



AMERICAN LANDS ACCESS ASSOCIATION, INC.

NEWSLETTER

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

April-May-June 2015

TOM BURCHARD - EDITOR
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PRESIDENT'S MESSAGE

SHIRLEY LEESON MAY 15, 2015

This is my last message to you all. Effective immediately I am stepping aside as your president. It isn't an easy decision, but necessary. We've found that Oxygen is necessary to live and when it falls below the level required, bad things occur. We have found we can not any longer rush off to do battle or drive long distances to make our pleas to hold the line on the closures by the Forest Service and BLM on what is called 'public lands'. We must curtail our activities.

We have a wonderful team in place to carry on, Lauren Williams, our VP, John Martin our Web Master, Tom Burchard, Editor, and Ronna Watkins, our Facebook Coordinator and especially our Treasurer, Frank Mullaney. Look to these people, but please step up and offer your help. When you're a member of an organization there are obligations that need to be met. You just can't send in dues and expect that you've done your part. YOU must step up in your areas of expertise and help. YOU must attend local meetings that will effect your rights to enjoy what's left of our public lands. If ALAA is to be effective, you must be the driving force.

God bless you all for all you have done. We will be at the computer, and will lend a hand where we can.....please keep us in the loop....we both care.

PRESIDENT'S MESSAGE

LAUREN WILLIAMS, VICE PRESIDENT - ACTING PRESIDENT

The Forest Service is updating the Forest Plan across the Blue Mountains which includes the Malheur, Umatilla, and Wallowa-Whitman National Forests. The Forest Service has scheduled community workshops starting Tuesday July 7 at John Day, Wednesday July 8 at Clarkston, Thursday July 9 at Walla Walla, Monday July 13 at Enterprise, Tuesday July 14 at Burns, Wednesday July 15 at Richland, Thursday July 16 at Ukiah, Tuesday July 21 at Enterprise, Wednesday July 22 at Pendleton, Thursday July 23 at Heppner, Tuesday July 28 at Enterprise, Monday August 17 at John Day, Tuesday August 18 at Burns and Wednesday August 19 at Long Creek. Yes, a few of the communities have more than one date.

Last year, 2014, the Forest Service received over 1,300 comments concerning the Blue Mountains Forest Plan. The Forest Service got an overall sense of dissatisfaction from the Public. Subjects that deserve comments on are – access – grazing – pace and scale of restoration. You can also post your comments to the Blue Mountains Forest Plan Revision on <http://www.fs.usda.gov/goto/BlueMountainsPlanRevision>

The third quarter newsletter of this organization will be published in time to get out the pertinent information for our annual meeting in Austin. The primary order of business will be **an election**. The replacement for Shirley and hopefully me. Personally, I was hoping to get past Cody, the Rocky

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WELCOME NEW MEMBERS

GROUP

- Antelope Valley Gem & Mineral Club, Lancaster, CA
- Coconino Lapidary Club, Flagstaff, AZ
- Downey Delvers, La Habra, CA
- Kern Co. Mineral Society, Bakersfield, CA
- North Orange Co. Gem & Mineral Society, La Habra, CA
- Tehachapi Valley Gem & Mineral Society, Tehachapi, CA
- West-Central Illinois Rock & Mineral Club, Cuba, IL

INDIVIDUAL

- Trish Hepburn, Grants Pass, OR
- John Kleber, Sedalia, CO

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



NEWSLETTER DEADLINE

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

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"President's Message" - Continued from Page 1

Mountain Federation convention and show, before I got serious about everything.

I need all the help that you individually can give me. If you know anyone who wants to be President or Vice President of this organization please let me know.

As I understand it, the Insurance has been paid for next year. Now to get the Registered Agent Paper work done before August 1st. The Registered Agent has to be a resident of the state where the Organization is registered in. In our case that is Idaho, so Dee and I will have to clarify that issue.

I hope to have the Agenda for our Annual Meeting in Austin to be published in the next newsletter. Please contact me for anything, PLEASE, I need all the help I can get and then more.

**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**

Unfortunately your Editor Has Not Received any Show Dates past June!

COLLECTING SITES CLOSED

EXCERPTED FROM EFMLS NEWSLETTER, MARCH 2015

BY SCOTT PETERS

TWO PENNSYLVANIA PRIVATE COLLECTING SITES CLOSED

First, **Rossville Malachite/Azurite location in northern York County, Pennsylvania** well known to collectors and well-advertised in books and articles has become dangerous due to over collecting. **IF ANYONE IS SEEN AT THE SITE, THE OWNERS WILL NOTIFY PROPER AUTHORITIES.**

Second, the **St. Clair, Pennsylvania fern fossil location is now closed to collecting.** A representative for the owners said 'overzealous collectors began bringing in power tools to collect, posting their trips and selling the fossils via the internet.' The owners will prosecute any individuals they find collecting on their property.

Please do not attempt to collect at these locations unless you receive express (current written) permission from the owners of these properties. You will risk prosecution and may cause the loss of any possibility of reopening these sites.

If you know of any other collecting sites that have been closed, or are in danger of closing, or any laws that may restrict our collecting activities, please e-mail me at: slipgapdms@aol.com. I will pass the information on in future EFMLS Newsletters and also via ALAA website www.amlands.org and Facebook www.facebook.com/American-Lands-Access-Association

NOTE: Scott Peters is the new ALAA Representative for Pennsylvania. March, 2015
Shirley Leeson, ALAA President

NMOHVA LAWSUIT UPDATE

The New Mexico Off Highway Vehicle Alliance (NMOHVA) will be appearing before the Tenth Circuit Court of Appeals on May 6, 2015 at 9:00 am. The appearance before the court is the final step of the long and exhaustive legal process challenging the Santa Fe National Forest's June 2012 Travel Management Plan decision. NMOHVA's legal team will present oral arguments in front of the three-judge panel. The oral arguments supplement the extensive written briefs submitted by NMOHVA to the court in September and January. The Tenth Circuit Court is in Denver, Colorado.

