Final General Comment for: Appendices I.1 through I.5, Draft Implementation, Implementation MOU’s, Final Draft, Drafts, Executive Summary, volumes I-III, the Development of Alternatives, Environmental Setting/Affected Environment, Environmental Consequences/Effects and Analysis, Consultation, Coordination and Public Participation and Mitigation Monitoring and Report Plan.

Under the Mining Law of 1872, a Legal and Historical Analysis (From the National Legal Center for the Public Interest) a Legal and Judicial interpretation of the Codified Law 30 USC 21A – 54. The Minerals and Mining Federal Stakeholders (MMFS) currently the California Desert District Mining Coalition (CEEDMC) and after February 25th, 2015 the Mineral and Mining Advisory Council (MMAC) a Federal Land Stakeholder and along with Bureau of Land Management (BLM) shall consider this a NO-ACTION area and there shall be NO decision(s) on use of the public lands listed in the DRECP Indexes and Appendices until MMFS is conferred with and the Parties agree too.

Mining is needed for socio economic development and to support the national strategic need for reliable and sustainable domestic minerals, metals and rare earths (30 USC 612) and National Security Interests (DOD) that may exist in SCMSA 59 U.S.C. 98 et seq. & 98(e). FLPMA did not repeal the Mining Act (30 USC 22-54) nor was intended to disrupt “valid existing rights”.

California Desert District Mining Coalition

661-724-MINE (6463) * P. O. Box 2411 California City, CA 93504 * sreeprocino@yahoo.com Contact: Joe M.
BLM has failed to recognize National Mineral and Mining Policy Act 30USC21a. BLM is violating the Federal Policy by excluding and not recognizing Minerals and Mining as Federal Stakeholders and coordinating Federal Land Stakeholders and consultants.

Renewable Energy, land designation and road designation projects and/or expansion areas are not considered compatible with the Multiple Surface Use Act (30 USC 611 4a-b) for the Minerals and Mining Federal Stakeholders (MMFS). DRECP, ESA, EPA, CWA, NLCS, ACEC's are not compatible with 30 USC 612(b). (see Curtis-Nevada Mines case, cite: 611 F.2d 1277) and 30 USC 21a-54 for the MMFS. Simply, it is illegal to close public lands, roads and entrances for mineral entry and mineral and mining development unless there has been a past congressional mineral withdrawal and any current decisions and approvals must include consulting the MMFS currently CDDMC after February 25th, 2015 Minerals and Mining Advisory Council (MMAC) also. CDDMC and MMAC along with BLM are the official Federal contacts.

All following land use designations listed herein need some other kind of approvals not considered or completed at this time and not allowed over mineral and mining development. Leasable energy, National Monument Area, State Park Area, Conservation Area, Wilderness Area, Mineral Withdrawal Area, Scenic Areas, but not limited too. DRECP assumptions that those designations are legal and passable are far from complete or accurate at this point.

At first blush, the question needs to be asked: Are NLCS and ACEC compatible with the Multiple Surface Use Act, specifically 30 USC 612(b). We would like a FOIA Request (Freedom of Information Act request) from all legal authorities and Memorandum of Understanding (MOU) partners BLM is using for Mineral Closures, public land use, land designation changes, NLCS, ACEC and any other referred to designations under DRECP. It looks like at a glance that there are many unresolved conflicts.

CDDMC is currently operating under, MMFS and shall be consulted as a part of the Public Land use decisions. Along with the CDDMC, Minerals and Mining Advisory Council (MMAC) shall be consulted on all future land use issues and designation also.

See Congressional Letter accompanying these responses:

Signed
The California Desert District Mining Coalition
P.O. Box 2413 California City, CA 93504
661-734-6663
trilogies@yahoo.com
http://www.cddmc.com
http://www.mineralsandminingadvisorycouncil.org
Response to Comment Letter E129

California Desert District Mining Coalition
February 14, 2015

E129-1 Public outreach is described in Volume V. The BLM has complied with the applicable laws and regulations for public involvement during the land use planning process. The BLM has considered the commenter’s preference for the No Action Alternative.

E129-2 See response E126-2. Impacts to mineral resources are analyzed in Volume IV, Chapter IV.15 and social and economic impacts are analyzed in Chapter IV.23. The BLM has complied with the public involvement provisions of the land use planning regulations at 43 CFR 1600 et. seq. The public involvement to this point is detailed in Volume V. The BLM has considered the commenter’s preference for the No Action Alternative.

E129-3 Identifying lands that are part of the NLCS is in response to the Omnibus Public Lands Act of 2009 (PL 111-11). See also response to E129-4 regarding mineral withdrawals below.

E129-4 The DRECP does not propose designating new National Monuments, State Parks, Scenic Areas, or Wilderness Areas. “Leasable energy” is not a land allocation, and therefore is also not considered. The DRECP does not withdrawal any lands from mineral entry. Any future mineral withdrawals would be subject to Section 204(a) of FLPMA and applicable regulations.

Public outreach is described in Volume V. CDDMC has been added to the notification list for future public outreach. The comment letter did not include contact information for Minerals and Mining Advisory Council.

The BLM decision is in compliance with all applicable federal laws. See Volume I, Chapter I.2 (Legal Framework) for the legal authorities the BLM has relied on for the DRECP.
INTENTIONALLY LEFT BLANK