

# Western Miner

A Publication of [MiningMagazines.com](http://MiningMagazines.com)

February 24, 2021

**“Is Smokey The Bear  
A Global Warming  
War Traitor?”**

**Since 1998 Defending the ‘Prudent Man’ US Mining Law of 1872**

Lisa Northrop  
Deputy Regional Forester  
1220 SW 3rd Avenue  
Portland, Oregon 97204

Thank you USDA/USFS Region 6 for putting me out of the misery of trying — again, by appealing again, and again — to understand how my grandfathered-in Department of the Interior, State of Oregon registered, BLM Mining Claims ORMC 151343 to 151374 Nepheline Claims 1 through 32, in good standing, somehow qualified for such hostile treatment of the continual quoting an easy to understand for operators of ongoing mineral operations guideline of 36 CFR 228 Subpart A?

This on-my-side citation has always been accompanied with an 1969 explanation of the difference of a “common variety mineral material” (leasable under 36 CFR 228 Subpart C) and that of locatable minerals, as defined by Forest Service, [USDA 36 CFR 228.42](#) as the vitally important “Alumino-silicates” (Al<sub>2</sub>O<sub>3</sub>-SiO<sub>2</sub>) which today have also been identified as a modern C.A.S.H super cement formula [Geopolymer NP, or natural pozzilina](#) equal to what the Romans mined to make a concrete, used without steel reinforcement on structures that have stood tall for over 2,000 years.

What was the egregious “ghosting” for 1,000 days of a CFR required decision in 90 days signed answer of my formal FS 2800-5 Plan of Surface Operations, all about? My lengthy wording was in part protecting my “former partner USFS friend” from uninformed tree-huggers demonstrating for the media. I went to great effort to develop a ECO zero (no trees disturbed) portal on a already in progress to go underground, with no unsightly tailing dump. As all of the Nepheline Syenite mined could immediately be sold off to established BIG businesses to fill an ever-growing need to build affordable housing that can withstand (proven at Omak, Washington) Climate Change forest fires for 4-hours at 3,000 degrees! And, then especially, when constructed with a “boat floor”, this hydraulic concrete also has been proven to better withstand flash floods, and mud slides, following a catastrophic forest fire.

So why has the USFS blocked production of a unique ‘Swiss Army Knife’ Nepheline Syenite ore, needed to help answer the curse of Global Warming? Was this a follow-the- money by the next door quarry (as shown by a picture as operating on a school section owned by Koch Brothers Georgia Pacific/Weyerhaeuser RIT, Vancouver, Canada? Was there any Hatch Act hint hidden away by a single “common variety” district ranger, hopelessly unqualified as a science researcher, who obviously did not read, or understand, the university level academic papers included discussing a rare earths/ rare rock, included in my [FS 2800-5 Plan of Action](#)?

Since you have validated your ranger’s junk science, setting up a “claim jumping” disposal —by open leasing— of a Prudent Man’s claim “discovery” without the [FSM 2810 promised consultation with the Department of the Interior, Bureau of Land Management](#), or Geological Survey— let me remind you personally that the authority of the Department of the Interior to rule on claim validity has been confirmed by the Supreme Court. This is why I have sent off an Appeal to those really in charge of a “critical and strategic minerals”. I also am asking the [WesternMiner.com District Miners’ Court to counter contribute to a counter PAC Fund to pay legal expenses.](#)

Barry “NAVALNY” Murray

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## Up to date “McClarty Criteria” Answers , by Previous E-Mail



Barry Murray <macandmurray@gmail.com>  
Feb 9, 2022, 7:54 PM

to (USFS District Ranger) Michele, robert.f.sanchez, katie.isacksen

**Thank you for asking me to continue working with Ranger Holman to validate my FS -2800-5 first filed when I was just a “babbling, crazy, old man of 79-years just waiting for a peaceful death”, exactly 1,071 days ago. Just a tad over Ranger Holman’s Code of Federal Regulation rules obligation to return the form by registered mail with a yes/no/maybe if within a total of 90 days.**

**Now, an even older and wiser, soon to 83, next door competitor with the Georgia Pacific quarry** owned by 86-year old Charles Koch (an oligarch for being ranked the 6th richest person in the world) that started the struggle over who can operate on Table Mountain — by blocking an established FS spur road passing by an operation, as shown on a recent magazine cover, an Table Mountain Nepheline Syenite north quarry to reach my grandfathered-in Nepheline Syenite east quarry. It should be noted that someone at Region Six (whose name I did not ) helped prolong this access dispute by simply asking me for permission to install a gate on the road leading up to the ‘State of Oregon’ Microwave tower consisting of a backup power source if the buried electrical source leading to the mountain were somehow cut by accident. I wholeheartedly agreed to the installation —provided I be issued a key to access the grandfathered-in east quarry. To date, this has not happened. **Just another USFS broken promise — as Mountain Manager Jared Richey’s response to my reporting the felony theft of my Nepheline Syenite stockpile by a big-tired loader.**

**My personally responsible underground Plan of Action (on a established no new surface disturbance claim, also mined by the USFS )** is underway right now as an assessment work project, authorized by Lucas Ponce de Leon as a member of the **ECO-Mining-Milling Limited Cooperative Association**, by following the rules of the recommended U.S. Forest Service Mining Regulations – 36 CFR 228, Subpart A, which reads:

*A/B – activities not likely to cause a significant disturbance of surface resources. The following types of activities are excluded from the operator having to submit a Notice of Intent (228.4(a)(1)).* Which I had already done for quarry that the USFS also used — with my, and previous approval— as a source of “common variety” road gravel for FS Road 52:

- **Underground operations which will not cause significant disturbance of surface resources;**
- **Operations, which in their totality, will not cause a surface disturbance which is substantially different than that caused by other users of the NFS who are not required to obtain FS authorizations;**

And, when it comes to the USDA/USFS citing a Department of the Interior administration “McClarty Test” the up to date “McClarty Criteria” reference of a 1969 standard should really be cited as a 2020 “IBLA 2016-154,” where the five “rubber meets the road” questions still are:

“Under the Multiple Use Surface Act. As codified in regulations by the Bureau of Land Management (BLM), the five criteria require the decision-maker to:

‘(1) Compar[e] the mineral deposit in question with other deposits of such minerals generally;”

*When considering other unique chemically defined alumina-silicate “Nepheline Syenite” deposits in the World — other than the other 3M deposit in Arkansas — that are operating in Russia, China, Iran, Canada, selling products needed to fight Global Warming Climate Change, Oregon’s Table Mountain Nepheline claims deserve the opportunity of being a patriotic check and balance to competitors that a international “cartel” that may also be an illegal deep state oligarchy.*

“(2) Determin[e] whether the mineral deposit in question has a unique physical property;”

*Other than citing a 1976 GEOLOGICAL SURVEY PROFESSIONAL PAPER 840 Descriptions and Analyses of “Nepheline Syenite” as a New USGS Rock Standards (based upon a Bureau of Mines laboratory in Albany, Oregon) please go to [www.ECO-GoGreen-Magazine.com](http://www.ECO-GoGreen-Magazine.com) that has a collection of scientific papers that goes beyond the recognized uniqueness of Nepheline Syenite as a needed component for an energy-saving flux in glass, as used in nuclear waste containers, space-age Nepheline ceramics ,solar thin-film roofing, and “clean air” steel-making to meet international standards.*

“(3) Determin[e] whether the unique property gives the deposit a distinct and special value;”

*The ECO-GoGreen-Magazine.com white paper has geologically and mineralogically identified the Table Mountain plutonic volcanic intrusive as distinctly unique Natural Pozzolan used in a “lost” formula for Roman Cement; superior than a manufactured “dirty coal ash” substitution for use with Portland Cement manufactured coal Fly Ash “strengtheners — which misses the recommended Alumina-Silicate 70% Natural Pozzolan ratio to by almost half.*

“(4) Determin[e] whether, if the special value is for uses to which ordinary varieties of the mineral are put, the deposit has some distinct and special value for such use; and”

*Other than an intended marketplace for 100% natural (non-patentable) Nepheline Syenite distributed by a small business COOP identified at [FoamKrete.com](http://FoamKrete.com) to build affordable housing that would have a proven four hours at 3,000 degrees protection against forest fires, and a hydraulic concrete advantage of withstanding the flash floods and mudslides resulting from politically ignoring — or disputing as false science— Global Warming Climate Change.*

“5) Determin[e] whether the distinct and special value is reflected by the higher price that the material commands in the market place.”

*This is difficult to answer — as marketing the distinct and special values of ECO-Polymer-Concrete at lower, instead of higher, prices than a foreign Nepheline Syenite monopoly, by afford-ably discounting a super strength, portable batch delivered, home and interstate bridge repair material, really should be determined by, perhaps, an FTC-DOJ Merger Enforcement hearing.*

[An update, as mentioned as breaking news in [MiningMagazines.com](http://MiningMagazines.com), a dominate member of a Nepheline Syenite Oligarchy —Russia— seems to want what they called “The” Ukraine , including the REE and rare rocks Nepheline (exported elsewhere) back. It also should be noted that in the 1950s, Viktor Glukovsky, of Kiev, USSR, developed geopolymer concrete materials.]

Also, yes, I know, Robert, the definition of a serious libel (and slander) from *The Associated Press Stylebook and Libel Manual*, the doctrine of Privilege being voided when written maliciously.

So, Michele, Robert is giving you an opportunity of ending this unending nightmare where you still could end-up the scapegoat of some Region 6 embedded pseudo-Re-Trumplican “Political Discourse” Climate Change Traitor’s subversive mission.

End this — after reading the [ECO-GoGreen-Magazine.com](http://ECO-GoGreen-Magazine.com) article already answering some of your misinformed reasoning “from other sources” which would be called to testify the truth in court, if needed, by simply signing the approval of a FS -2800-5 Plan of action.

Do this before— I ask for an **appeal to the United States Department of The Interior, Office of Hearings and Appeals**, 801 N. Quincy St., Suite 300, Arlington, VA 22203, which will be reported on [WesternMiner.com](http://WesternMiner.com). [Sorry, I just did]

Do the right thing — before I also take this to another Court of Public Opinion at a reorganized-[WesternMiner.com](http://WesternMiner.com) Mining District Forum with a fundraising plea for political PAC contributions to campaign against the USDA/USFS taking away the Mining Law of 1872 “Prudent Man” rights by “handshake agreements” with the Department of The Interior that the public still does not fully understand.

Do the right thing — and I promise to work with you as a “backyard partner” to supply a gift to the community of a 3M style “green nepheline asphalt” which could be applied directly on a mineral earth mountain bike trail to prevent rain-forest washouts. **Work with us, as your mission statement partners, for tourist recreational attraction benefits, as well as, clean jobs employment of forming affordable tilt-up housing.**

Barry Murray (503-753-5868)  
<https://theprospector.com>

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And , as Ranger Holman's (et al) Final Letter of November 4th (attached) surprised me with some "Timeline" statements — many of them opening the door to Freedom of Information Requests, as to the 1976-80s drilled exploratory drill hole (scanned) core logs for the "Table Mountain Quarry Development (Proposed), Final Environmental Assessment, Siuslaw National Forest, Plan".

Other misstatements published by Ranger Holman in her denial of an operator's **36 CFR 228, Subpart A**, rights following an already accepted Notice of Intent, introduced , "Wm B. Murray's (not appellant) [My Father] subject claims on Table Mountain" which is not the case at all.

What I know about Mining Law, concerning Association Placer Claims, really dates from my childhood working my way through grade school as an after-school office boy for my very 'Scottish' frugal Attorney at Mining Law father, that soon had me assisting his Geological Consulting Company stable of MIT, Montana and Nevada Schools of Mines, and Chase Manhattan Bank, Mineral consultants. This was the beginning of my "media" career as I taught myself how to run a Multilith printing press to print geological reports which often included my photography. So, I learned the importance of only printing the truth, and understood, early on, that it was unethical for "Wm. B" put his name on a Location Notice for a clients benefit.