NMOHVA's lawsuit contends that the Santa Fe National Forest used an illegal process to close over 70% of the existing roads and trails under its Travel Management Plan.

The appearance before the 10th Circuit is the final step in the legal process that started back in December of 2012. A quick review of the major milestones:

- December 2012 - NMOHVA files lawsuit challenging the Santa Fe National Forest Travel Management decision.
- February 2013 - The Center for Biological Diversity, Wild Earth Guardians, and the Sierra Club file for intervener status in the suit.
- June 2013 - The District Judge denies intervener status to the radical environmentalist groups and NMOHVA files their Opening Brief.
- July 2013 - Environmentalists appeal judge's decision to the Tenth Circuit.
- August 2013 - District judge orders a "stay" (delay) to the court schedule while waiting on the Tenth Circuit to decide on intervener status.
- November 2013 – Tenth Circuit Court grants intervener status to the radical environmentalist groups. The court's briefing schedule resumes (the intervener issue caused six months of delay).
- May 2014 - NMOHVA files Final Brief.
- July 2014 - District Judge rules against NMOHVA's lawsuit.
- August 2014 - NMOHVA appeals district judge's decision to the 10th Circuit.
- September - NMOHVA files initial brief with 10th Circuit Court of Appeals.
- January 2015 - NMOHVA's final brief filed with 10th Circuit.

The ground work leading up to the lawsuit began in 2006. NMOHVA had to follow all the required steps of public participation in the Santa Fe National Forest's planning process. This included submitting formal comments and appealing the Forest's final decision. These steps secured our "standing", which is our right to file a lawsuit. Considering our efforts for 6 years before the lawsuit, NMOHVA has been working on the Santa Fe National Forest travel management issue for nine years!

What Happens Next: Our legal team will make the "oral arguments" in Denver and then the panel of judges will decide the case. The final decision is expected 3 - 6 months after the court appearance. The decision by the 10th Circuit will be the final step in this long, difficult, and expensive process as the only court beyond the 10th Circuit is the U.S. Supreme Court.

**HOW KNOWLEDGABLE ARE YOU ON PUBLIC LANDS POLICY?
HAVE YOU EVER WONDERED HOW THE PLANNING AND DECISION MAKING COMES
ABOUT?**

SHIRLEY LEESON

Recently in researching an old article by the late Bob Cranston, Secretary of ALAA in 2003, I ran across an article about "A Conservationist's Guild to BLM Planning and Decision-Making, Using FLPMA and NEPA to Protect Public Lands. It was written by Erik Schlenker-Goodrich of the

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ROCKHOUND SOAP BOX

JOHN MARTIN

CONSERVATION AND LEGISLATION COMMITTEE
afmsclc@antelecom.net**FOSSIL COLLECTING IN NATIONAL FORESTS**

Rules and Regulations for the collecting of fossils on USFS managed lands have had a significant change for the Rockhound and Casual Collector effective May 18, 2015. The final ruling by the US Department of Agriculture for the National Forest Service has been released and is now listed in the Federal Register. This rule making process has been in work since the passage of the Omnibus Public Land Management Act on Paleontological Resources Preservation. Below is a summary of the USDA/USFS Final Rule:

“The U.S. Department of Agriculture (USDA or Department) is implementing regulations under the Omnibus Public Land Management Act of 2009 paleontological resources preservation subtitle (the Act). This rule provides for the preservation, management, and protection of paleontological resources on National Forest System lands (NFS), and insures that these resources are available for current and future generations to enjoy as part of America's national heritage. The rule addresses the management, collection, and curation of paleontological resources from NFS lands including management using scientific principles and expertise, collecting of resources with and without a permit, curation in an approved repository, maintaining confidentiality of specific locality data, and authorizing penalties for illegal collecting, sale, damaging, or otherwise altering or defacing paleontological resources.”

Included in the Final Rule are definitions important to Rockhounds and **Casual Collectors** of fossils on USFS Managed Lands. Some of these new definitions from the federal register and the Final Rule are as follows:

*“The term **casual collecting** restates the definition contained in 16 U.S.C. 470. To be considered **casual collecting**, the activity means all of the following: Collecting of a reasonable amount of common invertebrate or plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools, resulting in only negligible disturbance to the Earth's surface and other resources. The Department considers that in establishing the term “**casual collection**” rather than “amateur collection” or “hobby collection” or “recreational collection”, the Act intended that **casual collection** reflect the commonplace meaning of “casual”. The commonplace definition of casual includes the elements “happening by chance; not planned or expected”, “done without much thought, effort, or concern”, and “occurring without regularity” (“casual” Merriam-Webster.com.2014.*

<http://www.merriam-webster.com/dictionary/casual> (4 March 2014)).

