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Regional Solicitor
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Counsel for Safety and Health
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7 *Attorneys for Plaintiff Julie A. Su,*
Acting United States Secretary of Labor

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ALASKA
11

12
13 JULIE A. SU,
Acting Secretary of Labor,
14 United States Department of Labor,

15 Plaintiff,

16 v.

17 ALASKA GOLDMINE LLC; and SHELDON
MAIER,

18 Defendants.
19

Case No. 4:23-cv-00019-JMK

20 **Declaration in Support of Injunction**

21 I, Jarrod Towne, declare under the penalty of perjury, pursuant to 28
22 U.S.C. § 1746 that the following is true and correct:

23 1. I am employed by the United States Department of Labor as a
24 Supervisory Mine Inspector for the Anchorage Field Office of the Mine Safety and
25 Health Administration (“MSHA”), an agency of the United States government with its
26 business address at U.S. Courthouse Annex Room A-35 222 West 8th Avenue,
27 Anchorage AK 99513. As a supervisory mine inspector, my duties and responsibilities
28 include investigating surface and underground mines for safety hazards as well as

1 supervising other MSHA inspectors. This includes issuing citations for noncompliance
2 and in-person follow ups at mines under the Mine Safety and Health Act of Act of
3 1977, 30 U.S.C. § 818 (hereinafter “the Mine Act”), as a designated representative of
4 the Secretary of Labor.

5 2. I am fully familiar with the facts and circumstances of the above-
6 captioned case. I submit this Declaration in support of the Secretary of Labor’s
7 *Complaint for Injunction* under the Act.

8 3. Alaska Goldmine LLC (“Alaska Goldmine”) is engaged in the operation
9 of a mining operation that extracts gold from the earth in an above ground mine. Of
10 issue in this matter is the mine located at Pedro Creek located approximately at mile
11 marker 16 of the Steese Highway. (“Pedro Creek Mine”). The Pedro Creek mine
12 handles gold ore and utilizes fuel operated machines.

13 4. On August 24, 2022, I was forwarded an anonymous complaint for an
14 illegal mine operation along the highway across from the Pedro monument. As part of
15 his official duties, Inspector Towne traveled to the mine site in an attempt to gain entry
16 to the Defendant’s mine.

17 5. I arrived at the Pedro Creek mine between 9:15 am and 11:15 a.m. on
18 August 24, 2022, and observed a locked gate. I observed Sheldon Maier arrive via truck
19 and park in front of a locked gate. I presented my credentials and informed Mr. Maier
20 that I was there to conduct a safety and health inspection of the Pedro Creek mine
21 pursuant to Section 103 of the Act.

22 6. On August 24, 2022, at approximately 10:15 am Sheldon Maier stated to
23 me that he had a right to confront his accuser and he stated that he was mining and
24 operating by himself. I asked if I could enter the mine and Sheldon Maier responded
25 that he will not be governed by an agency he does not need, it was his constitutional
26 right to mine, and that I was not welcome on his property. I further explained the Act
27 allowed MSHA the legal right to enter for inspection purposes. Sheldon Maier still
28 refused entry and following MSHA policy I left to report the denial of entry to my

1 supervisor. Before leaving I requested the mine operator's name, address, and phone
2 number which I wrote down.

3 7. On September 13, 2022, I returned to the Pedro Creek mine site with
4 another inspector, Inspector Thomas Berberich. I gained access via helicopter to the
5 Pedro Creek mine site and began a mine inspection. I identified several plain view
6 hazards that were present including, three damaged windows on a dozer obstructing the
7 driver's view; no berms on the mine's roadways; an unguarded drive chain and drive
8 sprocket, an unguarded drive belt, pulley, and fan blades; an unguarded tail pulley; a
9 highwall containing loose and unconsolidated material; unguarded belt rollers; a lack of
10 flotation devices next to water hazards; a 120 volt control box missing knockouts; no
11 traffic signage; and no first aid supplies.