In other words, my father was not the owner of Western Nepheline Company. I remember bringing a cup of coffee to Mr. Gilkey, President, waiting until "Da" was free for his appointment, while discussing the limitation then of the Table Mountain Nepheline containing too much iron for making clear glass. The thought to this devout Christian become the part of bottling alcohol in colored glass for preservation, was blaspheme. And, I remember his excitement — before JFK— talking about going to the moon in a Nepheline Ceramic rocket ship, that Biblically, "came to be".

About here, I need to introduce extracts of a "Prudent Man Doctrine" Seminar Paper presented by Wm. B at the University of San Francisco, September 17, 1977. He Wm. B died in 1983.

## **Mining Claims — Legal Aspects**

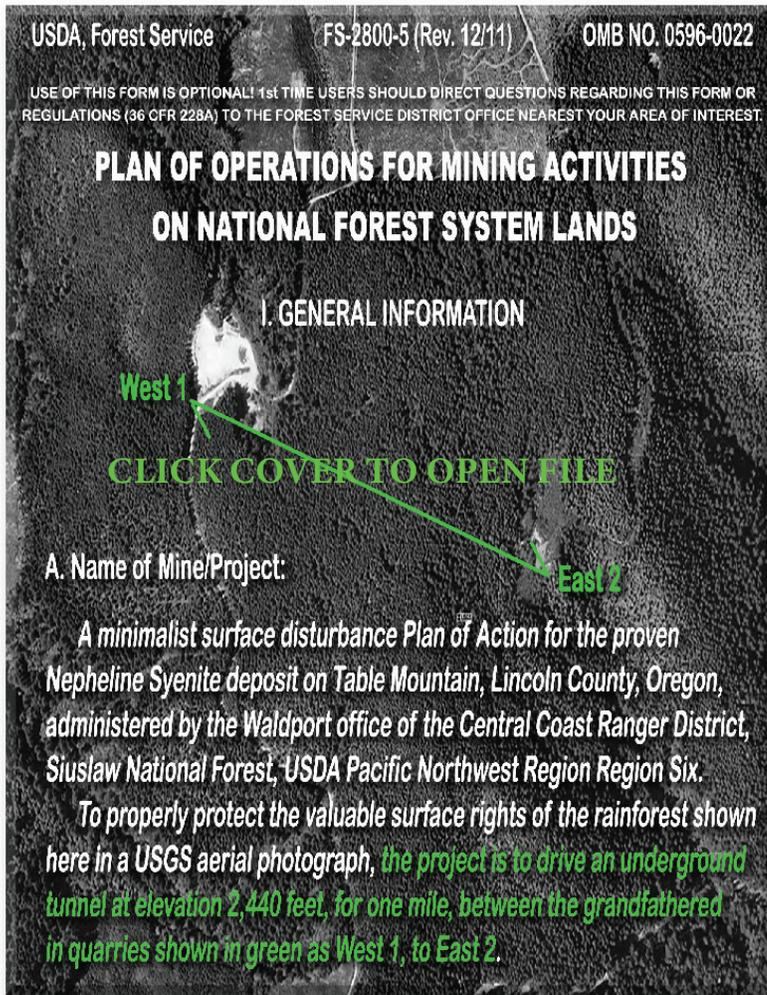
*By Wm. B. Murray, LL. B., J.D.*

**The Supreme Court of the United States has said that a perfected mining claim is property in the highest sense of the term.** Even as to the National Forest public domain, Forestry recognizes that mining claimants "have a statutory right, not a mere privilege, under the 1872 mining law and the Forestry Act of 1897" to explore, develop and produce minerals from national forest land.

**Congress, under the "Supremacy Clause" 8 and the "Property Clause", 9 enacted the mining law of 1872. Your rights to a perfected located claim are constitutionally protected.**

In the mining law, the United States made an offer to citizens to grant them title to lands bearing valuable mineral deposits when they discover and locate such deposits.

**When this offer is accepted, it becomes a contract.**



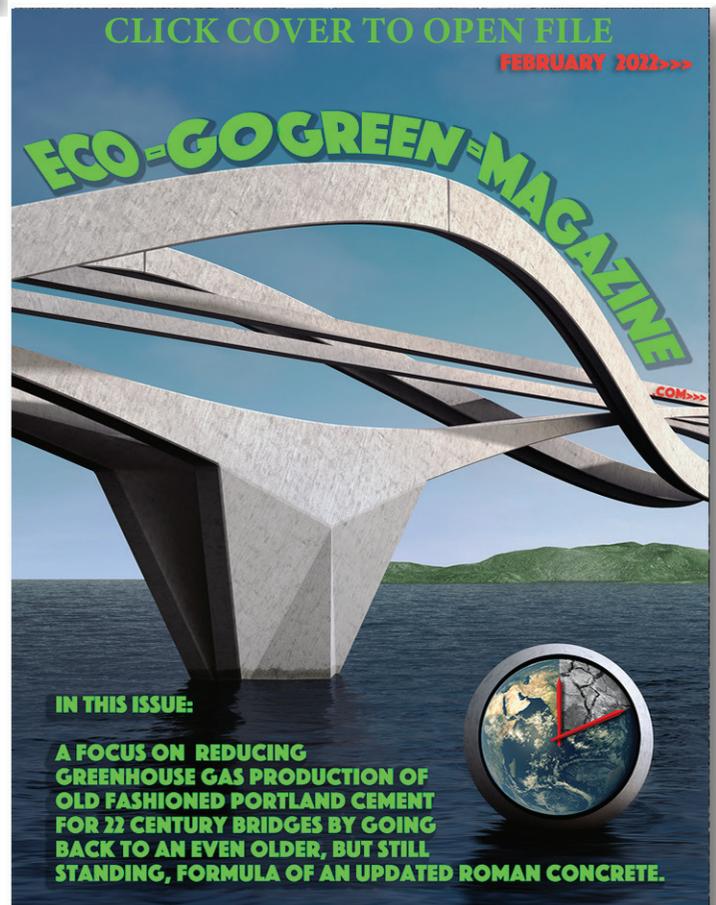
This registered filing of this FS-2800-5 [Plan of Operations](#) for Mining Activities on National Forest System Lands was an attempt to give the USFS a way of defending itself from nasty media attacks from far left “tree huggers”. Which I know, for being one myself, needs true science to talk the truth.

As an Oregon “Prudent Man” Prospector who knows how to protect his own backyard *with an ECO awareness, perhaps I overdid the information needed to show the correct way of going underground, as shown, from established West 1 to East 2 Quarries. This without cutting any trees, nor leaving behind an ugly tailing dump of salable product.*

So imagine my disgust when international competitors (Russia, China, Iran) used the Political Influence of the Trump/Putin —TP Party to say, “Nyet.”

I should reveal, in this investment styled ‘red herring’ that I have had two careers in my life that occasionally blend together as one.

As my MiningMagazines, where TheProspector (whose field experience memoirs will date back to the uranium “rush” of 1955 first appeared on fellow Asperger’s Al Gore’s (and “incomplete education” Steve Jobs, and Billy Gates 2% Internet). As other “high functioning” Asperger’s leaders in saving the only inhabitant planet today — as Greta Thunberg, Elon Musk, may need a pragmatic go-between magazine as a place to explain away “scientific disbelievers” insane babbling, as I have heard back from potential independent investors — “*Because this proposal addresses mineral materials, the Forest Service cannot evaluate your proposal under the U.S. Mining Laws... as 36 CFR 228 Subpart A*”!





**File Code:** 2810

**Date:** November 4, 2021

**Subject:** Nepheline Syenite Mine at Table Mountain – Appeal Responsive Statement  
Appeal Number #22-06-12-0001-214

**To:** Mr. Barry Murray  
3703 East Alsea Highway  
PO Box 678  
Waldport, OR 97394

Dear Mr. Murray,

This letter serves as the Responsive Statement to the appeal filed by you, Barry Murray (appellant), regarding the request for a plan of operation for a nepheline syenite mine on Table Mountain on the Central Coast Ranger District – Oregon Dunes National Recreation Area of the Siuslaw National Forest. As required by regulations at 36 CFR 214.12 and 214.14; I attest that all other parties to the appeal have been provided this document (at this time includes the Appeal Deciding Officer Robert Sanchez).

### **Mining District Court — Discovery Point #1 (The USFS has been invaded by Bullies )**

Ranger Michele Holman —this is a recent copy of your “missing letter” of November 4, 2021, digitally signed by you(?), supposedly sent by you(?), to an out-of-date POB address, and physical presence **I had to abandon due to the threat of an elder-hate-crime physical attack on Table Mountain by a Tea Party TP “freedom fighter”, funded by the alleged #1 American Oligarch?**

I explained to you during the friendly telephone conversation —about the same time as this fraud was published— where I was proceeding ahead on assurances that you **reported you had “expert advice help”, needed to recognize the truth on what was, or wasn’t “common variety”.**

Do you remember during that call my compliant about how helpless I felt when catching two MAGA wearing hats, loading even more of my [“ECO-Minerals-Stockpile.net”](http://ECO-Minerals-Stockpile.net) into a big tire truck with a Trump TP [Trump/Putin?] Radical far-right flag flying, political party thugs, in open defiance of Mining Law and Code of Federal Regulations with a **“we were just following orders”** authorization, by whom(?), to steal the material I was using for Proof of Concept housing experiments with only a USFS acknowledged Notice of Intent, **stopping me from any chance competing in an open marketplace as you had declared my ore was “nothing but common gravel.”**

I also had reported this incidence to your mining manager, just as I had done previously when [criminals had removed the “Whose Rock?” stockpile](http://MiningMagazines.com), as shown on the cover of an [MiningMagazines.com](http://MiningMagazines.com) E-Market Report, appealing that the rule of law —at least established Miner’s Law— should followed. The zero acknowledgment of my Real Property Rights being violated by Mineral Trespass problem, was in part based upon this famous November 4, 2021, letter that ...

REVIEW

**HOW A NATURALLY FORMED NEPHELINE SYENITE ALUMINO-SILICATE [Al<sub>2</sub>O<sub>3</sub>/SiO<sub>2</sub>] HIGH PERFORMANCE GEOPOLYMER 'PASTE' IS BEING LEFT BEHIND IN A ONE-SIDED RACE TO REPLACE EXCESSIVE HIGH GREENHOUSE GAS [GHG] PRODUCTION CAUSED BY THE MANUFACTURING OF AN OUT-OF-DATE PORTLAND CEMENT FORMULA**

A MININGMAGAZINES.COM WHITE PAPER "BOOK" CHAPTER LOCKED IN A PASSWORD PROTECTED PDF INTENDED FOR PEER REVIEW DISTRIBUTION FOR "CORRECTIVE" COMMENTS ON DELIVERING A NON-PROPRIETARY HOME BUILDING MATERIAL USED TO PROTECT ORDINARY HUMAN BEINGS AGAINST CATASTROPHIC CLIMATE CHANGE COLLAPSE..

**A HISTORICAL INTRODUCTION**

**A CURIOUS THING HAPPENS WHEN DISCUSSING 'GEO-LOGICAL' TIME** divided into Epochs and Ages — even amongst those that profess to understand the earth sciences. We also collectively like to think that a solid bit, of a solid rock, chip of rock sample that can be seen to be different, even without an examination glass, tossed to another for a scratch, feel, taste, field test that really does not really apply to the advertising industry standard of trust of, "solid as a big rock", something not being that important today during an emerging of nano technology breakthroughs becoming "breaking news", with answers to combat disputed political battles using "Global Warming" dis-information to cover-over the cause and effect of [NASA's proven Climate Change Evidence: Vital Signs of the Planet.](#)

Just as Oregon's "big" plutonic plug, pipe, or sill deposit of Nepheline Syenite, identified as an Alimino-Silicate, containing the Rare Earth's of Lanthamun and Cerium identified by the Bureau of Mines Research Facility in Albany Oregon —since closed by Congress as a costs savings?