*Consequently, the Department considers that **casual collecting** would generally be happenstance without intentional planning or preparation. Development of criteria for reasonable amount and negligible disturbance reflects, in part, the view of **casual collecting** as an activity that generally occurs by chance without planning or preparation. Further, the Act has established that an individual engaging in casual collecting activity in accordance with applicable conditions, in an area which has not been closed to casual collection, does not require a permit or other approval from the Department. Consequently, it is clear that the lack of Department decision space concerning such casual collection performed by an individual reflects that the Act intended that reasonable amount and negligible disturbance criteria established for casual*

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collecting would be below levels that would otherwise require an evaluation under the National Environmental Policy Act (NEPA). Collection of amounts and/or land disturbance at levels that would require a NEPA evaluation would require a permit”. “The term **common invertebrate and plant paleontological resources** clarify the types of paleontological resources that may be casually collected in accordance with the Act and these final regulations. This final definition incorporates the plain meaning of common, which means plentiful and not rare or unique. The final definition also incorporates a geographical factor of wide-spread distribution, which means that the resource is distributed over a relatively large geographical area. This final definition also clarifies that not all invertebrate and plant paleontological resources are common; some are not common because of their context or other characteristics and, therefore, are not eligible for casual collection. The determination of whether invertebrate and plant fossils are common or not common will be made by the Authorized Officer using scientific principles and methods in accordance with § 291.9(c).”

“The term **fossil** means any remains, traces, or imprints of organisms that have been fossilized or preserved in or on the Earth's crust. In informal usage, the term fossil tends to be used interchangeably with the term paleontological resource. However, under 16 U.S.C. 470 and these final regulations, a fossil may not necessarily be a paleontological resource. Remains, traces, or imprints of organisms (that is, fossils) are only considered paleontological resources under the Act and these final regulations if they are: (1) Fossilized, (2) of paleontological interest, and (3) provide information about the history of life on earth. Therefore, paleontological resources are fossils that have paleontological interest and provide information about the history

of life on earth. An example of a fossil that may not be a paleontological resource because it lacks paleontological interest and provides negligible information about the history of life on earth would be an isolated, unidentifiable fragment of an otherwise common invertebrate fossil that was eroded from its native geologic occurrence and subsequently found in a stream bed far from its point of origin.”

“The term **fossilized** as used in the definition of paleontological resources means preserved by natural processes, such as burial in accumulated sediments, preservation in ice or amber, replacement by minerals, or alteration by chemical processes such as permineralization whereby minerals are deposited in the pore spaces of the hard parts of an organism's remains. This definition is adapted from the definition of fossilization in the American Geological Institute's Glossary of Geology (Fifth Edition, 2005, ISBN 0-922152-76-4).”

“The term **negligible disturbance** as used in the definition of **casual collecting** clarifies that casual collection of common invertebrate and plant fossils may only result in little or no change to the land surface and have minimal or no effect on other resources such as cultural resources and protected or endangered species.

Disturbance caused by powered and/or large non-powered hand tools would exceed the “negligible” threshold and would no longer be casual collection.”

“The term **non-commercial personal use** as used in the definition of casual collecting clarifies the types of use allowed under casual collection, and means uses other than for purchase, sale, financial gain, or research. Research, in the context of these regulations, is considered to be a structured activity undertaken by qualified individuals with the intent to obtain and disseminate information via publication in a peer-reviewed professional scientific journal or equivalent venue,

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which increases the body of knowledge available to a scientific community. Common invertebrate and plant paleontological resources collected for research purposes is not personal use and would need to be authorized under a permit in accordance with §§ 291.13 through 291.20. Exchange of common invertebrate and plant paleontological resources among casual collectors would be permissible as long as such resources were collected in accordance with the Act and the final regulations.

*“The term **non-commercial personal use** as used in the definition of **casual collecting** clarifies the types of use allowed under casual collection, and means uses other than for **purchase, sale, financial gain, or research**. Research, in the context of these regulations, is considered to be a structured activity undertaken by qualified individuals with the intent to obtain and disseminate information via publication in a peer-reviewed professional scientific journal or equivalent venue, which increases the body of knowledge available to a scientific community. Common invertebrate and plant paleontological resources collected for research purposes is not personal use and would need to be authorized under a permit in accordance with §§ 291.13 through 291.20. Exchange of common invertebrate and plant paleontological resources among casual collectors would be permissible as long as such resources were collected in accordance with the Act and the final regulations.”*

*“The term **reasonable amount** as used in the definition of casual collecting quantifies the maximum amount of common invertebrate and plant paleontological resources that could be removed from National Forest System lands. **A person may remove up to 100 pounds in weight per calendar year, not to exceed 25 pounds per day.** Development of this reasonable amount criterion reflects, in part, the view of casual*

*collecting as an activity that generally **occurs by chance without planning or preparation.**”*

“On National Forest System lands, the following are not paleontological resources for purposes of the Act or this part:

- (1) Mineral resources, including coal, oil, natural gas, and other economic minerals that are subject to the existing mining and mineral laws;*
- (2) **Petrified wood as defined at 30 U.S.C. 611 and managed under 36 CFR 228.62 unless determined under paragraph (b) of this section to be a paleontological resource;***
- (3) Geological units, including, but not limited to, limestone, diatomite, and chalk beds.”*

A paleontological resource may only be collected from National Forest System lands in accordance with the **casual collecting provisions** in §§ 291.11 and 291.12, or in accordance with a permit issued by the Authorized Officer as identified in § 291.13.

Casual collecting is allowed without a permit on National Forest System lands where such collection is consistent with the laws governing the management of those lands, the land management plans, and where the lands in question are not closed to casual collection.

It is the responsibility of the collecting public to ensure that they are **casually collecting** in an area that is open to casual collection, and that the materials they collect are subject to casual collection.

Paleontological resources collected on National Forest System lands, including common invertebrate and plant paleontological resources subject to casual collecting, **cannot be sold**. Sale of these paleontological resources is a violation of 16 U.S.C. 470-5(a)(3) and § 291.27(a)(3) and **may subject the violator to civil and criminal penalties**.

The provisions in §§ 291.28 through 291.35 do not apply to any person with respect to any

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paleontological resource which was in the lawful possession of such person prior to the date of enactment of the Act.