12 8. At approximately 10:00 am Sheldon Maier arrived and approached
13 Inspector Berberich and myself. I personally witnessed Inspector Berberich speak to
14 Sheldon Maier and ask if he is willing to sign up with MSHA to complete his
15 inspection and abatement. At this point Sheldon Maier began filming both myself and
16 Inspector Berberich on his cell phone. Inspector Berberich asked that Sheldon Maier
17 not record them during an inspection.

18 9. On September 13, 2022, I was present when Sheldon Maier continued to
19 assert that MSHA had no authority to inspect his mine. I indicated that both MSHA
20 inspectors were willing to leave and asked one further time explicitly if Sheldon Maier
21 was denying them entry for the purpose of inspection. Sheldon Maier stated yes, he is
22 refusing. I then left and reported this encounter to my supervisor.


23 10. From September 2022 to June 2023, I have knowledge that my office
24 assistant created a mine number for the Pedro Creek Mine and mailed the citations for
25 safety violations to Sheldon Maier's address on five separate occasions. My supervisor
26 and I granted several extensions for Sheldon Maier to come into compliance willingly
27 and mailed the notice of extension to his address. We received no responses, and the
28 mail was returned to my office.

1 11. On June 16, 2023, I went to the Pedro Creek mine and I taped the citation
2 notices to the gate lock in the morning. Later in the afternoon on June 16, 2023, I
3 returned and the citations that were taped to the gate were removed. I am aware and
4 have knowledge that Sheldon Maier was mining until October 2022 and re-opened his
5 mine in April 2023 on the same property. On my way to inspect other mines in that area
6 I have driven on Steese highway past Pedro Creek multiple times and I have observed
7 signs of the mine operating including a trommel spinning, rocks being moved, and
8 more ground being opened to extract gold ore.

9 12. From September 2022 to June 2023, I attempted to contact Sheldon Maier
10 through the phone number he provided but I received no response.

11 13. During June 2023, I became aware of a YouTube Interview of Sheldon
12 Maier posted on April 6, 2023, titled "Thursday 4/6/23 – Session & Mining: Rep
13 McCabe & Sheldon Maier." On the YouTube Channel "The Michael Dukes Show."¹
14 During this interview I listened to Sheldon Maier explicitly state that he is aware that he
15 has MSHA citations and that he will not directly correspond with MSHA. He stated "I
16 have 17 egregious safety violations waiting for me..." during his interview. I brought
17 this interview to my acting supervisor's attention.

18 I swear under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct to the best of my knowledge, and that this document was
20 executed on this day, August 31, 2023, in Anchorage, Alaska.

21
22 By:  Jarrod L. Towne
23 JARROD L. TOWNE
24 Supervisory Mine Inspector
25 United States Department of Labor
26 Mine Safety and Health Administration

27 ¹ <https://www.youtube.com/watch?v=r-gf14XW6PE> ("Thursday 4/6/23 – Session & Mining: Rep
28 McCabe & Sheldon Maier." On the YouTube Channel "The Michael Dukes Show).

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Dated: August 31, 2023,

SEEMA NANDA
Solicitor of Labor

MARC G. PILOTIN
Regional Solicitor

JOSHUA P. FALK
Counsel for Safety and Health

By: /s/ David H. Clark
David H. Clark
Trial Attorney

U.S. DEPARTMENT OF LABOR
Attorneys for Petitioner

1 **CERTIFICATE OF SERVICE**

2
3 I am a citizen of the United States of America and am over eighteen years of
4 age. I am not a party to the within action; my business address is 90 7th Street,
5 Suite 3-700, San Francisco, CA, 94103. On September 6, 2023, I served the
6 within **DECLARATION SUPPORTING INJUNCTION** in this action by
7 facsimile and by placing a true copy thereof in a sealed government envelope
8 mailed in Seattle Washington, addressed to:

9
10 Representative for *Respondent*, Sheldon Maier
11 276 Eagle Ridge Rd
12 Fairbanks, AK 99712
13