A typical "[conservative](#)" [miscalculation](#) that directly benefited China's Rare Earths superiority when it comes to Electric Vehicle motors and batteries that already have shown a measurable difference in turning back the Global Warming Greenhouse Gas Doomsday Clock —something that apparently cannot be accomplished by the political energy wasted by talking-head flapping lips.

This unique, large, and until recently unknown Nepheline / Feldspathic nano science Cement, identified with two light REEs supporting the pyroclastic flows [think Obsidian and volcanic Tuff] Nepheline Syenite roles in modern glass resistance and an unexplored oxide that allows the selective absorption of ultraviolet light.

Through the BM/USGS "glassy" volcanic research on the unique Table Mountain

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And here is another geologic contribution, which is also available as a accredited scientific paper —also search on-line by the full title— previously published by MiningMagazines.com, by a "third party" expert often used to report from the wild and windy "wool stockings" field. Often in rebuttal to a "deep canyon silk stockings" egg-spurt who rides an elevator to report what he thinks is a proper length x width x depth tonnage examination (of his cubical?) which is just down a hallway from the web savvy VP in charge of Investor Relations.

The professional truth— **potential investors in any natural resource venture, dependent upon when doing their own "due diligence", need something more than a Toronto Stock Exchange 43-101 vetting, as brought about by the Breix Scandal.**

To save you the trouble of trying to reach a new ECO awareness magazine which hasn't received the usual search engine "sand box" exposure, you may read, and download as a individual (locked for security reasons) virus free Adobe Acrobat PDF file.

**Much of this Academic Review has been validated as the scientifically correct answers reviewing the USFS "ghosting" for over 1,000 days —for economic reasons?— by hiding behind very outdated, and hard to read court decisions, from the 1900's.**

**Also, this paper goes beyond the dissemination of Portland Cement Association papers defending their best interests by ignoring their role in manufacturing of greenhouse gases and promulgating the use of coal dust 'Fly Ash', at only 40% — as a replacement for, zero carbon, [78 % natural Roman Pozzolina Cement](#), for ECO-Geopolymer-Concrete.**

**THE SCIENTIFIC WAY TO DEAL WITH CLIMATE CHANGE IS TO FOLLOW GEOLOGICAL EVENTS DEALING WITH THE LIVING ROCK OF THE NEPHELINE SYENITE ALUMINA-SILICATE FAMILY**

BY KEYSER SÖZE, FEBRUARY 2020

**One simple way to deal with Global Warming is to start with the basics** of living on a planet still in formation. Beginning with the transformation of deep seated molten magma that was a uplifted as an intrusion — a volcanic pipe that did not explode and dissipate as pumice into the atmosphere — or flow as a glassy silicate Obsidian, which cooled so rapidly that atoms were unable to arrange themselves into a crystalline structure, which is why this amorphous material is known to some as a "mineraloid" just as mined Anthracite or Bituminous coal.

As, however, the bits of a Nepheline Syenite in a "natural glass rock" that can be measured by Atomic Weight, it is even harder to describe the liquid mantel transformation of a pyroclastic flow bubbling, burping, folding, and being reheated again, and again, into a puddle of a naturally "cemented" sill, which somehow reminded someone of *The Septuagint* (the Greek version of the Old Testament) translated "Nephilim", with the Greek word for "giants." Appropriate, for all the struggle of solidifying. So, it became written — Nepheline Syenite, Na3KAl4Si4O16 — almost as joke of a rock seldom seen in mineral educational collection specimen kits for students.

Where Barry Murray's friend and mentor, Alaskan Ernest Wolff, a Research Associate for the Alaska College Sciences and Mineral Industry —and better known for his "*Handbook for the Alaskan Prospector*" — described Nepheline Syenite as a "*Magmatic concentration of contact metasomatism*". What triggered his interest was when Canadian Nepheline Syenite claims were staked on Blue Mountain near Peterborough, Ontario, in 1932 — where this "common variety material" is still being produced by an often described, by informed sources as an "International Cartel."

Today, in Costesti , Transylvania, Romania, tourists are drawn to "Trovants", a German term for "Sandsteinkonkretionen" for cemented sand that when it is chemically active secretes a cement making it appear to grow at times, as if alive. Perhaps the explanation of a "*Fluid Evolution in the Nepheline Syenites of the Ditrau Alkaline Massif, Romania*" an intrusion in crystalline zone of Nepheline syenites. The insider joke being, a long ongoing discussion as to exactly what is the crystal pattern on an ever-changing holocrystalline —where every bit of the mineral matter is in a crystalline form, and there is no glassy fractions—other than the plutonic rock.

Just as mysterious was a Paper out of the *Department of Chemistry, University of*

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... I knew nothing about until “your letter” of January 18, 2022 arrived. Again reinforcing the egregious December 24, 1918 statement that Nepheline Syenite could not be considered as anything other than a common variety. **“Because this proposal addresses mineral materials, the Forest Service cannot evaluate your proposal under the U.S. mining or locatable mineral authorities at [36 CFR 228 Subpart A](#)”.**

Since you, Ranger Holman, had been the only one corresponding with me at my new address, which also is the official notification for **ECO-Mining-Milling Limited Cooperative Association LCA**, the proposed operators of the claims. I am assuming someone up-the-pay grade smart enough to read Forest Supervisor strategic legal planning memos on how to hide behind illogical thinking, and something to do with a Kafka dictator style kangaroo court gas-lighting, as in his unfinished novel *Amerika*— similar to a, **“As no oral presentation is being conducted, the record is now closed.”**

This undelivered, unknown, Appeal Number 22-06-12-0001-234, out of time statement, supposedly went on to forwarding Discretionary Reviewing Officer (address unknown) who **“If the Discretionary Review Officer takes no action within 30 days [from January 18, 2022] ... then my decision shall constitute the USDA’s final administrative decision!”** — with no input at all from the BLM.

Which is why my next appeal is to the Department of Interior, BLM, who I pay \$5,000 + every year to **keep my mining claim title safe from any possible USFS Hatch Act violators who act as if they did not understand the significance of the clear-listing of Alumina-silicate Al<sub>2</sub>O<sub>3</sub> / SiO<sub>2</sub> in a time of Global Warming War** needing a replacement of manufacturing a cement that is the 2nd largest producer of produces greenhouse gases. Third place goes to the manufacturing steel, for old-fashioned re-bar use.

## ISSUE SUMMARY

The Central Coast Ranger District – Oregon Dunes National Recreation Area of the Siuslaw National Forest has determined that nepheline syenite at Table Mountain is a common variety mineral material and is not subject to location under the United States Mining Laws (17 Stat 91; 30 U.S.C 22 *et seq.*), as amended by the Surface Resources Act of 1955 (30 U.S.C 601). The appellant has not demonstrated that the material he proposes to remove is subject to location under the United States Mining Laws, as amended; therefore, the Forest Service cannot process the proposal under regulations pertaining to locatable minerals at 36 CFR 228 Subpart A. **[Nepheline Syenite is NOT a “common variety mineral”]**

As I understand from the submitted plan of operations, the appellant intends to use nepheline syenite in the production of a geopolymer, which is similar to cement, intended for construction purposes. Geopolymers are inorganic binders produced from aluminosilicate-containing material. These materials can include fly ash, mine tailings, kaolinite, blast furnace slag, volcanic tuffs, and other types of industrial waste material (Ahmari, 2015<sup>1</sup>). **[Nepheline Syenite IS the #1 ECO-Geopolymer-Concrete, because it is a alumino-silicate natural pozzolona volcanic fly ash tuff, superior in performance manufactured waste materials, as coal dust “fly ash!]**

## BACKGROUND

Table Mountain is located approximately 11 miles northeast of Waldport, in Lincoln County, Oregon. Table Mountain is of mixed estate, partially public domain land managed by the United States Forest Service (USFS) Central Coast Ranger District – Oregon Dunes National Recreation Area of the Siuslaw

<sup>1</sup> Ahmari, S., Parameswaran, K., Zhang, L., 2015, Alkali activation of copper mine tailings and low-calcium flash-furnace copper smelter slag. *Journal of Materials in Civil Engineering*, 27(6), [04014193]. [https://doi.org/10.1061/\(ASCE\)MT.1943-5533.0001159](https://doi.org/10.1061/(ASCE)MT.1943-5533.0001159)

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A valuable [ECO-Mining-Milling.com](http://ECO-Mining-Milling.com) project now being put into production by going underground from an existing "grandfathered" quarry, with no trees to disturb, by a [publically open and honest CO-OP.](#)

National Forest and partially private lands currently held by Weyerhaeuser (formerly by Georgia-Pacific). Access to Table Mountain is by Forest Service Road (FSR) 5200-000 which is a steep single-lane paved road with pullouts. At the top of Table Mountain is a large communication facility with a large cell tower and generators authorized under Special Use Permit by the USFS. The FSR to this facility is gated and locked. The USFS has two quarries on Table Mountain. One USFS quarry is inactive and is accessed by foot on a decommissioned FSR. The second USFS quarry appears active with a two-acre unvegetated pit floor and small outcrop. No USFS stockpiles were observed. The Weyerhaeuser parcel has a large, very active quarry and fresh crushed aggregate stockpiles. Spur roads at the top of Table Mountain use the local nepheline syenite material for aggregate. **[I also authorized the gate to the jetty rock quarry, but have never been issued a key!]**

Table Mountain is a geographically extensive sill of nepheline syenite, intruded into the Tyee Formation. The Tyee Formation is a Middle Eocene sequence of rhythmically bedded sandstone and siltstone, much of which has been eroded away. Locally the Tyee Formation makes up shallow overburden with a maximum thickness of 15 feet (USFS, 1982b<sup>2</sup>). "Nepheline syenite, a somewhat rare type of igneous intrusive rock, occurs in Lincoln County at both Table Mountain and Blodgett Peak" (DOGAMI, 1973<sup>3</sup>). The intrusive body of nepheline syenite at Table Mountain is believed to be at least 250 ft thick, with an exposure of approximately one square mile (USFS, 1982b<sup>2</sup>). Overburden at the site is primarily soil and decomposed rock approximately three feet thick. The estimated total volume of nepheline syenite at Table Mountain is approximately 700 million tons of recoverable material. Nepheline syenite in other parts of the world are used as flux but Table Mountain material is not suitable for this because of a high iron content. (DOGAMI, 1973<sup>3</sup>). **[Recent university research has shown the iron content as an clean-air advantage as a flux when making steel !]**

Nepheline syenite in Lincoln County, Oregon has been used successfully for jetty rock and is a potential source for future supply (DOGAMI, 1973<sup>3</sup>). Since circa 1970, the Forest Service has considered nepheline syenite at Table Mountain to be a high-quality aggregate source because of its strength and resistance to decomposition, which exceeds all USFS material specifications (USFS, 1982b<sup>2</sup>), and it has actively been quarried for the purposes of road construction and maintenance.