These are but a few of the new rules and regulations pertaining to Casual Fossil Collecting on Public Lands Managed by the US Forrest Service. The complete set of rules and regulations set forth in the Final Rule can be found at:

<http://www.gpo.gov/fdsys/pkg/FR-2015-04-17/pdf/2015-08483.pdf>

or see the ALAA Website www.amlands.org for more information.

In conclusion the rules have changed. Casual Collecting is allowed, where Casual Collecting is allowed. No permit is required for Casual Collecting. Casual Collecting allows 25 pounds of material per day and 100 pounds of material per year. Casual Collecting allows hand tools only. Casual Collecting allows for minimal surface disturbance, (Fill in any holes when finished). Casual collecting material is for personal use only and may not be sold.

It looks like Vertebrae Fossils are NOT allowed to be collected on USFS Managed Land. The “Club Fieldtrip” planed to the fossil beds is NOT considered “Casual Collecting” under the new rules and regulations and may require a permit. (Permits are only issued for scientific and educational purposes and to institutions or graduate Paleontologists.)

When Rockhounds and Casual Collectors venture into the National Forest and stumble across a collectable fossil, just remember there are new rules and regulations under which you may pick up that fossil and keep it for your private collection. Also remember these new rules and regulations became law on May 18, 2015.

“Happy Rockhounding and
Enjoy Your Public Lands”

Section 291.5 - DEFINITIONS OF CASUAL COLLECTING

Section 291.5 contains the definitions and terms as defined in the Act or used in these final regulations. This section includes six terms defined by 16 U.S.C. 470aaa: *Casual collecting*, *Federal land*, *Indian land*, *paleontological resource*, *Secretary*, and *State*. In addition, this section defines the terms *common invertebrate and plant paleontological resources*, *reasonable amount*, and *negligible disturbance*. 16 U.S.C. 470aaa required the Secretary to define those terms in the implementing regulations. Lastly, this section defines terms used in the final regulations that may not be broadly understood or that may be defined differently elsewhere, in order to clarify their meaning for these final regulations.

1. The term *Act* means Title VI, Subtitle D of the Omnibus Public Land Management Act on Paleontological Resources Preservation (16 U.S.C. 470aaa through 470aaa-11).
2. The term *associated records* delineates the types of information that are required by 16 U.S.C. 470aaa-4 to be deposited in an approved repository.
3. The term *Authorized Officer* means the person or persons to whom authority has been delegated by the Secretary to take action under the Act.
4. The term *casual collecting* restates the definition contained in 16 U.S.C. 470 aaa. To be considered *casual collecting*, the activity means all of the following: Collecting of a reasonable amount of common invertebrate or plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools, resulting in only negligible disturbance to the Earth's surface and other resources. The Department considers that in establishing

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**INCREASING ROCK COLLECTING ACTIVITIES IN WASHINGTON STATE ON
DEPARTMENT OF NATURAL RESOURCE LAND.**

History of the Bill 1271

...as of Monday, April 27, 2015 9:32 PM. The proposal of Bill 1271:

The following bill represented a great public interest in encouraging citizens to engage in Washington's magnificent outdoor recreational facilities. The State does recognize both the economic growth and health welfare for its citizens.

The legislature found that accessing Washington's great outdoor spaces for the purposes of recreational rock collecting is a legitimate use of the state's outdoor recreational resources. Rock collecting is a hobby enjoyed by entire families and is an educational experience for school children that can separate them from electronic screens and create a lifetime bond with the outdoors and with nature.

House Representative Buys read House Bill first time on 01/16/2015 to the Committee on Agriculture & Natural Resources. Legislature found that allowing recreational noncommercial rock collecting on state-owned recreation lands has a minimum effect on state resources when conducted under appropriate conditions. Recreational rock collectors do not take significant quantities of any materials as part of their hobby.

OLD SECTION: The legislature further finds that accommodating rock collecting enthusiasts benefits both state revenues and local economies. Increased rock collecting activity on state lands will lead to more discover pass sales and generate economic activity in the communities that host the destination state lands. Rock collectors choose to spend their discretionary income in pursuit of their hobby; spending that will occur in other states if Washington does not support their needs.

The State has defined the use of the "Discover pass" means the annual pass created in "*RCW 3079A.80.020.31*".

"Rock collecting" means the collection of recreational quantities of rocks, minerals, and other naturally occurring objects that are put to personal, noncommercial use and collected using only nonexplosive hand tools, such as shovels and picks.

"Rock collecting" does not include the collection of petrified wood or any objects of historical or archaeological value.

"Rock collecting" includes both the act of collecting the allowable materials and locating the materials. The use of a metal detector to locate materials is included in the scope of the definition of "rock collecting."

"Rock collecting endorsement" means the endorsement created under section 3 of this act allowing for the collection of rocks, minerals, and other naturally occurring objects on land owned or managed by the agencies.

NEW SECTION. Sec. 3. A new section is added to chapter 79A.8026RCW to read as follows:

(1) One or more rock collecting endorsements must be made available to any person purchasing a discover pass or day-use permit and must also be made available as a free standing purchase. The holder of an endorsement is entitled to, consistent with this section, collect rocks, minerals, and other naturally occurring objects on land owned or managed by the agencies.

(2) The cost of a rock collecting endorsement is five dollars and each endorsement is valid for one year.

A rock collecting endorsement must be issued to an individual. However, the rock collecting endorsement allows for all members of the endorsement holder's immediate family to participate in rock collecting activities. The possession of a rock collecting endorsement serves as a permit from HB 1271

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the agency for rock collecting as long as the rock collecting is done consistent with the provisions of this chapter.

