thoughts on this issue.

Thanks so much for following through on this, I thought I was being ignored, and it was not the case at all, just missed communications which you have taken care of.

Attached are the American Federation of Mineralogical Societies Code of Ethics and Land use Policy. Organized rockhounds follow these, but individuals who are out for a buck, do not, and unfortunately we are all tarred with the same brush.

Shirley Leeson

=====  
From: Shirley Leeson [mailto: shirleyleeson@cox.net]

Sent: Saturday, September 12, 2015 8:14 AM

To: Davis, Timothy E -FS

Subject: FW: Modoc NF Obsidian Collection

Hi Timothy,

I've got another question for you, if I read the information you sent me right, I can contact you and receive certificates - more than one - for myself? Or if a club is coming to camp

*Continued on Page 14*

*"Collecting Obsidian" - Continued from Page 13*

and wants certificates they can contact you for several certificates ahead of time and have them in hand when they get to the collecting areas? Is this right?

Shirley Leeson

From: Davis, Timothy E -FS [mailto:tedavis@fs.fed.us]

Sent: Tuesday, September 15, 2015 4:15 PM

To: Shirley Leeson

Subject: RE: Modoc NF Obsidian Collection

Hi again Shirley

Yes you personally can receive more than one certificate. We have kept the limit per certificate at 100 pounds so we can keep better track of the use, both for assessing sustainability of the resource and in getting use numbers so support our limited minerals budget. The same applies to a club. If a group knows ahead of time what they need we can issue certificates via the mail. And they can always be issued out of the local Forest Service offices and the Mercantile Store in Davis Creek.

Thanks for sending the code of ethics and land use policy. It is good information for us to have.

Timothy Davis

District Ranger

Forest Service

Modoc National Forest, Devil's Garden/Warner Mountain Ranger Districts

In a message dated 9/18/2015 7:01:38 P.M. Mountain Daylight Time, miller3987@sbcglobal.net writes:

Hello Tom:

Shirley Leeson asked me to write up anything I could find out about the current state of obsidian collecting permits on the Modoc NF. I've attached a letter to you and a short report of what I found out yesterday. I hope it is the information Shirley wanted.

You and Shirley can use this as you wish.

Sincerely,

Glen Miller

Shasta G&MS

530-247-6951

Miller3987@sbcglobal.net

September 18, 2015

Tom Burchard

Dear Tom:

An e-mail from Shirley Leeson was my first indication that there are current issues about collecting obsidian on the Modoc NF.

From the e-mails from Shirley and District Ranger Tim Davis, someone must have raised the question of collection limits allowed by the free collecting permits.

Reading the e-mails gave me the opinion that Mr. Davis was telling Shirley that a person could obtain more than one collecting permit (at one time) if they want wanted to dig more than the 100 pound limit.

Yesterday, I asked the clerk at the Davis Creek store if I could have two permits so I could legally collect more than 100 pounds. The clerk told me that I could only be issued one permit; that is good for 14 days. If I wanted to collect more, I would have to come in after 14 days and get another permit. This afternoon (Friday, 9/18/15) I talked to the reception clerk at the Forest headquarters in Alturas to clarify

*Continued on Page 15*

*“Casual Collecting - Definitions” - Continued from Page 14*

the question. Dan Munger, the Minerals Specialist, was not available, but the clerk told me that if a person collected their original 100 pound limit, they could return to any of the issuing offices; the Davis Creek store, the Modoc NF Supervisor’s Office in Alturas, the Cedarville NF office, or the Big Valley District Office in Adin, to obtain another collecting permit.

The clerk emphasized that they encourage everyone in a collecting party to obtain a collecting permit, even if they were not going to dig. Mr. Munger said that they are interested in monitoring the amount of collecting going on; not so much in trying to limit the collecting by an individual.

I’ve put what I learned yesterday into a short report that you can edit and use as you see fit. I’ve only been to the Davis Creek diggings twice, so most of the administrative details about obsidian collecting on the Modoc NF are new to me.

Yours,  
Glen R. Miller

**Modoc National Forest Obsidian Management**

**Sept. 17, 2015**

**BY GLENN MILLER**

Obsidian is managed as a saleable mineral or commodity by the United States Forest Service (USFS). Commercial collectors must follow the rules of the Obsidian Management Plan for the Warner Ranger District, Modoc National Forest (Modoc NF), November 2014, (Obsidian Plan).

Mr. Tim Davis is the District Ranger of the Warner District. Mr. Dan Munger, Geologist/Minerals Specialist, is the direct manager of the obsidian resources. 530-233-8781 (reception clerk).

Casual recreationists; rockhounds, must obtain a Forest Service “Certification of Free Use Authorization; Obsidian Collection.” The one-page permit explains the conditions to follow for the free permit. The authorization is for a maximum of 100 pounds, equivalent to about two 5-gallon containers.