Limited research reveals nepheline syenite has been successfully open-pit mined and marketed in other parts of the world. In the United States, nepheline syenite is quarried in Arkansas and used as common construction material only, due to its iron content, which is too high for the manufacturing of glass (Arkansas Geological Survey, 2020<sup>4</sup>). Deposits of nepheline syenite in Ontario, Canada are high purity deposits used for additives in glass (to lower its viscosity), in paints, and ceramics (Covia, 2014<sup>5</sup>). In Egypt, nepheline syenite is used as a raw material for glass and ceramics, as a flux, and as a source of alumina (Abouzeid, 2014<sup>6</sup>). In Russia, nepheline syenite is used in the production of alumina and soda ash, due to a **[I Russia also makes a nepheline syenite cement. And 3M might not like having their "Arkansas... common construction material" downgraded from their very sophisticated heat barriers, etc !]**

<sup>2</sup> [USFS] U. S. Forest Service. 1982b. Table Mtn. Quarry Development Plan, Siuslaw National Forest, U.S. Forest Service, U.S. Dept. of Agriculture.

NOTE: The proposed Development Plan is [USFS] U. S. Forest Service. 1982a. Table Mountain Quarry Development (Proposed), Final Environmental Assessment, Siuslaw National Forest, U.S. Forest Service, U.S. Dept. of Agriculture.

<sup>3</sup> [DOGAMI] Oregon Department of Geology and Mineral Industries. Schlicker, H.G. 1973, Environmental Geology of Lincoln County, Oregon, Bulletin 81, Portland, OR. <https://www.oregongeology.org/pubs/B/B-081.pdf>

<sup>4</sup> Arkansas Geological Survey, 2020, Nepheline Syenite, <https://www.geology.arkansas.gov/minerals/industrial/nepheline-syenite.html>

<sup>5</sup> Covia, 2014, Canadian Nepheline Modernization, website: <https://www.canadiannepheline.ca/>

<sup>6</sup> Abouzeid, Abdel-Zaher M., Negm, Abdel-Tawab A., 2014, Characterization and Beneficiation of an Egyptian Nepheline Syenite Ore, International Journal of Minerology, vol 2014, Article ID 128246, 9 pages. <https://www.hindawi.com/journals/ijm/2014/128246/>

**7 [Geological Events Dealing with Living Rock of the Nepheline Syenite Alumina-Silicate Family](#)**

**8 [Naturally Formed Nepheline Syenite Alumino-Silicate \[Al<sub>2</sub>O<sub>3</sub>/SiO<sub>2</sub>\] High Performance Geopolymer](#)**

**9 [0011Russian NephelineCement \(part of the July 2018 FS 2008-5 filing\)](#)**

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NEPHELINESYENITE.COM

**FOAMKRETE**.COM  
"AN OREGON ICE TO FIRE PROTECTION LOW COST HOME BUILDING ADVENTURE"

*A compilation of not exactly truthful USFS "Smokey" junior forest rangers, perhaps politically Hatch Act influenced, letter replies to a PLAN of ACTION requiring a minimal surface disturbance to access Department of the Interior USGS qualified and BLM registered claims to ECO MINE an ECO PRODUCT without even leaving a tailing pile.*

Nepheline Syenite >>>

FoamKrete Concrete

>> 'R' Value+ Finish

Also on-file at [MiningMagazines.com](http://MiningMagazines.com) for the public's right to know how their tax dollars are being used by FTC violating monopolistic control freaks to restrain laissez-faire free miners free trade.

lack of easily producible alumina sources such as bauxite and limited limestone reserves. However, as of 2016, the Russian commodity markets made it uneconomical for these uses (IM Research, 2016<sup>7</sup>). Turkey has considerable nepheline syenite deposits containing 1.3% iron oxide on average, which are also considered too impure for glass manufacturing unless “beneficiated by flotation or/and magnetic separation” (Kangal 2018<sup>8</sup>). In Norway, one of the world's leading producers and exporters of nepheline syenite, it is primarily used in the production of glass and ceramics (Neeb, 2004<sup>9</sup>). Other countries with nepheline syenite reserves are Germany and Brazil (Wikipedia, 2021<sup>10</sup>).

The 2020 Feldspar and Nepheline Syenite Mineral Commodity Summary paper prepared by the U.S. Geological Survey stated nepheline syenite produced in the United States was not included in production figures because the material was not considered to be marketable as a flux and was mostly used in construction applications.

## TIMELINE

In 1960 Western Nepheline Company located placer claims in the vicinity of William B. Murray’s (not appellant) subject claims on Table Mountain.

On April 3, 1970 (Appendix K-1<sup>11</sup>) William B. Murray (not appellant), owner of Western Nepheline Company, granted the USFS permission to remove nepheline syenite from his placer claims on Table Mountain for common uses so long as the quality is such that it is not acceptable for higher use.

On April 7, 1970 (Appendix K-2<sup>11</sup>, letter from Assistant Regional Forester C. Merle Hofferber to the Siuslaw Forest Supervisor) stated that the “[USFS] can proceed as if no mining claims were present. The Western Nepheline Company has the responsibility of checking the quality of the deposit from time to time. If the quality should improve at any of the rock sites and the nepheline syenite becomes valuable for a higher purpose than road metal, [USFS] have no alternative but to stop removing rock from that particular source. Our mining engineers have a serious doubt that the quality will ever improve to the point that nepheline syenite will be industrially acceptable.”

In January 1976, USFS drilled two exploratory drill holes and during the 1979-80 winter drilled seven holes at Table Mountain. Laboratory test results and drill logs are included in the Table Mountain Quarry Development Plan. Core photographs are in scanned files.

On January 4, 1982a<sup>11</sup>, the final Environmental Assessment for Table Mountain Quarry Development (Proposed) was signed by District Ranger Robert Bartholomew. Appendix E, Site Geology states it “is

<sup>7</sup> IM Research, 2016, Producing soda ash from nepheline in Russia, Euromoney Institutional Investor PLC group, <https://www.indmin.com/Article/3531733/Producing-soda-ash-from-nepheline-in-Russia.html>

<sup>8</sup> Kangal, M.O.; Bulut, G.; Yesilyurt, Z.; Basturkcu, H.; Burat, F. Characterization and production of Turkish nepheline syenites for industrial applications. Physicochem. Probl. Mi. 2019, 55, 605–616. <http://www.minproc.pwr.wroc.pl/journal/pdf/ppmp18172.pdf>

<sup>9</sup> Neeb, Peer-Richard, 2004, The Norwegian mining and quarrying industry in 2004, Geological Survey of Norway, NGU report 2005.042, [https://www.ngu.no/FileArchive/227/2005\\_042.pdf](https://www.ngu.no/FileArchive/227/2005_042.pdf)

<sup>10</sup> Wikipedia, 2021, Nepheline, <https://en.wikipedia.org/wiki/Nepheline>.

<sup>11</sup> [USFS] U. S. Forest Service. 1982a. Table Mountain Quarry Development (Proposed), Final Environmental Assessment, Siuslaw National Forest, U.S. Forest Service, U.S. Dept. of Agriculture.

12 [ExtremedurabilityinancientRoman.pdf](#)

13 [AluminosilicatesTechnologyMap.pdf](#)

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# FEASIBILITY STUDY

## RIA Mines Inc.

RIA Mines Inc.

2003 NW Oceanview Drive Newport, Oregon 97365, USA  
Phone: 1-971-222-3394 Cell phone: 1-541-272-1345 Email: [tbm@riamines.com](mailto:tbm@riamines.com)

**March 2006**

As RIA Mines was operating on a lease/option, and I was working on other projects, it would be interesting to know the full story of everything falling apart after Dr. Manton was arrested for kiddie-porn on his laptop?

used locally for aggregate and exceeds all USFS specifications for road construction.” In May 1982b<sup>12</sup>, the Table Mountain Quarry Development Plan was completed.

Throughout the 1980s, nepheline syenite rock from the Table Mountain Quarry was crushed for aggregate and used for timber sale road maintenance.

On June 18, 1996, Barry G. Murray (appellant) located a block of 32 lode claims (ORMC 151343-151374) in Section 1, Township 13 South, Range 10 West, and Section 6, Township 13 South, Range 9 West Willamette Meridian. The mining claims are active in the Bureau of Land Management Mineral and Land Records System online database with the next renewal date of September 1, 2022.

On January 3, 1997, Dr. Thomas Manton (a former partner of the appellant) met with USFS Geologists Janine Clayton and Courtney Cloyd in Corvallis at the Siuslaw Supervisors Office. Others in attendance were personnel from Wright Brothers, Inc., the Department of Oregon Geology and Mineral Industries (DOGAMI), and Lincoln County Economic Development Corporation. Clayton explained basic procedures in approving mineral operations on National Forest land, submittal of plan of operations, environmental review, and land management (the area is designated as Late Successional Reserve (LSR) under the Northwest Forest Plan, and has other USFS environmental concerns). Clayton stated the USFS requires Special Use Permits for private entities with inholdings to haul over USFS roads. The DOGAMI representative explained the State of Oregon’s process for permitting mining or quarrying activities that would exceed 5,000 cubic yards per year. They provided Dr. Manton a copy of the [36 CFR 228C regulations](#), a blank Plan of Operation [FS-2800-5] form for guidance, and a copy of “Anatomy of a Small Mine” for reference. They also discussed mining from existing exposures to finance future exploration, and removing iron oxide contaminants via magnetic separation (they provided a copy of a US Bureau of Mines study showing the process would not work on the Table Mountain material). They also discussed the orderly process for taking a mineral deposit from discovery to mining, which involves exploration by drilling to determine the extent, volume, and ore grades, more drilling to block out ore, and then mining. Dr. Manton did not say when he would submit a plan of operations.

From February 2004 to the present, the appellant has solicited partners to invest in mining the Nepheline #1-32 Mining Claims. <http://mininginvestment.com/NSclaimslease.html>

On June 13-15, 2006, USFS Geologist Ruth Seeger exchanged email with USFS Region 6 Mineral Program Manager Robert Fujimoto. Seeger stated that RIA Mines (<http://www.riamines.com/mines.htm> - no longer active but copied in files) had sent a sample of Table Mountain material to the Hanford Site in Washington State for testing, and reported promising results regarding use of the material for radioactive waste containers. Fujimoto proposed the sale of a “small” amount for testing, then if things worked out the proponent could submit a plan of operations. The USFS could then decide whether the existing in-service needs would preclude the release of deposit for commercial mining. At this time, it is premature to look further into the question of whether the deposit should be regarded as of common vs. uncommon variety.

From 2007 to 2011, Mineral Administrator Robb Ginn and other USFS geologists made multiple visits and mining inspections (4/10/07, 4/29/08, 6/5/08, 5/18/09, 9/27/10, 4/21/11, and 7/20/11). The

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<sup>12</sup> [USFS] U. S. Forest Service. 1982b. Table Mtn. Quarry Development Plan, Siuslaw National Forest, U.S. Forest Service, U.S. Dept. of Agriculture.

**[Being this is the first time the 1982b Table Mtn. Development Plan has been mentioned to me, the mineral claimant, and editor of [MiningMagazines.com](http://MiningMagazines.com). We are hereby formally making a Public Freedom of Information Request for all the drill logs, environmental studies, field examinations, which have been hidden.]**



United States  
Department  
of Agriculture

Forest Service

**Intermountain  
Research Station**

General Technical  
Report INT-GTR-35  
Revised

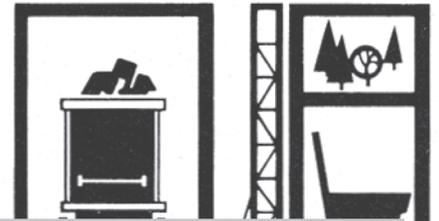
February 1995



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# ANATOMY OF A MINE FROM PROSPECT TO PRODUCTION

**This is how a Plan of Action  
is supposed to be processed  
if anyone gave a still gave  
a damn about foreign  
control over US  
Strategic Minerals  
as Rare Earth's & Rocks ...**



Espacenet Patent search  Office/Lang

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Results > RU2683102C1

**RU2683102C1** METHOD OF PROCESSING NEPHELINE CONCENTRATE [Patent Translate](#)

[Bibliographic data](#) [Description](#) [Claims](#) [Drawings](#) [Original document](#) [Citations](#) [Legal events](#) [Patent family](#)

CPC **C01B39/14 (RU); C01B39/22 (RU);**

Priorities RU2018120642A:2018-06-04

Application RU2018120642A:2018-06-04

Publication **RU2683102C1**:2019-03-26

Published as **RU2683102C1**

No drawings found. Please consult other publications of this patent family in "Advanced Search", if displayed above.