- (3) Each rock collecting endorsement allows the holder and the holder's immediate family members to collect and keep up to fifty cumulative pounds of material in any one day from land owned or managed by the agencies.
- (4) Any person engaging in rock collecting on land owned or managed by an agency must replace or fill all divots, holes, or other disturbances caused by rock collecting.
- (5) The agencies may designate areas where rock collecting is not allowed:
 - (a) In order to protect environmental, cultural, archaeological, or historical resources;
 - (b) In order to protect the safety of the rock collector;
 - (c) Where rock collecting activities are inconsistent with the management mandate of the land in question;
 - (d) Where the state does not own the mineral rights of the land;
 - (e) Where grant or deed restrictions, or other legal limitations, makes rock collection an ineligible activity.
- (6) Any rock collecting activity that satisfies the definition of “hydraulic project” in RCW 77.55.011 must, in addition to procuring a rock collecting endorsement, obtain permission to undertake the project from the department of fish and wildlife consistent with chapter 77.55 RCW.25
- (7) An agency may, by rule, specify specific rock or mineral types of high value that may not be collected under a rock collecting endorsement.

Sec. 4. Amended as follows:

- (1) A discover pass or a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.
- (2) The state parks and recreation commission must provide up to twelve days a year where entry to state parks is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days
 HB 1271 planned by the national park service for national parks located in the general region of high volume state parks. NO collecting in State Parks.
- (3) A rock collecting endorsement issued under section 3 of this act is still required to engage in rock collecting on free access days and when camping.

Sec. 5. RCW 79A.80.080 and 2013 are each amended to read as follows:

- 1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:
 - (a) Operating on any recreation site or lands; or
 - (b) Parking at any recreation site or lands.
- (2) A person rock collecting on land owned or managed by the agencies must possess a valid rock collecting endorsement.

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(3) The discover pass, the vehicle access pass, or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted;

(b) For persons who use, possess, or enter lands owned or managed by the agencies **for nonrecreational** purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements;

(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

(4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and

HB 1271 indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(5) Failure to comply with subsections (1) and (2) of this section is a natural resource infraction under chapter 7.84 RCW.6A agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any 8 motor vehicle that fails to comply with subsection (1)(b) of this section.

(6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass, or, if applicable, a rock collecting endorsement, to the court within fifteen days after the issuance of the notice of violation.

Sec. 8. RCW 79A.05.165 and 2007 c 441 are each amended to read as follows:

(1) Every person is guilty of a misdemeanor who:

(a) Cuts, breaks, injures, destroys, takes, or removes any tree, shrub, timber, plant, or natural object in any park or parkway except in accordance with (such) rules (as) of the commission (may prescribe) or the conditions of a rock collecting endorsement offered under section 3 of this act; or

(b) Kills, or pursues with intent to kill, any bird or animal in any park or parkway except in accordance with a research pass, HB 1271 permit, or other approval issued by the commission, pursuant to rule, for scientific research purposes.

Continued on Page 12

“Collecting in Washington State” - Continued from Page 11**Brief Summary of Bill**

Creates an optional \$5 annual endorsement to a Discover Pass that entitles the holder, and the holder's immediate family members, to collect up to 50 pounds a day of rocks, minerals, and other naturally occurring objects from land managed by the state recreation agencies for personal, non-commercial use using non-explosive hand tools such as shovels and picks.

State Land Access Passes.

A public access pass is required to be displayed on any vehicle accessing most lands managed by the State Parks and Recreation Commission or by the departments of Natural Resources or Fish and Wildlife (state recreation agencies). The pass must either be a Discover Pass or a Vehicle.

Access Pass.

A Discover Pass costs \$30 for an annual pass or \$10 for a day-use pass. The Vehicle Access Pass is available free of charge to anyone who purchases certain hunting or Fishing licenses and only allows access to lands managed by the Department of Fish and Wildlife (WDFW).

House Bill Analysis

...- 1 - HB 1271 formula. Of the first \$71 million of recreation pass sales, 84 percent is distributed to the State Parks and Recreation Commission (State Parks) and the remainder is equally divided between the Department of Natural Resources (DNR) and the WDFW. All sales above \$71 million are distributed equally among the three state recreation agencies.

Unlawfully accessing state lands without a valid recreation pass is a \$99 civil infraction. That penalty is reduced to \$59 if a Discover Pass is purchased within 15 days of the violation.

Rock Collecting on State Lands.

The act of rock and mineral collecting is limited but allowed on most public lands managed by the state. Each of the three state recreation agencies has slightly different rock collecting policies.

The DNR and the WDFW limit rock collecting through administrative actions based on their general administrative authority to limit acts on the land managed by the agencies. The rule applicable to the WDFW simply states that it is unlawful to remove petrified wood, minerals, and fossils from the WDFW land unless a permit is granted from the WDFW (WAC 232-12-251).

The DNR has a similar rule, limiting the removal of rocks without written authorization (WAC 332-52-115). A violation of either the WDFW or the DNR rules a criminal misdemeanor.

In contrast to the DNR and the WDFW, State Parks has a statute governing rock collection at Parks. Under that statute, it is a misdemeanor to take “any tree, shrub, timber, plant, or *natural object* in any state park” (RCW 79A.05.165).

Summary of Bill:

The state recreation agencies must make available for purchase a rock collecting endorsement as an optional add-on to the purchase of a Discover Pass. The rock collecting endorsement entitles the holder, and the holder's immediate family members, to collect up to 50 pounds a day of rocks, minerals, and other naturally occurring objects from land managed by the state recreation agencies for personal, non-commercial use using non-explosive hand tools such as shovels and picks.

A rock collecting endorsement, which may also be purchased as a free-standing pass separate from a Discover Pass, costs \$5 and is valid for one year. A rock collecting endorsement is required any time recreational rock collecting occurs on land managed by a state recreation agency, including times when a Discover Pass is not required for access.