Free Use Authorizations are available at:

Modoc National Forest Supervisor’s Office - 800 West 12th Street Alturas, CA 96101

Warner Mountain Ranger District Office - 385 Wallace St. Cedarville, CA 96104

Davis Creek Mercantile - 41942 Highway 395 Davis Creek, CA 96108

Big Valley Ranger District – Hwy 299, Adin, CA

A map on the back of the authorization certificate; the collecting permit, shows four defined locations for recreational collecting of obsidian on the Modoc National Forest.

Rainbow Mine; also known as the Lassen Creek location.

Pink Lady Mine

Obsidian Needles Mine

Middle Fork Davis Creek Mine

These four locations are the only places where digging for obsidian is legal on the Modoc NF.

- i) Each free permit is valid for 14-days. If one wishes to collect beyond the 14 days, a additional permit must be obtained.
- i) A collector may get another permit after the first 100 pounds is collected.
- i) Only one permit per person will be issued at a time. The Modoc Forest Office encourages everyone in a collecting party to obtain an authorization permit, even if not all members intend to collect.

*Continued on Page 16*

*“Collecting Obsidian” - Continued from Page 15*

Collections thus may be combined to accommodate individual collectors. The USFS is interested in monitoring the amounts of obsidian collected via the number of permits, not specifically in limiting one person’s collecting.

Following is an Internet link about obsidian digging permits:

<http://www.fs.usda.gov/detail/modoc/passes-permits/?cid=stelprdb5323081>

Two Internet links give more information about Modoc NF obsidian collecting.

1. Obsidian mines of the Modoc National Forest:

<http://www.fs.usda.gov/detail/modoc/landmanagement/resourcemanagement/?cid=stelprdb5331391>

2. Obsidian mine planning comments sought on the collecting management plan (of November 2014): (comments were to be received by Feb. 20, 2015)

<http://www.fs.usda.gov/detail/modoc/news-events/?cid=STELPRD3827041>

Beginning October 10, 2015, the Modoc NF will start maintenance work of the Middle Fork Davis Creek Mine, and the Obsidian Needles Mine. One objective of the work is to create several terraces, or benches above the existing pits at the Middle Fork Davis Creek mine to reduce the bank heights above both the commercial pits and the recreational mine areas. The USFS wants both commercial and free-permit diggers to be able to maintain safe bank heights (3 to 5 feet) while removing and relocating overburden and digging waste. Additional vehicle access, parking, and disposal areas will be created to improve recreational use of the areas.

During the maintenance work, both the Rainbow Mine (Lassen Creek), and the Pink Lady Mine will remain open for collectors. The public is encouraged to avoid Davis Creek and the Needles sites because heavy equipment will be operating there.

The Modoc NF website has two excellent maps showing the four obsidian collecting sites. Forest Service road numbers show on the maps and help drivers keep on the correct route.

Unfortunately, not all roads have numbers at critical junctions. As of September 17, 2015, the turn to the Needles Mine off road 46N06 was unmarked. The post that may have held a sign for 45N34 has only a notice of the October 2015, maintenance start. The two maps have enough detail that one can determine position by distance and number of curves. Some of the existing maps that rockbound clubs have been using should be replaced by these two FS maps

The two maps and the Internet links are:

Map 1. Rainbow Mine map:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5322830.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5322830.pdf)

Map 2. Middle Fork Davis Creek Mine, Needles Mine, Pink Lady Mine map:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5322831.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5322831.pdf)

Rockhounds who are not familiar with the Modoc National Forest may not know the history of USFS obsidian management. The first humans in the area made hunting points and utility objects from obsidian, and there are many sites that were quarry sites for raw material. Some present-day Native Americans and others place emotional, academic and spiritual value on such sites. As land managers of Modoc National Forest resources the Modoc NF staff are influenced by many persons and groups, each with a point of view about use, or non-use, of obsidian. During formation of resource management plans the many values and points of view are received and a plan determined that provides a “fair” consideration and allowable use of each resource. Management plans aren’t static, and issues can be

*Continued on Page 17*

***“Collecting Obsidian” - Continued from Page 16***

reconsidered over time. The November 2014, obsidian management plan is the latest iteration. The FS call for comments that ended in February 2015, evidently was to see how the plan was working.

One practice that rockhounds could add to their list of ethics is to observe existing regulations, rather than seek ways to weasel around the rules.

A flyer explaining the rationale for protection of “Heritage Resources,” including obsidian, is provided at the following Internet link.

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5326765.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5326765.pdf)

**CONCLUSION:**

I want to thank everyone who participated in setting the record straight. OR as straight as is possible under the circumstances.

Clearly not everyone who collects or is involved in the management of these areas completely understands ALL the rules, which seem to change from time to time.