**ENRU**  
METHOD OF PROCESSING NEPHELINE CONCENTRATE  
Abstract

FIELD: technological processes. SUBSTANCE: invention relates to the preparation of zeolites from nepheline concentrate. method for processing nepheline concentrate, which is a waste of a processing plant for processing apatite-nepheline ores, is proposed. Nepheline concentrate is ground to a particle size of less than 250 microns, sintering of the concentrate with caustic soda is carried out at 300-340 °C for 2.5-4.0 hours, add the sodium silicate solution, alkaline solution and distilled water to obtain a reaction mixture for the synthesis of zeolites NaA or NaX. Hydrothermal synthesis is carried out for 12-36 h, the precipitate is filtered, washed with water until pH=8, dried and calcined, and the basic solution after filtration is returned to the stage of obtaining the reaction mixture. EFFECT: technical result of the invention is to provide the possibility of obtaining type A and X zeolites from the waste of the beneficiation plant for processing apatite-nepheline ores. 1 cl, 1 tbl, 5 ex

**[Much of this “Diary” is incorrect, assumptions, and incomplete— first Association Placer Claims on the Mountain was in partnership with a geologist/lawyer, who had to divest when hired as a BLM examiner.**

inspections record shows no evidence of mining activity by the appellant was found at the nepheline syenite claims on Table Mountain.

On June 21, 2011, a meeting was held at the request of the appellant at the Waldport Ranger District with USFS Mining Geologist Ruth Seeger and Mineral Administrator Robb Ginn. The appellant and his wife Bobbi Murray (claimant), began by explaining the history of the claim. Discussion topics and explanations included the use of nepheline syenite, disposal of waste rock, sample methods and submitting a notice of intent (NOI), what criteria are used to determine locatable minerals versus mineral materials (36 CFR 228 subpart A v Subpart C), and that no mineral material permits (FS-2800-9 form) had been issued to the public on Table Mountain because the area is within a mining claim. The appellant stated that at this time no work was being done on the claim and samples would be hand-gathered if needed.

On September 13, 2011, Bobbi Murray called seeking a packet to submit a plan of operations for Table Mountain mining claims.

On October 28, 2013, the appellant called with concerns that a Mr. Mike Gold of Green Mountain Minerals might send a fraudulent and unauthorized plan of operations for the Table Mountain claims, that he does not authorize anyone to submit one for him, and if one is submitted by another person to contact him.

On July 20, 2018, the appellant submitted a locatable plan of operations FS Form 2800-5.

On Dec 10, 2018, Central Coast Ranger District – Oregon Dunes National Recreation Area Ranger, Michele Jones (Holman), replied to the appellant returning the plan of operations stating that nepheline syenite does not meet the McClarty Test (IBLA 72-118)<sup>13</sup> and is not a unique mineral subject under the 1872 Mining law, as amended.

On May 1, 2021, the appellant re-submitted a locatable plan of operations FS Form 2800-5 without explaining why the nepheline syenite is unique under the McClarty Test (IBLA 72-118)<sup>13</sup>.

On July 21, 2021, Central Coast District – Oregon Dunes National Recreation Area Ranger, Michele Holman, replied to the appellant, returning the plan of operations and again stating that nepheline syenite does not meet the McClarty Test (IBLA 72-118)<sup>13</sup> and is not a unique mineral subject under the 1872 Mining Law, as amended.

On August 13 and 16, 2021, the appellant replied by submitting a hand-marked-up Forest Service letter dated July 21, 2021, and a nepheline syenite rock sample. A formal letter followed on August 16, 2021, to acting Forest Supervisor Kevin Larkin titled “Is Smokey The Bear A Global Warming War Traitor?”, subtitled “Western Miner a Publication of MiningMagazines.com, August 2021”. The letters did not clearly state what the appellant was appealing or the unique properties of nepheline syenite.

***[Let me state again for the record that [WesternMiner.com](http://WesternMiner.com) does not recognize the logic of an Agency only dating from 1905 to block any common varieties of Department of the Interior disposal of— or offering up for lease— of any claims validated by BLM registration of mineral rights. And, yes please, would the writer of this assumption respond to a summons to appear before a 1872 Mining Law authorized Mining District Court?]***

<sup>13</sup> The definition of “uncommon varieties” of mineral materials that are locatable under the General Mining Law are summarized by case law in McClarty vs. Secretary of the Interior 08 F.2d 908 (9th Cir. 1969) and is often referred to as the McClarty test. <https://www.oha.doi.gov/IBLA/IBLadecisions/017IBLA/017IBLA020.pdf>

***[The continual citation of a Secretary of Interior case law — Asked and Answered on pages 4-6 of this document— by a USDA/USFS Trump “spoils” Secretary, Sunny Purdue (who when Governor of Georgia was under investigation for his personal hunting lodge favorable relationship with Weyerhaeuser Timber .)]***

# The insider's information here is in the chemistry:

<b>Chinese Nepheline Syenite In Bulk</b>	<b>Oregon Nepheline Syenite In Bulk</b>
SiO <sub>2</sub> = from 60% to 64%	SiO <sub>2</sub> = from 58% to 59.62%
Al <sub>2</sub> O <sub>3</sub> = from 17.4% to 19.3%	Al <sub>2</sub> O <sub>3</sub> = from 18.25% to 19.35%
CaO = from 0.9% to 1.3%	CaO = from 0.85% to 1.3%
MgO = from 0.2% to 0.4%	MgO = from 0.2% to 0.3%
LOI = from 0.5 to 0.6	LOI = from 0.31 to 4.61
K <sub>2</sub> O = from 5.4% to 7%	K <sub>2</sub> O = from 4%
Na <sub>2</sub> O = from 6.1% to 7%	Na <sub>2</sub> O = from 12.52%

**\$250 per -325 face powder ton, Freight on Board, China**

**\$25 per in-place ton of rock, Lincoln County, Oregon**

Chemical Component	Actual Monthly Results	Typical Range*	
		Lower	Upper
Silicon Dioxide (SiO <sub>2</sub> )	58.7	57.9	60.5
Aluminum Oxide (Al <sub>2</sub> O <sub>3</sub> )	19.1	17.6	20.5
Potassium Oxide (K <sub>2</sub> O)	5.9	5.4	6.7
Sodium Oxide (Na <sub>2</sub> O)	7.7	5.7	10.4
Iron Oxide (Fe <sub>2</sub> O <sub>3</sub> )	2.9	2.1	4.0
Calcium Oxide (CaO)	1.9	1.1	2.0
Titanium Dioxide (TiO <sub>2</sub> )	1.0	0.3	1.6
Magnesium Oxide (MgO)	1.2	0.0	1.8

**The other commercial size Nepheline Syenite in the US is 3M. As they make good use of their material in a number of innovative products, it is difficult to calculate their raw tonnage cost.**

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On September 2, 2021, Central Coast District – Oregon Dunes National Recreation Area Ranger Michele Holman replied to the appellant by providing appeal rights, procedural information, and regulations (36 CFR 214.8).

On October 18, 2021, the appellant filed the appeal with District Ranger Michele Holman.

On October 20, 2021, Forest Supervisor Robert Sanchez accepted the appeal.

On October 21, 2021, Central Coast District – Oregon Dunes National Recreation Area Ranger, Michele Holman, replied with an email message to the appellant stating that the appellant's appeal of the decision to not approve the plan of operations for Table Mountain had been received, is being processed, and he will be notified of the results.

On October 22, 2021, the appellant replied to the email message thanking the Ranger for reviewing the appeal under Subpart A, instead of C for disposal, providing more information (including attachments) on nepheline syenite.

## RESPONSE TO APPEAL STATEMENTS

The following responses address the Appellants statements, issues, and relevant facts (issues) from the appeal in the section titled Appeal Statements.

### 1. AUTHORIZED OFFICER (AO) AUTHORITY

**Issue:** The appellant asserts that the District Ranger overstepped her “designated powers” by refusing to sign and return a submitted FS-2800-5 form. The appellant believes that her citation of the regulation at 36 CFR 228 subpart A to exclude “common variety” minerals from the US Mining Law is outside of her authority because the responsibility for managing minerals lies with the US Department of Interior. Appeal at 12-13.

**Response:** The General Mining Law of 1872 (17 Stat. 91, 30 U.S.C §§ 22 *et seq.*) provides that all valuable mineral deposits on lands belonging to the United States are open to exploration and purchase by current and intended citizens of the United States. Congress has amended the General Mining Law to exclude certain minerals. In 1947 Congress passed the Materials Act of 1947 (61 Stat. 681) authorizing the Secretary of the Interior to dispose of common variety minerals and vegetative material. Congress again amended the General Mining Law in 1955 enacting the Surface Resources Act (SRA) on July 23, 1955 ([30 U.S.C. §§ 611-615](#)). The SRA specifically addresses the authority of the Secretary of Agriculture stating:

*“the word “Secretary” means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes.”*

The Secretary of Agriculture is therefore authorized to “dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) on public lands of the United States” under this act and the Materials Act of 1947.

*[It is also suggested by a plaintiff that a kangaroo court judge should take a look into the very difficult to access Russian and Chinese competitive documentation for any clues why America's “Right Stuff” Minnesota Mining and Manufacturing's Nepheline Syenite in Arkansas has been labeled “for construction use only”. Just as European Competitor Cenbrit, that recently offered a defensive position on the invasion of Ukraine. Unlike North American (and Russian) Koch Industries that has dug-in their nepheline holdings to protect Trump and Putin from their senseless abuses of power. ]*

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**Research and Development  
Documentation Supporting Today's  
"Added Value" USFS 36 CFR 228  
Plan of Operations Filing for  
Oregon's 'Green' Table Mountain  
Nepheline Syenite Deposit.  
Plus, Where The Recommended  
ECO Use of This Swiss Army Knife  
Nano-Technology Mineral  
Might Best Benefit Mankind!**

**ECO-FOAM-KRETE R&D**

ECO Researchers/ Mineralogist? Contact Barry at — [MacAndMurray@gmail.com](mailto:MacAndMurray@gmail.com)

This authority to dispose of mineral materials can also be found at 36 CFR Subpart C 228.40 Authority stating:

Authority for the disposal of mineral materials is provided by the Materials Act of July 31, 1947 (30 U.S.C. 601 et seq.), as amended by the Acts of August 31, 1950 (30 U.S.C. 603–604), July 23, 1955 (30 U.S.C. 601, 603), and September 25, 1962 (30 U.S.C. 602), and by the following: the Act of June 4, 1897 (16 U.S.C. 477); the Act of March 4, 1917 (16 U.S.C. 520); the Bankhead-Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010); the Act of September 1, 1949 (section 3) (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508b); the Act of June 28, 1952 (section 3) (66 Stat. 285); the Act of September 2, 1958 (16 U.S.C. 521a); the Act of June 11, 1960 (74 Stat. 205); the Federal Highway Act of August 27, 1958 (23 U.S.C. 101 et seq.); and the Alaska National Interest Lands Conservation Act of December 2, 1980 (section 502) (16 U.S.C. 539a).