Continued on Page 13

“Collecting in Washington State” - Continued from Page 12

A rock collecting endorsement generally allows the holder to collect rocks, minerals, and other naturally occurring objects on all land managed by the state recreation agencies. However, the state recreation agencies may identify areas where rock collecting is not allowed. Areas of state land may be closed to rock collecting to protect environmental resources, to protect the safety of the rock collector, if the state does not own the underlying mineral rights, where rock collecting is inconsistent with the management mandate of the land, and in any instance where deed restrictions make rock collecting an impermissible activity. In addition, any rock collecting that occurs in an area that has an impact on the natural flow or bed of any of the salt or fresh waters of the state must be accompanied with a hydraulic project approval issued by the WDFW (in addition to a rock collecting endorsement).

House Bill Analysis

...- 2 - HB 1271. The holder of a rock collecting endorsement is prohibited from collecting petrified wood and any objects of historical or archeological value. In addition, the state recreation agencies may also identify, in rule, any specific types of minerals with high values that are prohibited from collection. All revenue generated through the sale of rock collecting endorsements must be deposited into the Recreation Pass Account and distributed to the state recreation agencies through the same formula used to distribute the revenue from Discover Pass sales.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. House.

Other issues concerning accessing public lands is in turmoil upon the locking of gates owned and operated by large timber companies such as Weyerhaeuser Timber Company and Green Diamond, formerly “Simpson Timber Company”. Certain areas cannot be accessed due to the closures of these gates.

Grays Harbor County, Aberdeen and outlying areas are being disrupted by the attorney’s addressing the closures and threatening the County wanting to take actions against Weyerhaeuser. These big timber companies for years were given huge tax breaks to keep their lands open for recreational use. However, they are now requiring expensive fees to those who can afford them to access their properties. The private timber companies can make any decisions they want upon their own land...

Our legitimate complaints lie upon the mainline access paid by the taxpayers dollar to access State lands that are now being blocked by these big timber companies.

Washington State Fish & Wildlife encourages the timber companies to reopen the gates for recreational use, as one survey inspected a little over 700 permits in one area watched 7000 people enter the private land. Every Tom, Dick and Harry tagged along without permits during hunting season. Other issues arise upon having situations like this to occur.

Other issues include the new “GEM TRAILS of WASHINGTON”. Even though this book addresses many collecting areas, there are many that are off limits to collecting. The author advises to the reader that their guide does not grant permission to collect on private land. The problem that exists here is the collector who is unaware of the chances taken collecting on private land that is mentioned in the book.

Examples of the areas in this Gem Trails book not to trespass upon:

- Site 1: Oso...Have respect for the families whose lives were lost.
- Site 13: Money Creek... washout. Washington State Mineral Council gives guided rock trips to this region twice a year.

Continued on Page 14

“Collecting in Washington State” - Continued from Page 13

- Site 15: Hansen Creek... “The Forest Service has always stopped just short of saying it is closed. Dig at your own risk. This year 2014-15, people have been arrested for collecting...Forest Service Land.
 - Site 21: Neah Bay...”This is Makah Indian Reservation” no collecting allowed to non-tribal members unless you are accompany by a member. Federal trespass charges apply. Access to nearshore areas along the Strait of Juan de Fuca has been severely limited due to private ownership of the shore and tidelands.
 - Site 23: La Push...Tribal lands know your boundaries. Absolutely **“NO”** whale bone or fossil ivory collecting. The tribes have specific treaty rights and state and federal agencies need to be responsive to their trust responsibility to insure tribal resources are preserved and protected. Mythic and ritual sites, as well as spiritual places and cleansing sites are resources of concern. Insensitive development of these locations could result in loss of their identity, restricted access, and alterations to the site’s appropriateness for use. Because these places are usually associated with belief systems and the practice of traditional religion, failure to respect the dignity of these sites could result in tensions among tribal members based on Hoh tribal beliefs that their religious sites require a higher order of respect, and the supernatural beings and spirit powers that reside in mythic and ritual locations take offence at disrespect and may respond by affecting the community if offended. Please have respect.
 - Site 26...Robertson Pit. The pit in Dayton, Mason County, Washington State is closed. Gate is locked and access by permit only and Green Diamond does not issue permits to collect in the quarry. Enter at your own risk and expect Criminal Trespass charges.
 - Site 31...Porter. Collecting off Highway 12 is forbidden, and the State of Washington DOT has “No Trespassing” signs posted.
 - Site 37...Salmon Creek. Off limits “NO rock collecting”. Weyerhaeuser Timber lands.
 - Site 45...McCoy Creek. The whole length of the creek is claimed for gold.
- These are a few sites in Western Washington that a person should be aware of entering at your own risk.

“Casual Collecting - Definitions” - Continued from Page 8

the term “casual collection” rather than “amateur collection” or “hobby collection” or “recreational collection”, the Act intended that casual collection reflect the commonplace meaning of “casual”. The commonplace definition of casual includes the elements “happening by chance; not planned or expected”, “done without much thought, effort, or concern”, and “occurring without regularity” (“casual” Merriam-Webster.com. 2014. <http://www.merriam-webster.com/dictionary/casual> (4 March 2014)). Consequently, the Department considers that casual collecting would generally be happenstance without intentional planning or preparation. Development of criteria for reasonable amount and negligible disturbance reflects, in part, the view of casual collecting as an activity that generally occurs by chance without planning or preparation. Further, the Act has established that an individual engaging in casual collecting activity in accordance with applicable conditions, in an area which has not been closed to casual collection, does not require a permit or other approval from the Department. Consequently, it is clear that the lack of Department decision space concerning such casual collection performed by an individual reflects that the Act intended that reasonable amount and negligible disturbance criteria established for casual collecting would be below levels that would otherwise require an evaluation under the National Environmental Policy Act (NEPA). Collection of amounts and/or land disturbance at levels that would require a NEPA evaluation would require a permit.

