Mojave Underground Inc.

Official Business

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June 24th, 2009

Attn: Mr. Ray Kelsey
Bureau of Land Management
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

Dear Mr. Kelsey,

Thank you for taking time to communicate with Mojave Underground Inc. in regards to its purposes and intentions. Let me first start by clarifying that Mojave is spelled with a "J" instead of an "H" as in the Mojave Desert; just for the record. I received a certified letter addressed to Mohave Underground from your office today, signed by a Mr. Glenn A. Carpenter. It appears your office is at a loss as to Mojave Underground's functions. If I may describe our purposes, perhaps we can clear up some misunderstandings.

Mojave Underground Inc. was founded on the principle that abandoned mine lands are vitally significant to America's history. Mining has helped us win wars starting with the Revolutionary War and turning the tides of the World Wars. Mining was the motivating reason to populate the west. Many families and organizations survived by taking advantage of the incredible natural resources found in the lands on which they lived. It is my opinion that mining is the top industry that brought America to the power it is now.

The founders of Mojave Underground have a deep passion and respect for these mining sites; including the towns, structures, adits and shafts, and even pieces of scrap metal. When personally visiting many of these sites, it was heartbreaking to find that the mines had gone through a State sponsored reclamation process. This process caused buildings and structures leveled to the ground, adits and shafts backfilled to the point that one could no longer tell where the original entrance was. The history of these sites has been destroyed forever, never to be seen again; all in the name of safety (and so a few people can make a paycheck). The underground workings of these sites are NEVER documented for historical purposes. The stories of these mines can still be told by visiting the underground workings and seeing the minerals, the equipment, the buildings, clothing, newspapers, and so much more. Before us, there has never been an organization to document and encourage the dynamic interpretation of these windows into our earth. When the sites are reclaimed, they are lost forever. Respectfully disagreeing with overzealous reclamations is the driving purpose behind Mojave Underground.

Mojave Underground Inc. is a registered non-profit organization dedicated to the preservation, documentation, and exploration of abandoned mine lands. We also strive to increase public awareness about the safe, proper, and legal ways to explore and appreciate abandoned mine sites. We are very strongly opposed to the FAST program, and most forms of overzealous reclamation. We realize a small percentage of AML lands actually do contain safety hazards that warrant reclamation, however this is a discussion being held with the UDOGM at the moment. Being a non-profit, we do not make a profit as a 'commercial' organization. All activities are free of charge.

In Mr. Carpenter's letter, there was concern that Mojave Underground Inc. was "encouraging members of the public to engage in an inherently hazardous activity that may not be adequately aware of or prepared for." While we may respectfully disagree with your agency that all mine openings are inherently dangerous, safety is our top priority when encouraging exploration of these sites. The BLM itself has a policy manual H-3720-1, p. 62 that talks of a draft site entry guidelines that the SMD is developing, for bat inventories, etc. We are very interested in obtaining a copy of this document, and working with you on developing safe mine exploration practices.

One of our priorities is to inform members of the adult public that abandoned mines are not death traps. Just like any activity, there is a danger involved. I have broken an arm while in P.E. class in elementary school, fell from a tree and broke a leg, fell 35' rock climbing, nearly severing my foot, came inches from driving off a 500' cliff on a motorcycle, but NEVER have I, nor any of those we advise, ever so much as even received a scratch underground. Individuals who take time to learn which mines have dangers and which do not, and use the proper safety gear, will come to learn that there is little reason to warrant the sweeping over-classification of all abandoned mines as death traps. Safety articles can be found in several locations on our site, including the home page, the forum portal, our wiki, our forum, and safety articles are also posted in several other locations across the internet. When Mojave Underground engages in an activity with those who are new to exploration, a safety training session is held before anybody enters the mine. We have experienced leaders watching over every individual while underground. I won't go into a debate over what the BLM and other State offices consider dangerous, but let it be known that Mojave Underground is aware of all safety hazards and strives to ensure there are no injuries while underground.

To clarify our involvement with your office, we do not and have not conducted or held any events as an organization that fall into your permitting jurisdiction. If you feel we have, please be more specific as to the date and time and place of such an occurrence. Most of what we do is on private land, with direct land owner permission.

In your introduction, you stated "You have numerous locations listed on your site that fall within the BLM Salt Lake and Fillmore Field Offices" I am not aware of any law or regulation that prevents a group from *discussing* these sites. BLM websites including the LR2000 database show much more detail then we do, but you seem to be implying that our information leads to a threat of public safety. Since when does exercising our First Amendment rights lead to a classification by BLM that Mojave Underground is a threat to public safety? Were this so, sites such as ghosttown.org and tens of thousands of other sites, which share this information, would be at fault also. I'm also not sure when the BLM became stewards of managing *private* lands. Mojave Underground does not and has not violated private property rights. If BLM has received any complaints from private property owners about our activities, please do not hesitate to forward these immediately to our attorney.