Congress, through the Surface Resources Act of 1955, authorized the Secretary of Agriculture to dispose of common variety mineral materials from National Forest System Lands and therefore make determinations of uncommon or common variety. This authority has been delegated by the Secretary of Agriculture to the Authorized Officers, in this case, the Siuslaw National Forest Central Coast District – Oregon Dunes National Recreation Area District Ranger Michele Holman. The Forest Service at 36 CFR Subpart C 228.41 has defined the minerals to which the subpart applies as:

[M]ineral materials which consist of petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Such mineral materials include deposits which, although they have economic value, are used for agriculture, animal husbandry, building, abrasion, construction, landscaping, and similar uses. This subpart also applies to other materials which may not be minerals but are produced using mining methods, such as peat. The categories of these materials, including representative examples, are:

(1) **Agricultural supply and animal husbandry materials.** This category includes, but is not limited to, minerals and vegetative materials used as or for: Soil conditioners or amendments applied to physically alter soil properties such as direct applications to the soil with carbonate rocks, soil containing “trace elements” and peat; animal feed supplements; and other animal care products.

(2) **Building materials.** Except for minerals identified as *Uncommon Varieties*, this category includes, but is not limited to, minerals used as or for: Paint fillers or extenders; flagstone, ashlar, rubble, mortar, brick, tile, pipe, pottery, earthenware, stoneware, terrazzo, and other nonstructural components in floors, walls, roofs, fireplaces, and the like; and similar building uses.

(3) **Abrasive materials.** This category includes, but is not limited to, minerals used for: Filing; scouring; polishing; sanding; sandblasting.

(4) **Construction materials.** This category includes, but is not limited to, minerals such as sand, gravel, clay, crushed rock and cinders used as or for fill; borrow; rip-rap; ballast (including all ballast for railroad use); road base; road surfacing; concrete aggregate; clay sealants; and similar construction uses.

(5) **Landscaping materials:** This category includes, but is not limited to, minerals and peat used as or for: Chips, granules, sand, pebbles, scoria, cinders, cobbles, boulders, slabs, and

**[One again, threatening common variety 36 CFR Subpart C 228.41 when trying to drive a long time established, paid up to date, BLM registered claim holder is an overt threat to allow a operating quarry neighbor, on the same geological structure (mineral material?) to legally “CLAIM JUMP” by buying up a USFS lease.]**

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# ECO-FOAM-CONCRETE is COM

✓ A new nanotech  
affordable home  
building material

- ✓ Wildfire rated 4 hours @ 3000 degrees
- ✓ Highest closed envelope 'R' values
- ✓ Water-sound-mold-vermin-bullet-proof
- ✓ US supply source natural FoamKrete™

One safe way to connect with Nepheline Syenite finder supplier — [Lucasitsanewday@gmail.com](mailto:Lucasitsanewday@gmail.com)

other components in retaining walls, walkways, patios, yards, gardens, and the like; and similar landscaping uses.

The Forest Service has also identified which materials are not covered under Subpart C:

Mineral materials do not include any mineral used in manufacturing, industrial processing, or chemical operations for which **no other mineral can be substituted** (emphasis added) due to unique properties giving the particular mineral a distinct and special value; nor do they include block pumice which in nature occurs in pieces having one dimension of two inches or more which is valuable and used for some application that requires such dimensions. Disposal of minerals not covered by this subpart is subject to the terms of the United States Mining Laws, as amended ([30 U.S.C. 22 et seq.](#)), on those portions of the National Forest System where those laws apply. Such minerals may include:

- (1) Mineral suitable and used as soil amendment because of a constituent element other than calcium or magnesium carbonate that chemically alters the soil;
- (2) Limestone suitable and used, without substantial admixtures, for cement manufacture, metallurgy, production of quicklime, sugar refining, whiting, fillers, paper manufacture, and desulfurization of stack gases;
- (3) Silica suitable and used for glass manufacture, production of metallic silicon, flux, and rock wool;
- (4) Alumino-silicates or clays having exceptional qualities suitable and used for the production of aluminum, ceramics, drilling mud, taconite binder, foundry castings, and other purposes for which **common clays cannot be used**; (emphasis added)
- (5) Gypsum suitable and used for wallboard, plaster, or cement;
- (6) Block pumice which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions; and
- (7) Stone recognized through marketing factors for its special and distinct properties of strength and durability making it suitable for structural support and used for that purpose.

The appellant has submitted the equivalent of a Plan of Operations for Mining Activities on National Forest System Lands or an FS-2800-5 form. This form is derived from 36 CFR Subpart A 228.4(c) which describes the components of a complete plan of operations for a locatable mineral. Because the USFS has the authority as described above to dispose of and therefore classify minerals as common or uncommon variety, the Authorized Officer (AO), acting for the Secretary, has the authority to reject a proposal under Subpart A when the AO considers the mineral a common variety. The AO is within their authority to reject a plan submitted under the incorrect subpart.

## 2. LIBELOUS STATEMENTS

**Issue:** The appellant states that the District Ranger made a “libelous statement” in her December 12, 2018 letter that would mislead potential investors by using the statement “The Forest Service recognizes that you may have identified what you believe are special or unique values, and/or uses for the material.” The appellant argues that nepheline syenite is rare and has unique qualities and that he has

***[Wish I had the “B” Western Movie Rights on this sabotaged project. Oh, guess I do. Now, who to cast in my friend Ken Kesey’s “Sometime A Great Notion” now that Paul Newman is not available for the sequel? I know, how about Lucas Ponce DeLeon, an experienced builder with a start-up earn- in “Trade Only” whole-sale distribution network after ECO-Mining-Milling Limited Cooperative Association delivers the product.]***

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lost out on a \$5 million start-up equipment loan because the Forest was calling common variety nepheline syenite a "fraud." Appeal at 13-15.

**Response:** The Federal Government's policy for minerals resource management is expressed in the Mining and Minerals Policy Act of 1970, to "foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs."

Nepheline syenite is an igneous intrusive rock. Nepheline syenite is light to medium gray and has a glassy luster. The Table Mountain nepheline syenite is very fine- to fine-grained and consists of approximately 75-80 percent alkali feldspar; 5-10 percent nepheline; 5 percent analcime; 10 percent aegirine; 3 percent riebeckite-arfvedsonite; and <1 percent olivine, opaque minerals, biotite, and apatite (USGS, 1976<sup>14</sup>). Whole-rock percentages consist of approximately 60% SiO<sub>2</sub> and 19% Al<sub>2</sub>O<sub>3</sub>. Nepheline, also called nephelite, is a silica undersaturated aluminosilicate rock-forming mineral in the feldspathoid group. It is typically used in glass and ceramic manufacturing.

The definition of "uncommon varieties" of mineral materials that are locatable under the General Mining Law are summarized by case law in McClarty vs. Secretary of the Interior 08 F.2d 908 (9th Cir. 1969) and is often referred to as the McClarty test. The criteria developed are as follows:

- (1) there must be a comparison of the mineral deposit in question with other deposits of such minerals generally; *[Perhaps, once again, an answer an Interior case law question concerning Nepheline Alumina-Silicate should be answered with published academic papers : [AluminosilicatesTechnologyMap.pdf](#)*
- (2) the mineral deposit in question must have a unique property; [MechanicalcementitiousRomanCement.pdf](#)
- (3) the unique property must give the deposit a distinct and special value; *All filed with the USFS Plan of Action, except this , [Naturalpozzolanbasedgeopolymers.pdf](#)*
- (4) if the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and *So here is a timely [Technical-Ceramics-for-Military-Purposes.pdf](#)*
- (5) the distinct and special value must be reflected by the higher price which the material commands in the marketplace. *[The international price of \\$250 -\\$300 per ton, FOB Foreign Ports is in demand when replacing a \\$135 per ton Portland Cement which does not expand as an insulating foam.](#)*

Forest Service regulations at 36 CFR Subpart C 228.41(c) and (d) are derived from the criteria outlined in McClarty and other case law.

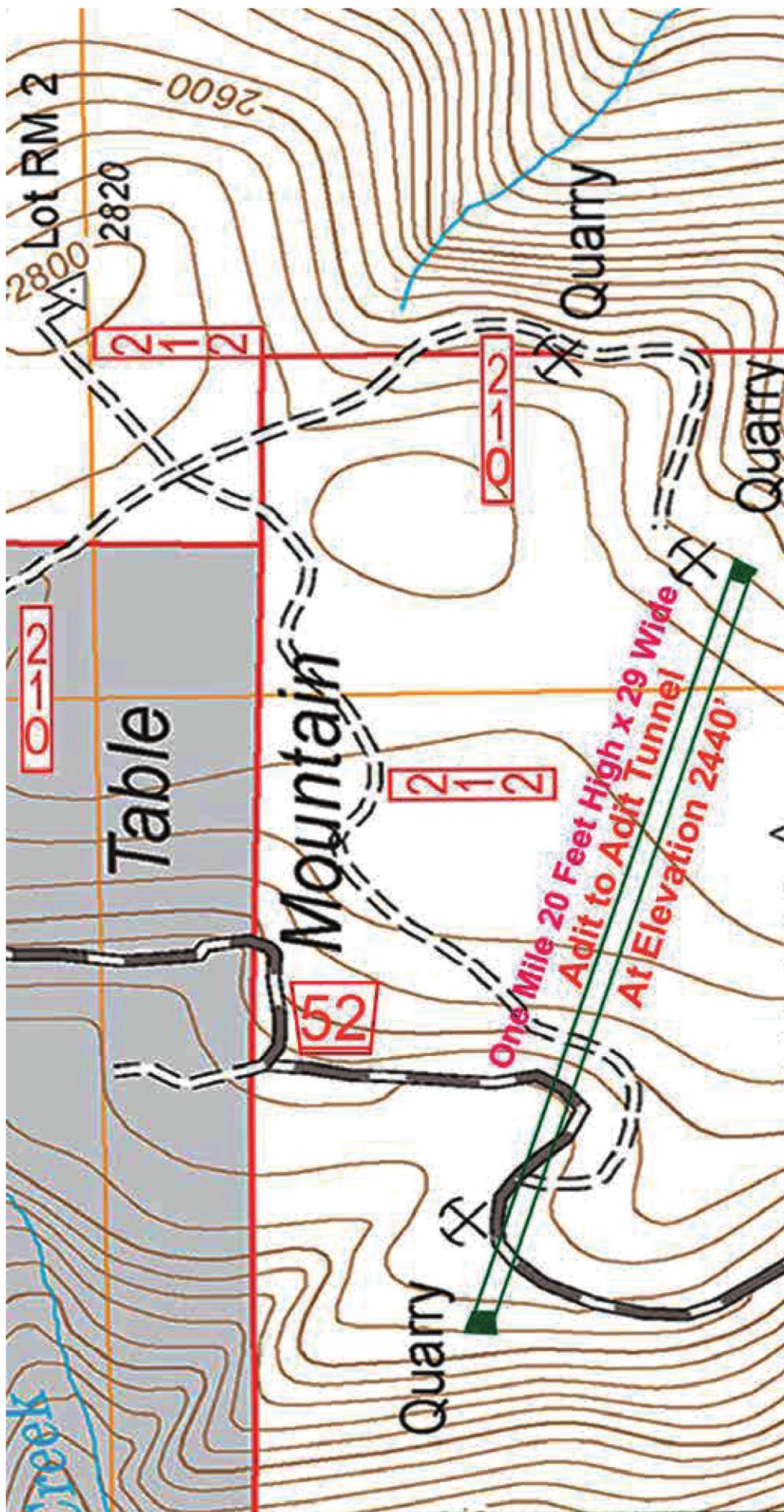
The appellant has proposed to use nepheline syenite as a geopolymer in cement for construction materials. Geopolymers are inorganic binders produced from aluminosilicate-containing material. Cong (2021<sup>15</sup>) lists 35 common raw materials that can produce a geopolymer. Raw materials described in literature include; multiple varieties of fly ash, mine tailings, kaolinite, blast furnace slag, volcanic tuffs, laterites, zeolites, bentonite, and other types of waste (Ahmair, 2015<sup>1</sup>; Cong, 2021<sup>15</sup>). In order to produce a geopolymer, the alumino-silicate raw material is reacted with an alkaline activator such as

*[I also have made the statement many times that "As Alumina-Silicate was created by Creator, no patent protection was available". Apparently the Russians are claiming to have invented the Nepheline zeolites? The French were the first in Geopolymers. And the (14 USGS rock standards was a part of my Plan of Action.)*

<sup>14</sup> [USGS], Flanagan, F.J. 1976 Description and analyses of eight new USGS rock standards. US Geological Survey. Prof Pap 840:131-183

<sup>15</sup> Cong, P., Cheng, Y., Advances in geopolymer materials: A comprehensive review, J. Traffic Transp. Eng. (Engl. Ed.) 2021; 8 (3): 283e314. <https://doi.org/10.1016/j.jtte.2021.03.004>

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4) This plotting of the proposed adits, connecting in a room and pillar midpoint, thanks to these turn on, or off, quality layers of the recent US Forest Service recently published digital topographic series far more useful than the outdated USGS Quadrangle (Tidewater) I used as a base for my early claim map.