14 Executed: September 6, 2023, /s/ _____
15 Dominique.Chan
16 Legal Assistant

17 OFFICE OF THE SOLICITOR
18 U.S. DEPARTMENT OF LABOR
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EXHIBIT 1



Section I--Violation Data

1. Date Mo Da Yr 9/13/2022	2. Time (24 Hr. Clock) 1000	3. Citation/ Order Number 9615288
4. Served To Sheldon Maier - Owner		5. Operator Alaska Gold Mine LLC
6. Mine Pedro Creek Mine		7. Mine ID 50-02099 (Contractor)
8. Condition or Practice 8a. Written Notice (103g) <input type="checkbox"/>		

Three miners that work on the mine site have not received new miner training, site specific hazard awareness training, or task training as required under part 48 prior to starting their duties at the mine. The miners have been working on site for approximately 16-18 weeks this season. The operator is hereby ordered to withdraw all the miners until the miners have received the required training under part 48. The Federal Mine Safety and Health Act of 1977 declares that an untrained miner is a hazard to himself and to others.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 48.25 (a)
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Section II--Inspector's Evaluation

10. Gravity:							
A. Injury or illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input checked="" type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>	
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>		
C. Significant and Substantial:			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 003		
11. Negligence (check one)							
A. None <input type="checkbox"/>		B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>		
12. Type of Action		104 (g) (1)		13. Type of Issuance (check one)			
				Citation <input type="checkbox"/>	Order <input checked="" type="checkbox"/>	Safeguard <input type="checkbox"/>	Written Notice <input type="checkbox"/>
14. Initial Action				E. Citation/ Order Number		F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>				

15. Area or Equipment
The 3 miners that work on the mine site.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code)	E04	20. Event Number 6876245	21. Primary or Mill P
22. AR Name Jarrod L Towne			23. AR Number 5430

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

CITATION/ORDER DOCUMENTATION

DATE 9-13-22

CIT/ORD No. 9615288

EVENT No. 6876245

TIME 1000

CONTRACTOR ID No. _____

VIOLATION

DESCRIBE: CONDITION/PRACTICE/HAZARD/LOCATION miners that work on the mine site do not have New miner training, Site specific training or task training

- up to 3 miners work on site
- exposed for unknown amount of time
- miners are exposed to several hazards on site and are not trained as required
- miners operate excavators, Dozers, Light vehicles and tunnel plant
- miners have been working at mine for years according to owner

48.25(c) 104(G)(1)

GRAVITY

No Likelihood () Unlikely () Reasonably Likely (X) Highly Likely () Occurred ()

Justification: Untrained miners are not aware of mine hazards and are likely to be involved in an accident due to lack of required training

No Lost Workdays () Lost Workdays or Restricted Duty () Permanently Disabling () Fatal (X)

Justification: Untrained miners are not aware of mine hazards and are more likely to be involved in a fatal accident.

Persons affected: 3 miners

NEGLIGENCE

None () Low () Moderate () High (X) Reckless Disregard ()

Justification: No mitigation

Area/Equipment (Orders): _____



Section I--Violation Data			
1. Date	Mo Da Yr 9/13/2022	2. Time (24 Hr. Clock) 1001	3. Citation/ Order Number 9615289
4. Served To	Sheldon Maier - Owner		5. Operator Alaska Gold Mine LLC
6. Mine	Pedro Creek Mine		7. Mine ID 50-02099 (Contractor)
8. Condition or Practice			8a. Written Notice (103g) <input type="checkbox"/>

The mine operator does not have a part 48 approved training plan. The mine site has up to 3 miners that work on site. The mine uses a wash plant and different mobile equipment as part of the operation and has been mining for several years. This is a paperwork violation.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 48.23 (a)
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Section II--Inspector's Evaluation			
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 000
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104 (a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number
15. Area or Equipment			
16. Termination Due			
A. Date	Mo Da Yr 9/30/2022	B. Time (24 Hr. Clock)	1200

Section III--Termination Action			
17. Action to Terminate			

18. Terminated	A. Date	Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data			
19. Type of Inspection (activity code)	E04	20. Event Number	6876245
22. AR Name		Jarrold L Towne	23. AR Number
			5430

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/13/2022	3. Citation/Order Number 9615289 - 01
4. Served To Sheldon Maier - Owner	5. Operator ALASKA GOLDMINE LLC	
6. Mine PEDRO CREEK MINE	7. Mine ID 50-02099	(Contractor)

Section II—Justification for Action

The operator has not communicated with MSHA, or acknowledged receipt of this citation. More time is needed to establish contact. This citation is hereby extended.