In a previous email, you asked several questions. I'd be happy to humor you with their answers as follows:

> **Do you maintain a list of registered members?** *Yes, but as is the case with the majority of blogging and other social interaction websites, the individuals are virtually untraceable. Even IP addresses are scrambled at a low level to protect their identities. We represent close to 400 active registered members across our multiple sites.*
>
> **Do you ever make arrangements through your membership list for groups to meet and travel together to specific destinations? If so, when and where in the last year?** *Arrangements are not made, but an electronic bulletin board called "meetup" is used to advise members of individuals who are planning outings and the bulletin board software, not us, coordinates whether these individuals "meetup" by traveling individually to any*

given site. The meetup software is similar to the mindat.org forums where individuals discuss fieldtrips they are planning on taking and wherein they ask for directions and locations of gem and rock hounding sites from fellow forum members.

How do these groups travel to these sites and do vehicles ever have to go cross-country or off roads? *We travel in street legal vehicles, never off road or cross country. We respect public lands.*

Have you ever entered mine openings and/or surface structures with groups at the sites you visit? *Of course.*

Have you ever taken any groups into mines or structures that you yourself have not previously been to or inside of? *This question insults our intelligence, but No. We have a specialized team who examines the mines before the public is allowed to join us inside.*

How do you determine structural integrity or safe air quality in the mines or structures that you may enter? *Air quality is checked by several air meters, such as the MSA Orion Multi Gas Detector. Structural integrity is determined by the host rock, humidity and water flow, support structures, rock fall and debris. Each explorer assesses the visible integrity of the mine and determines for him or herself whether they wish to continue exploring. Each explorer is also responsible for their own actions and must conduct themselves according to safe practices.*

Do any persons at Mohave Underground events wear any kind of safety equipment prior to entering mine openings? If so, what types? *Helmets are required. No person is permitted to join us underground without head protection. Also required are a solid flashlight, at least one spare light, and batteries for a full change of all lights. Mojave Underground's leaders also show an example of proper gear by wearing boots, coveralls, gloves, and packing emergency food / water, flashlights, batteries, and first aid kits.*

Do you conduct safety briefings with participants at your events? *At our activities, yes. Mojave Underground advises individual adults on the use of safety gear and of potential safety issues that a reasonable and prudent person would be able to recognize. Individuals are responsible for their own actions.*

Do you have any persons with first aid or emergency fire responder training at your events? *Yes, at our activities. Many of us are CPR certified; we have leaders with EMT certifications and a firefighter.*

What types of communications devices do you carry on your outings? *Long range 2-way radios with each leader.*

Do any of your events ever take place on private land and if so, have you obtained landowner permissions to do so? *Almost all of our activities take place on private lands. We acquire land owner permission each and every time we have an activity. As an organization, we have never held an activity on Public Lands that fall under your offices' jurisdiction.*

Do you have registration fees to attend any Mohave Underground events? If so, which ones? *No. Mojave Underground is non-profit.*

Do you provide catering services and discount vendor sales at any events? *No.*

Do on-site food vendors have permits from BLM or local health departments? We *don't have on-site food vendors.*

Do you sell products on your website? *No. However we do sell shirts at cost for the members on a third party site.*

Do you have commercial sponsors on your website and in attendance at any of your events? *No.*

Have you ever generated revenue from any of your events in the form of payments of money, on-site sales or rentals, gifts, gratuities, donations, bartering, or any other form of compensation? *No. However we do run a 24/7 donation function on our website, not associated with any activity.*

Do you have a business license with the State of Utah? If so, what type of business are you listed as and is it current? *Yes. We are a Corporation - Domestic - Non-Profit.*

Have you ever encountered bats or other wildlife at any of the sites you have visited? *Yes. Members are undergoing training in bat recognition and certification to bid on bat counting jobs as subcontractors on future DOGM bids for bat surveys.*

A SRP was discussed in my letter from Mr. Carpenter. As discussed, Mojave Underground has not, and does not have any plans to conduct any events on UBLM Lands at this time. If we plan to hold events in the future, we will look into the SRP request process and fully comply with the letter and your regulations.

Thank you for taking the time to research our organization. If you or any of your office would like to participate in one of our abandoned mine activities, we'd be happy to accommodate.

Signed,
Mike Capps

Stuart Burgess

Crystal Burgess

Jeremiah Chesley

Derek Bracken

Robert Cranney

Shawn Costello

Russell Hartill

Digitally signed by Michael Capps
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