And, as demonstrated in a few pages, a geographical contour map is a huge improvement defining access roads, and spurs, in a planimetric “fire map.”

The slight discrepancies between the photo base, and the established brass caps overlay has to do with that even satellite imagery has to deal with a distortion of axis yaw.

## Professional Papers

1) [Underground Mining Methods.](#)

2) [Underground Room and Pillars.](#)

sodium hydroxide. The District Ranger's July 21, 2021 letter to the appellant outlines the rationale for rejecting his plan under 36 CFR Subpart A stating:

In general Section (d) does not apply because the appellant's plan does not describe how nepheline syenite is unique in creating a geopolymer. As stated above, geopolymers are simply inorganic materials that are used in the production of cement. Several other materials can be used as geopolymers as a substitute for nepheline syenite.

36 CFR 228.41(d)(2): Limestone suitable and used, without substantial admixtures, for cement manufacture, metallurgy, production of quicklime, sugar refining, whiting, fillers, paper manufacture, and desulfurization of stack gases

Rationale: Nepheline syenite is not limestone and therefore cannot be considered locatable under this subpart.

36 CFR 228.41(d)(3): Silica suitable and used for glass manufacture, production of metallic silicon, flux, and rock wool.

Rationale: Silica, as referenced in this subpart, refers to the silicon dioxide (SiO<sub>2</sub>) or quartz that can be used for glass manufacturing, metallic silicon, flux, and rock wool. The appellant is correct that other parts of the nation have used nepheline syenite as flux in making glass. However, the nepheline syenite at Table Mountain, Oregon is not suitable for this purpose because of the iron content, which produces a dirty-brown discoloration (1973, DOGAMI Bulletin 81<sup>3</sup>). Furthermore, the U.S. Geological Survey 2020 Mineral Commodity Summaries for Feldspar and nepheline syenite ([USGS] Brioche, 2020<sup>16</sup>) states that "Nepheline syenite produced in the United States was not included in production figures because the material was not considered to be marketable as a flux and was mostly used in construction applications." While it is possible to produce glass from nepheline syenite, this is not what the appellant has proposed to do, nor is this material silica. Therefore, this subpart cannot be applied to this material.

36 CFR 228.41(d)(4): Alumino-silicates or clays having exceptional qualities suitable and used for production of aluminum, ceramics, drilling mud, taconite binder, foundry castings, and other purposes for which **common clays cannot be used**; (emphasis added).

Rationale: The alumino-silicates within nepheline syenite may fit into this subpart as described if used to produce aluminum, ceramics, drilling mud, taconite binder, foundry castings, and other purposes. This subpart requires that the purposes for which the material is being used cannot be substituted by other common variety materials or clays. In this case, kaolin or other clays may be used as a geopolymer and therefore this subpart does not apply to this material.

Alumina recovery from nepheline syenite is unlikely in the United States because the U.S. has very large anorthosite resources which contain higher percentages of alumina (Hosterman, 1990); nor has the appellant proposed to refine alumina from this deposit.

---

<sup>16</sup> [USGS] Prepared by Brioche, A. S. 2020. U.S. Geological Survey 2020 Mineral Commodity Summaries for Feldspar and nepheline syenite

*[My skill with topographic maps dates from The First Cold War, where I as a one-step above Top Secret Photo-Intel Aeronautical chart specialist for Curtis Le Mays Strategic Air Command, used to have a working knowledge of what Russia was up to before the Cuban Missile Crisis. Which also validates my "uranium" past.]*

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has to say about Protecting  
the Mining Law of 1872**

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36 CRF 228.41(d)(5): Gypsum suitable and used for wallboard, plaster, or cement.

Rationale: This material is not gypsum; therefore, this subpart cannot be applied to this material.

36 CRF 228.41(d)(7): Stone recognized through marketing factors for its special and distinct properties of strength and durability making it suitable for structural support and used for that purpose.

Rationale: This subpart requires that the appellant show that the material being produced has a distinct and special property that cannot be substituted by another material. Based on the way the appellant's plan has been interpreted; it appears there are many other common variety materials that can be substituted as a geopolymer to produce cement. The USFS through the District Ranger has repeatedly asked the appellant to provide evidence supporting his assertion that the nepheline syenite at Table Mountain is locatable and how its proposed use satisfies the McClarty Test.

In his October 18, 2021 appeal, the appellant makes the following assertions regarding locatability under Subpart A:

- 1.) Nepheline syenite is only being found in commercial sized deposits in very few parts of the world; [https://en.wikipedia.org/wiki/Nepheline\\_syenite](https://en.wikipedia.org/wiki/Nepheline_syenite)
- 2.) FoamKrete (his trademarked product) has a high R-value and has the ability to withstand high temperatures for extended periods of time; <https://foamkrete.com>
- 3.) Nepheline syenite is rare and has unique qualities; [UltraFineParticalsInConcrete](#)
- 4.) It is an alumino-silicate with an exceptional quality; and [STOPpromotingGeopolymer Institute.pdf](#)
- 5.) That nepheline syenite contains aluminum and trace rare earth elements (REE)s that are on the USGS Critical and Strategic Minerals list (USGS, 2018). [DOD-FACT-SHEET-CRITICAL-MATERIALS-](#)

These assertions are addressed below individually. [Defence Applications of Polymer Nanocomp.pdf](#)

1.) The fact that there are few commercial-sized deposits of nepheline syenite around the world does not in and of itself make the rock locatable. The McClarty test states that "there must be a comparison of the mineral deposit in question with other deposits of such minerals generally." The appellant has not addressed in his answers or through literature cited how this particular deposit is superior to other materials that are capable of producing a geopolymer. These materials include, but are not limited to; fly ash, ground granulate blast-furnace slag, metakaolin, fumed silica, kaolin clay, and mine tailings. The process of producing a geopolymer requires only that alumino-silicates be present in the raw materials. The main criteria for developing a geopolymer is that the source material should be "amorphous and possess sufficient reactive glassy content, low water demand and be able to release aluminum easily" (Singh, 2015<sup>17</sup>). The appellant has provided no evidence that the Table Mountain nepheline syenite is unique in creating a

*Explain Please, Comrade Trump appointed Commissioners, how a US "Prudent Man" capitalist, how hypothetically a US BLM Registered Claim Holder, well familiar with the risks of sweat labor, been harassed on his attempts to do an honest proof of concept by experimental, required, Assessment Work — as a trial Nepheline powder, and "Russian Lime" recreation of producing a affordable replacement of a 3/4" Marine Plywood sheet; or a successful "nepheline pot-hole" filling activation that totally disappeared a few days after curing. Both experiments stopped cold, with the theft of my research stockpile, as show in much of my sales literature.*

**THE**

# PROSPECTOR

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My field experience is in being a “prudent man”, establishing a valid mineral discovery following the US Mining Law of 1872, validates my First Amendment Rights as a freelance magazine writer / photographer as published in LIFE, Holiday, Popular Mechanics, and McGraw Hill “man in the chair” business, etc., publications.

Freelance “rock bangers”, are disappearing as fast as oilfield wildcatters, for not being qualified under the “in Canadian Interests” 43-101 TSX financial standard to violate free traded claims requiring US citizenship to stake? A SEC rule supporting “pump and dump”?

## IN THIS ISSUE:

We are returning to a magazine format in a time of cyber war to protect articles in a locked Adobe Acrobat PDF download large enough to comfortably be read with a flick of an index finger on a tablet, as well as your lap top computer.

**ONLINE VIA FIDONET AND THE WORLD WIDE WEB SINCE 1992**

*[Alaska Range, 1968, while running a budgeted \$250,000 wilderness exploration camp, as an independent contractor for Homestake Mining out of their Vancouver, BC office. Homestake used to be America's largest gold producer before being swallowed up by Barric Mining, which pioneered leasing proven in-ground reserves.]*

geopolymer or that it is superior to other common variety materials that can produce a similar product.

2.) The appellant has not shown, under the McClarty test, that the Table Mountain nepheline syenite's "distinct and special value [that] must be reflected by the higher price which the material commands in the marketplace" when used to produce his trademarked product, FoamKrete. In fact, the market for any geopolymer at this point appears to be small. The appellant has not provided the Forest Service with any evidence of a market for this product that is not speculative. The appellant has not provided any orders for his product or shown that there is a demand for the product in the area.

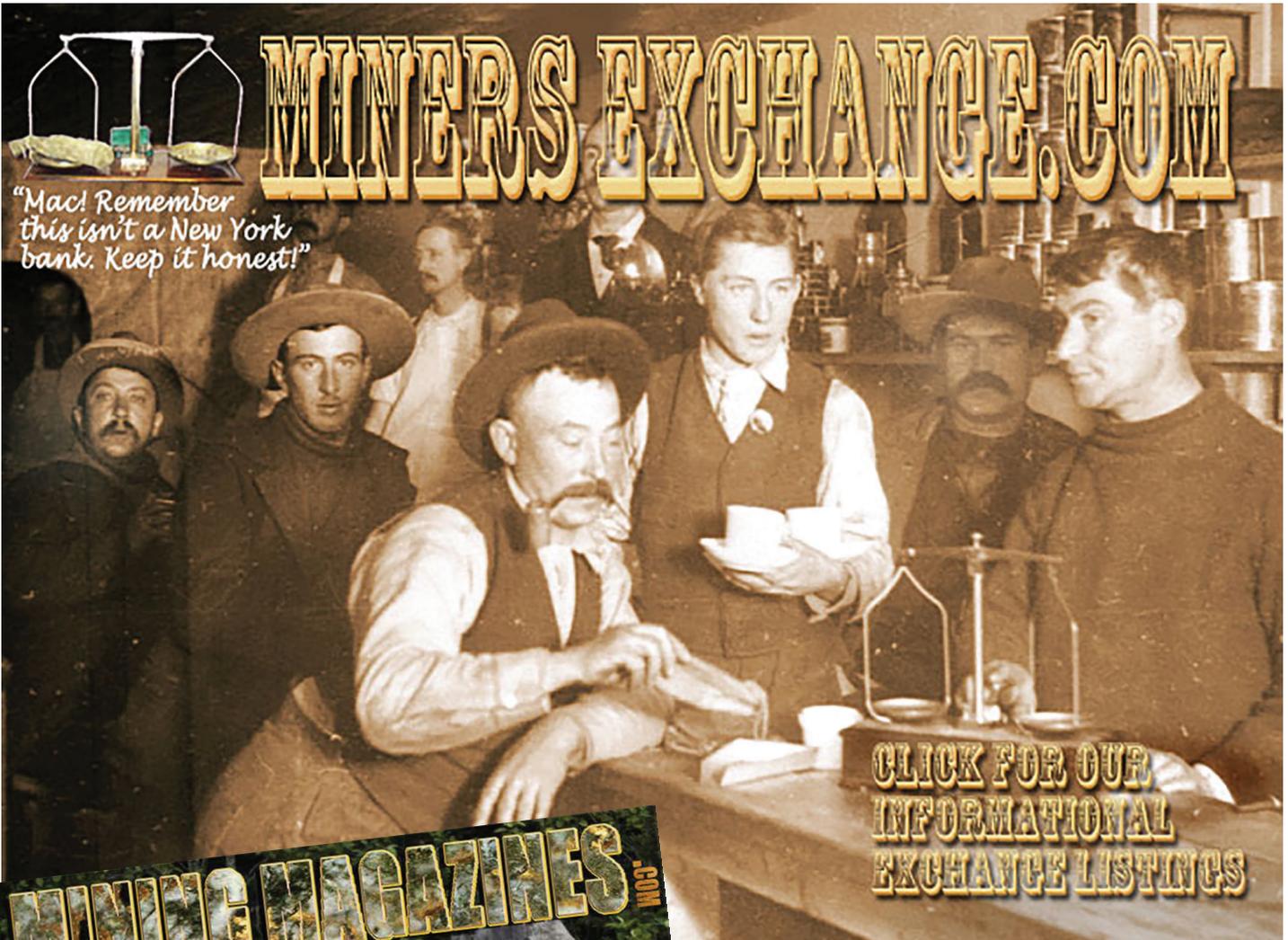
3.) As stated above, it is accurate to assert that nepheline syenite is a rare igneous rock; however, without a market, this does not mean the rock is locatable. Many kinds of rocks are unique and found in geographically limited areas. It is the combination of properties for the proposed use that determines if the deposit should be considered a common or uncommon variety of a mineral material.