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“Casual Collecting - Definitions” - Continued from Page 14

5. The term *collection*, as used in §§ 291.21 through 291.26 of these final regulations, means paleontological resources and any associated records resulting from excavation or removal from National Forest System lands under a permit.

6. The term *common invertebrate and plant paleontological resources* clarifies the types of paleontological resources that may be casually collected in accordance with the Act and these final regulations. This final definition incorporates the plain meaning of common, which means plentiful and not rare or unique. The final definition also incorporates a geographical factor of wide-spread distribution, which means that the resource is distributed over a relatively large geographical area. This final definition also clarifies that not all invertebrate and plant paleontological resources are common; some are not common because of their context or other characteristics and, therefore, are not eligible for casual collection. The determination of whether invertebrate and plant fossils are common or not common will be made by the Authorized Officer using scientific principles and methods in accordance with § 291.9(c).

7. The term *consumptive analysis* means the alteration, removal, or destruction of a paleontological specimen, or parts thereof, from a collection for scientific research.

8. The terms *curatorial services* and *curation* specifies the minimal professional museum and archival standards employed in the long-term management and preservation of a collection.

9. The term *Federal land* restates the definition contained in 16 U.S.C. 470aaa, and means land controlled by the Secretary except for Indian land as defined in 16 U.S.C. 470aaa.

10. The term *fossil* means any remains, traces, or imprints of organisms that have been fossilized or preserved in or on the Earth's crust. In informal usage, the term *fossil* tends to be used interchangeably with the term *paleontological resource*. However, under 16 U.S.C. 470aaa and these final regulations, a *fossil* may not necessarily be a *paleontological resource*. Remains, traces, or imprints of organisms (that is, *fossils*) are only considered *paleontological resources* under the Act and these final regulations if they are: (1) Fossilized, (2) of paleontological interest, and (3) provide information about the history of life on earth. Therefore, paleontological resources are fossils that have paleontological interest and provide information about the history of life on earth. An example of a fossil that may not be a paleontological resource because it lacks paleontological interest and provides negligible information about the history of life on earth would be an isolated, unidentifiable fragment of an otherwise common invertebrate fossil that was eroded from its native geologic occurrence and subsequently found in a stream bed far from its point of origin.

11. The term *fossilized* as used in the definition of *paleontological resources* means preserved by natural processes, such as burial in accumulated sediments, preservation in ice or amber, replacement by minerals, or alteration by chemical processes such as permineralization whereby minerals are deposited in the pore spaces of the hard parts of an organism's remains. This definition is adapted from the definition of fossilization in the American Geological Institute's Glossary of Geology (Fifth Edition, 2005, ISBN 0-922152-76-4).

REGARDING WALLOWA WHITMAN AND MALHEUR NATION FORESTS NORTHEAST OREGON

John George is fighting for the rights of the residents of the area, but there are also rockhounding areas there and they will be closed unless rockhounds support John and speak out.

OUT OF BOUNDS

Do you want your access to public lands treated like a basketball game, where you have to worry about if you are “in bounds” or “out of bounds” and having to live with the penalties of not staying within the boundaries set forth by the Forest Service? That is exactly what your life will be if the proposed designation of routes language and travel management plan are put into place on our National Forest.

Currently you are allowed to openly and freely access the Wallowa Whitman and Malheur National Forest via motorized means at your discretion unless otherwise noted by wilderness areas or areas specifically targeted as non-motorized.

Once roads areas are designated a use, all motorized use off those roads will be prohibited (within a given buffer along the road) going from an open forest system to a closed forest system. Much like the basketball court where you are not allowed to leave the court, motorized access will be disallowed from roughly 95% of your public lands. You may only play on the court the Forest Service allows, which will be along their selected roads, and if you play outside those lines you will be penalized up to \$5,000 and/or 1 year in jail.

When did you turn over your right of motorized access to the US Forest Service? Did any of you sign a document giving Mr. Montoya or Pena the authority to decide when and where you traveled?

Offenses that will get you penalized if you go outside the designated area are; Firewood cutting, retrieving big game, dispersed camping, accessing historic berry and mushroom picking areas, accessing historic hunting areas, or simply recreating in your favorite area, just to name a few.

If you do not agree that our motorized access should be restricted, please let Secretary Tom Vilsack tom.vilsack@usda.gov and Robert Bonnie robert.bonnie@usda.gov know how their staff is failing our communities and families.

John George,
Bates, Oregon

“Public Lands Policy” - Continued from Page 4

Wilderness Society. You can download this Guide, it’s about 135 pages, but it’s enlightening in showing how the Wilderness Society works to **protect** Public Lands.