*Your Editor*

**PROPOSED WILDERNESS FOR INDIAN CREEK ALLOTMENT, SCENIC, S.D.**

**August 1<sup>st</sup>. 2015**

**REPORTED BY JAN BAUMEISTER, SD REP. ROCKY MT FEDERATION OF MINERALOGICAL SOCIETY PLAC. & AMERICAN FEDERATION MINERAL SOCIETIES - AMERICAN LANDS ACCESS ASSN.'**

**The Forest Service Buffalo Gap Grassland Rangers, Wall, SD, held two meetings in June with the rancher/permittees of Indian Creek Allotment, giving them only 2 days' notice in June. They were told that “Indian Creek is going into Wilderness”. The only notice was put in Wall, SD newspaper of this meeting and not the Rapid City Journal! It seems they don't want all other “users” protesting! This is one of our major areas to hunt Fairburn and the rare black agates, plus other specimens. It is the most scenic beautiful area of the grasslands with badland buttes of golden yellow or a light brick red, topped a layer of white, with cedar trees, and the creek snaking thru the valleys. They finally put a nice graded trail in there, now they want it closed down in the future to total Wilderness where one can only hike or ride in horseback!**

There are six big wilderness clubs in the Black Hills-Badlands areas with the backing of sixty wilderness clubs and the Nature Conservancy. The main reason behind Wilderness designation is many people, including one rancher who runs buffalo in Indian Creek during the winter, want this land to be turned back to “wild land”. These buffalo have been making deep trails in the private owned land. Repair damage won't get done on the private land in those trails down the sides of these 300+ foot steep cliffs!

Wilderness clubs couldn't get a Wilderness bill for Indian Creek allotment passed by Senator Johnson in 2010 with PAC money of 60 wilderness clubs, but it didn't pass, our thanks to National Guard and Senator Thune. It's a different situation now.

**Burning.** There are three ranches that are located above the badlands along south rim of Hart Table. Forest Service told them that they Plan a CONTROLLED BURN just below that mesa,

**CONTINUED ON PAGE 18**

**INDIAN CREEK ALLOTMENT - CONTINUED FROM PAGE 17**

saying “*this area doesn't get cleaned out enough by cows*. It's a big excuse for an unnecessary burn where fire can come up the steep wall and start the rancher's private land, pastures, crop land and buildings on fire like other so called “controlled fires”!!

It is bad enough that some own private property within the Wilderness boundary which may be taken over as part of this proposed Wilderness Act. *Some of this land had been deeded since homestead in 1909. A “Wilderness Act” states there can be no vehicles on the land, not even a fire engine!* Forest Service told one lessee/land owner that they can't even replace a bad fence post once government land becomes designated as “Wilderness”, *they have been putting recent bills in the Federal Register.*

**Senator Thune** has a proposed bill regulating “controlled burning” in the Agriculture Department now and it'll then go to another committee. I suggest the ranchers to have him put an amendment on it: *that future planned controlled burns must meet two criteria: The permittee-land owner within proposed burn area and the Forest Service is to hold a meeting prior to such burn, and the decision of burn be made by voting for or against it, with the largest vote determining final decision.* I found a map on the web in one of the recent wilderness articles that has put Indian Creek allotment already shown the map as titled “**Wilderness Area – Indian Creek, Buffalo Gap National Grasslands**.” This shows they've been working on this for some time.

**Rockhounds!**

Use an e-mail or call **Senator Mike Rounds- [www.rounds.senate.gov](http://www.rounds.senate.gov) -2002-224-2321 )** and **Senator John Thune [www.thune.senate.gov/public](http://www.thune.senate.gov/public) or 202-224-2321.** Also, **SD Governor Dennis Daugaard**, Office of the **Governor** -500 E Capitol Ave., Pierre, **SD**, 57501 Phone Number 605.773.3212. He can be reached via e-mail under his website. It is appreciated if you can help us fight against this situation, whether you use our SD grasslands to hunt our State rock - Fairburn Agates or buy them in rock shops.

**“Soda Fire” - Continued from Page 9**

guarantee that with the first lightning strike, there will be more catastrophic fires in the areas that DID NOT burn in the beloved Owyhee Mountains. Also, unless something changes right away, the areas in BLM control that DID burn will be expected to “rest” for up to TWO YEARS with light, or no grazing allowed. With this lack of common sense management, the massive fires will continue, the wildlife will be decimated, and the BLM's entire expressed “goal” of “restoring sage grouse habitat” will be forgotten. PLEASE contact your representatives and tell them “Enough is enough!”. We need STATE and LOCAL decision makers for our rangelands, not a distant federal bureaucracy in Washington, DC. The powerful environmental lobbies are tying the hands of the BLM, and we need to stop them, while there is a West left to salvage.”

**FEINSTEIN PUSHES OBAMA TO CREATE DESERT MONUMENTS**

**THE DESERT SUN, OCT. 13, 2015**

More than 1,000 people packed the Whitewater Preserve on Tuesday, enduring the lingering October heat as they cheered, or booed, Sen. Dianne Feinstein's calls for President Barack Obama to establish three national monuments in the desert. In an interview following Tuesday's event, Ruiz wouldn't take a position on the potential use of the Antiquities Act. But while many public commenters opposed the use of executive action, it was clear from the cheers and boos that most of the people gathered at Whitewater supported the idea. Read full story @ <https://www.doi.gov/pressreleases/interior-usda-officials-join-us-senator-dianne-feinstein-public-meeting-conservation>

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