4.) While the deposit contains alumino-silicates, the appellant shows no evidence that this particular deposit has special qualities, for this particular use for which other common clays cannot be substituted to create a geopolymer. As previously stated, many common materials, including clay, can be used to create a geopolymer.

5.) This deposit does contain aluminum and in some parts of the world, nepheline syenite is used in the production of that metal. This deposit is also reported to contain some elements listed on the USGS Critical Mineral list such as aluminum, barium (barite), niobium, and titanium to list a few. The mere presence of these minerals does not make a particular rock locatable. Many rocks contain small amounts of these minerals in uneconomic quantities. If the appellant had proposed to refine aluminum or other REEs from this deposit the plan would have been appropriately filed under subpart A. The proposed use of the nepheline syenite is as a geopolymer and not for the value of its contained elements.

A possible hypothetical example of the deposit's unique suitability for creating a geopolymer might be evidence that the rock as a whole possessed the required materials in a particular ratio that improved some aspect of the geopolymer, such as strength or weathering resistance, while requiring no additional material or processing. The appellant has not provided any evidence beyond this material meeting the criteria to create a geopolymer. The nepheline syenite at Table Mountain has only been used as a common variety mineral material for common variety uses such as road base or jetty stone. The Siuslaw National Forest has a small quarry in the nepheline syenite on Table Mountain. The forest has files dating back to 1970 of the development and drilling of that quarry. Table Mountain is partially under private ownership. The owner of the private parcel has a quarry not regulated by the USFS. The roads to that private quarry are rocked with nepheline syenite crushed aggregate. A published report by the State of Oregon (DOGAMI, 1973<sup>Error! Bookmark not defined.</sup>) stated that nepheline syenite makes excellent jetty stone because of its strength and resistance to erosion.

*[I am sorry 'Smokey the Bear', but this 'Me Mongo' "prudent man" rock banger somehow had it in his head that a locatable mineal, properly filed at the courthouse, or recorders in Alaska, by a US Citizen, was authorized to proving up the economic value, using established industry guidelines, while protected from competitive off-shore monopolys that really do not care who tears-up the backyards of Federally-administered lands in 19 states — Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.]*



[WesternMiner.com](http://WesternMiner.com), was established as a partnership of three old-time prospectors back in the 1900s, as a financial vehicle to offer “grubstake” discoveries a place to go around those self ruling IPO banksters hosting there own Big Board.

Our ‘Little Board’ is really is a virtual log wall with index cards thumbtacked listing MinersExchange.com, that got around “selfie” SEC rules by simply listing a “local” strike-it-rich opportunity being offered —with credentials we three old prospectors felt were valid, backed by published reports, and due-diligence within our small community still following our “Code of the West” as being offered: For sale, or Lease, or Joint Venture. Problem was we wouldn’t publish listing for stockbrokers, phishers and fraud fishers—and frontier “prospectors” are disappearing as fast as independent “oil wildcatters”, “gyppo loggers”, and Native American “Sohappy” commercial fisherman with no treaty rights —

[WesternMiner.com](http://WesternMiner.com)’s position today is a legal local Mining District Court.

### 3. AUTHORIZED OFFICER (AO) DECLARED CLAIMS INVALID

**Issue:** The appellant states that the District Ranger deceptively used the CFRs to declare his claims to be invalid “so that a common variety mineral material may be offered for lease to the highest bidder.” Appeal at 15-21.

**Response:** Mineral Materials under 36 CFR 228 subpart C are disposed of at the discretion of the Authorized Officer. Under 36 CFR 228.57 “types of disposal”, mineral materials can be sold by competitive sale, negotiated contract, preference right negotiated sale, Free Use, and Forest Service force account or by contract by various Forest Service programs. A competitive sale is literally to the “highest bidder” and is within the authority of the Authorized Officer. There have been no requests to lease the deposit, and to the best of my knowledge, there is no outside interest in this deposit other than the appellant. The fact that there is a private quarry that appears to be in little use by the owner with no known private sales indicates that there is no local market for this material beyond road material and jetty stone.

The USFS does not have the authority to declare a mining claim invalid. In order to declare a mining claim invalid, the USFS would have to perform a validity exam and request that the Bureau of Land Management contest the validity of the subject claims. The USFS has not initiated this process. The USFS has the authority to reject a mining plan submitted under Subpart A when the USFS believes the mineral or use to be a common variety use. If or when the appellant submits a plan covered by Subpart A then the USFS would be obligated to process it under that subpart.

### 4. AUTHORIZED OFFICER (AO) DENIED PLAN OF OPERATIONS

**Issue:** The appellant states that the District Ranger did not have the legal authority or technical background/expertise to deny his plan of operation and that she could not know what all of the possible future uses of nepheline syenite may be. The appellant cited numerous studies/articles that demonstrate the uniqueness of the material (in particular the natural pozzolan) that can be used to improve concrete. Appeal at 21-27.

**Response:** The District Ranger, who is the Authorized Officer, relies on specialists to advise on matters outside her expertise. The technical background and expertise in the letters sent were provided by professional geologists and mineral specialists employed by the Forest Service that do not have the delegated authority to sign documents. Those technical experts advise the Authorized Officer on current laws and regulations.

There are numerous published papers on the nepheline syenite at Table Mountain and regarding the development and manufacture of geopolymers. None of these have shown Table Mountain nepheline syenite’s best use to be a polymer replacement for concrete. Papers cited by both the USFS and the appellant indicate that the most common material used in the production of geopolymers appears to be fly ash and other industrial byproducts. As the appellant has pointed out, there are commercially available sources for nepheline syenite that researchers could purchase and use in the development of the material. Most if not all researchers continue to use other materials. Again, this is not to say that a geopolymer could not be produced using the Table Mountain nepheline syenite, only that other commonly available materials including common clays can be used. Most of the literature indicates little

**So I have to ask, since you attested here that “all other parties to the appeals have been provided this document”, was I intentionally excluded in “your” egregious error of furthering a potential Oregon Revised Statute ORS 517.133 Interfering with a mining operation, or perhaps a ORS 517.128 cause for action?**

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marketability for the nepheline syenite outside of local use by federal, local, and private entities for common variety road aggregate and jetty stone.

**5. PHOTOGRAPHIC EVIDENCE**

**Issue:** The appellant appears to assert that former US Forest Service employees may have taken both photographic evidence of his “experiment” that showed that filling a pothole in a road with nepheline syenite and a FoamKrete™ activator “set up harder than Portland cement concrete, overnight” as well as “a sizeable portion of his experimental rock stockpile.” Appeal at 27-28.

**Response:** This is an unsubstantiated claim. There are no photographs or records in the Siuslaw National Forest files that would corroborate this claim.

**But I have photographs that could be presented, along with an explanation of what, where, and why this very interesting filed scientific Assessment Work may have been considered an economic threat by cartel(?) competitors.**

In accordance with the regulation at 36 CFR 214.12(b), you have 10 days from receipt of this document to reply to the contentions of this responsive statement. Your reply must be sent to the Appeal Deciding Officer, Robert Sanchez either via mail service to 3200 SW Jefferson Way, Corvallis, OR 97331 or by email to [robert.f.sanchez@usda.gov](mailto:robert.f.sanchez@usda.gov).

If you have any questions regarding the Appeal or this Responsive Statement, please contact: Michele Holman, Ranger of Central Coast Ranger District – Oregon Dunes National Recreation Area, 541-563-8445, [Michele.Holman@usda.gov](mailto:Michele.Holman@usda.gov).

Michele  
Holman

Digitally signed by Michele  
Holman  
Date: 2021.11.04 15:37:02  
-07'00'

11/04/2021

---

MICHELE HOLMAN

Date

District Ranger  
Central Coast Ranger District – Oregon Dunes National Recreation Area  
Siuslaw National Forest

Enclosure: none

Cc: James M. Lindsay, Debbie Anderson, Barton Wills, Katie Isacksen, Barry Murray (appellant) (Certified Return-Receipt)

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United States  
Department of  
Agriculture

Forest  
Service

Pacific Northwest Region

1220 SW Third Avenue (97204)  
P.O. Box 3623  
Portland, OR 97208-3623

File Code: 1570  
Date: February 17, 2022

Barry Murray  
PO Box 1198  
Castle Rock, WA 98611

Dear Mr. Murray:

In accordance with the regulation at 36 CFR 214.19(d), as the Discretionary Reviewing Officer, I am electing to not conduct a discretionary review of Forest Supervisor Robert Sanchez's January 18, 2022, decision to affirm District Ranger Michelle Holman's September 2, 2021, decision to not process your proposed plan of operation under the 36 CFR 228, Subpart A regulations. Forest Supervisor Sanchez's decision is the USDA's final administrative determination (36 CFR 214.19(d)).

If you have any questions about the administrative appeal process, please contact Debbie Anderson by email at [debra.anderson@usda.gov](mailto:debra.anderson@usda.gov) or by phone at 503-808-2286.

Sincerely,

LISA  
NORTHROP  
LISA A. NORTHROP  
Deputy Regional Forester  
Discretionary Reviewing Officer

Digitally signed by LISA  
NORTHROP  
Date: 2022.02.17  
13:30:16 -08'00'

**I suggest that everyone in charge in Region Six drawing a salary for "regulating the assumed worth of mineral claims" NEEDS TO READ THIS "**  
**[Forest Service Manual.pdf](#)**

cc: Robert Sanchez, Michelle Holman, Katie Isacksen, Debra Anderson, Heidi Hopkins

**bcc reply:**

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**Breaking ECO Business News sources working on a CBS report that "America's Deep State Oligarch" — Charles Koch (on Bloomberg Billionaires Index as the 20th richest person in the world)— has come under attack for his anti-American support of tearing our nation apart, politically by offering to pay the legal expenses of the January 6th conspirators, and announcing his Putin friendly business in Russia, and Ukraine which will continue to keep his Nepheline Syenite hardened glass on-line for the benefit of his workers that, "only produce 900 tons per day".**

