



# COUNTY OF SISKIYOU

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## Board of Supervisors

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February 14, 2017

U.S. Representative, Ryan Zinke  
1419 Longworth House Office Building  
Washington, DC. 20515

**Subject: Suction Dredge Mining and the Mining Act of 1872**

Dear Representative Zinke:

The Siskiyou County Board of Supervisors would like to first, congratulate you on the nomination to serve as the Secretary of the Department of the Interior, a position that is important to the citizens of rural America, such as Siskiyou County. Secondly, we would like to introduce you to one of many issues that our rural, blue collar citizens are dealing with in California, which has impacted their livelihood and the use of private property rights granted to them by United States Law.

The Mining Act of 1872, H.R. 365, was passed by Congress and signed by President Ulysses S. Grant to protect and encourage mining and settlement in the Western territories of the United States, and became one of the major statutes of federal land management policy. Congress enacted the Mining Act, and granted it as a private property right, because it recognized that the extraction of minerals is essential for national defense and security, industrial needs and stable industries. In addition, The Bureau of Land Management (BLM) is the only agency with the power to administer the Mining Act, even for lands not under the administration of the BLM.

One of the fundamental mining activities applied by miners is the use of suction dredge mining, which has played an important role in Siskiyou County's history and economy. In 2009, suction dredge mining was banned throughout California, as a result of California Fish and Game Code section 5653.1(b). This has had a major impact on miners throughout California, who no longer have the ability to exercise their property rights, and an impact on small communities throughout the State who benefit from the revenue generated by suction dredge mining. In addition, there is little to no evidence that suction dredge mining is a detriment to the environment, which initiated the ban, but in fact provides benefits to stream and river systems, and endangered species such as coho salmon. Lastly, many suction dredge mining activities are performed in Navigable Waters of the United States, which falls under the jurisdiction of the US Army Corp of Engineers and the United States Environmental Protection Agency.

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Brandon Criss  
*District 1*

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Michael N. Kobseff  
*District 3*

Lisa Nixon  
*District 4*

Ray Haupt  
*District 5*

We write this letter to ask for your assistance in bringing suction dredge mining back to the people of Siskiyou County, and back to our economy, which has suffered greatly through this and other state and federal regulations. Our County is one that relies extensively on the responsible and proper utilization of our natural resources. The Mining Act of 1872, is a federally upheld law which provides private property rights to citizens and should, by law, not be infringed upon by the State of California. The Supremacy Clause of the United States Constitution expressly forbids any law that disallows what Congress deems allowable on its own land.

We hope that once you are confirmed to your position as Secretary of the Interior you are able to have some time to look into this issue. We look forward to the opportunity to work with you and provide additional information on this matter. Please feel free to contact, Elizabeth Nielsen, Natural Resource Policy Specialist, at any time at [enielsen@co.siskiyou.ca.us](mailto:enielsen@co.siskiyou.ca.us) or (530) 842-8012.

Sincerely,



Michael N. Kobseff  
Chair