Here are highlights of some of what is in the Guide:

- a. Basic questions and answers on Public Lands Advocacy. (pages 1 – 4)
- b. A map to citizen participation in the BLM planning and decision-making, with emphasis on how to leverage place-based information to force the BLM to take conservation oriented action consistent with the law. (pages 5 – 11)
- c. The Legal Landscape: Preservation, Conservation and Exploitation of the Land. This includes descriptions of various conservation units managed by the agency. (pages 12-15)
- d. The BLM’s Core Policy Framework, a detailed overview of general mission and core obligations of the BLM. (pages 16 – 38)

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"Public Lands Policy" - Continued from Page 16

- e. Collecting Information: Inventories, Monitoring and Evaluations. (pages 39 – 49)
Planning and Decision-Making – How the BLM develops plans and how the agency subsequently puts those plans into practice. This deals with the BLM's comprehensive resource management planning process. (pages 50 – 89)
- f. NEPA – National Environmental Policy Act of 1969, one of the most important environmental laws ever enacted. (pages 90 – 117)
- g. Appeals, Protests and Litigation, which outlines your options to challenge decisions with the BLM's planning and decision-making process breaks down and results in potentially illegal decisions. (pages 118 – 135)

If you or someone in your club would like to research this enlightening Guild, I'm sure you will find it interesting, at the least. To me, it's like going in to a child's bedroom, and seeing a special item on a high shelf. It's to look at, but out of the child's reach to touch it. Much like the Wilderness we have out here in the west. You are not adult enough to be trusted with this, so you can only look at it and we will show you in pictures what is there. The problem is, who is going to see all this beauty that has been locked away? At my age and with my health problems, I certainly won't be able to hike into any of these areas, many of them are thousands of acres, so this basically shuts me out. Is this fair? You decide!

BIPARTISAN BILL INTRODUCED TO REOPEN CLEAR CREEK FOR OFF-HIGHWAY VEHICLES

Contact: Don Amador, BRC Western Representative
Phone: (925) 625-6287
E-mail: brdon@sharetrails.org
Date: April 17, 2015

WASHINGTON, D.C. (April 17, 2015) -- The BlueRibbon Coalition, a national trail-based recreation group, applauds Congressman Sam Farr (D-Salinas) and Congressman David Valadao (R-Coalinga), and Congressman Jeff Denham (R- Modesto) for reintroducing the Clear Creek National Recreation Area and Conservation Act of 2015 (H.R. 1838). The bill would reopen the 75,000 acre Clear Creek Management Area to OHV recreation and other multiple-uses. In addition, the proposal would designate about 21,000 acres nearby as the Joaquin Rocks Wilderness.

In 2008, the BLM imposed an interim emergency closure of the area to all users, even hikers, citing unsubstantiated concerns about a public health risk due to naturally occurring asbestos.

The San Benito County Board of Supervisors

petitioned Congress in 2011 to address the closure by designating it as a National Recreation Area based on the 2005 Clear Creek Travel Management Plan as the guiding document for the NRA. The Plan identified about 243 miles of motorized roads and trails, 400 acres of open riding areas and authorized a number of permitted OHV events.

Don Amador, Western Representative for the BlueRibbon Coalition, states, "I believe this is cutting edge bipartisan land-use legislation that benefits both the OHV and conservation communities. It is the result of a lot of hard work by the sponsors of the bill to craft a win-win proposal that reopens Clear Creek for OHV recreation and establishes a new Wilderness area that can be enjoyed by hikers and sportsmen." "I know that many businesses in San Benito County will also appreciate the return of recreationists to Clear Creek since the OHV community has historically been an important economic factor to the local economy," Amador concludes.

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REOPEN CLEAR CREEK - CONTINUED FROM PAGE 17

ALAA - California Central Coast Representative, Bill Spence:

“The BRC press release neglects to mention that the bill also includes the set-aside of 5 watersheds into the Wild & Scenic Rivers network, as noted in

David Valadao's concurrent press release. What I know is that BLM is opposed to their inclusion in WSR because all five are dry most of the year. I also believe that this bill is doomed unless EPA relents on the asbestos danger, and I don't believe they will.

On the other hand I recently went to a rockhounding site that is accessed by an old road that was designated an ATV/ Motorcycle trail up

until 2008. In 2008 this road was easily drivable by an automobile. Now it's heavily overgrown from the sides and can only be driven with significant damage to one's paint job. In 10 years it will be wilderness again. Throughout CCMA the traditional wooden signage is termite-ridden and fallen down. The small vertical route markers now in use are easy to miss. Whether for budgetary or political reasons, maintenance is not now a priority at CCMA, and combined with the decrease in human activity on the lesser travelled roads, the historic network of dirt roads that made CCMA relatively easy for rockhounds to navigate will gradually deteriorate.

Personally I don't object to allowing the bikers back into CCMA, but the blatant political sacrifice of rockhounding areas by BRC to the wilderness lobby sticks in my craw.”

**ALAA MEETING @
GOLDEN SPIKE GEM & MINERAL / NORTHWEST FEDERATION SHOW
APRIL 10, 2015 OGDEN, UTAH
LAUREN WILLIAMS, ALAA VICE-PRESIDENT**

Sandra Mitchell from the Idaho Recreation Council, a non-governmental agency, spoke about Land Use and said that there were so many Governmental Regulations that towns like Stanley, Idaho were on the verge of becoming ghost towns. Stanley is about 55 miles northwest of Sun Valley, Idaho and their view of their mountains, in my personal opinion; rival the view of the Tetons from Jackson Hole.

Jack Johnston spoke about that the Land Use Plans that is in use by everybody, but has no provisions for handicap individuals. Don't they pay taxes too?

Casey Snider, who works for Congressman Rob Bishop (UT) concerning Land Access, said that there are 8 counties in Utah that have deep concerns about having access to public lands and that Presidential decisions to make National Monuments is the same as making Wilderness Areas because the rules for using that land is the same in both cases. Mr. Snyder wants counties, and towns, and their grassroots to drive the issues, because those are the residents that live there and it is their livelihoods that are at stake and it is their tax base.

NOTE: With national budget cuts being what they are, there are road closures on paper but have not physically been closed, so be careful.

The Sage Grouse issue was brought up, again. Sage Grouse are in about 11 states which is why this issue is so big of a deal because of the size of the United States that it covers. Personally I wish that Idaho Fish and Game would teach their Sage Grouse better manners than to attack, right up my leg, just because I happened to walk between mom on one side of the road and her babies were on

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