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 11/14/2022	B. Time (24 Hr. Clock) 12:00	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E04	10. Event Number 6876245	11. AR Name Jarrod L. Towne	AR Number 5430	12. Date Mo Da Yr 10/12/2022	13. Time (24 Hr. Clock) 08:53
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Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a: Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/13/2022	3. Citation/Order Number 9615289 - 02
4. Served To Sheldon Maier - Owner	5. Operator ALASKA GOLDMINE LLC	
6. Mine PEDRO CREEK MINE	7. Mine ID (Contractor) 50-02099	

Section II—Justification for Action

Attempts to contact the operator have been unsuccessful, and MSHA is continuing its attempts to serve this citation. This is a seasonal mine that is currently closed for the winter. This citation is hereby extended.

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 01/21/2023	B. Time (24 Hr. Clock) 15:00	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E04	10. Event Number 6876245		
11. AR Name robert wood	AR Number 4500	12. Date Mo Da Yr 12/22/2022	13. Time (24 Hr. Clock) 14:49

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/13/2022	3. Citation/ Order Number 9615289 - 03
4. Served To Sheldon Maier - Owner	5. Operator ALASKA GOLDMINE LLC	
6. Mine PEDRO CREEK MINE	7. Mine ID (Contractor) 50-02099	

Section II—Justification for Action

MSHA has continued to attempt to communicate with the operator, without success. This citation is hereby extended.

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 03/11/2023	B. Time (24 Hr. Clock) 17:00	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E04	10. Event Number 6876245		
11. AR Name robert wood	AR Number 4500	12. Date Mo Da Yr 02/09/2023	13. Time (24 Hr. Clock) 06:03

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a, Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/13/2022	3. Citation/ Order Number 9615289 - 04
4. Served To Sheldon Maier - Owner	5. Operator ALASKA GOLDMINE LLC	
6. Mine PEDRO CREEK MINE	7. Mine ID (Contractor) 50-02099	

Section II—Justification for Action

MSHA has continued to attempt to communicate with the operator, without success. This citation is hereby extended.

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 04/29/2023	B. Time (24 Hr. Clock) 12:00	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E04	10. Event Number 6876245	11. AR Name Jarrod L. Towne	AR Number 5430	12. Date Mo Da Yr 03/30/2023	13. Time (24 Hr. Clock) 07:09
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MSHA Form 7000-3a, Mar 85 (revised)

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/13/2022			3. Citation/ Order Number 9615289 - 05	
4. Served To Sheldon Maier - Owner				5. Operator ALASKA GOLDMINE LLC		
6. Mine PEDRO CREEK MINE				7. Mine ID (Contractor) 50-02099		

Section II--Justification for Action

MSHA has continued to attempt to communicate with the operator, without success. This citation is hereby extended.

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 06/05/2023	B. Time (24 Hr. Clock) 12:00	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E04		10. Event Number 6876245			
11. AR Name Jarrod L. Towne		AR Number 5430	12. Date Mo Da Yr 05/12/2023	13. Time (24 Hr. Clock) 11:51	

MSHA Form 7000-3a, Mar 85 (revised)

EXHIBIT 2

Clark, David H. - SOL

From: Alaska Goldmine <alaskagoldmine1@gmail.com>
Sent: Friday, July 14, 2023 1:16 AM
To: Clark, David H. - SOL
Cc: Inti.Harbison@mail.house.gov; Chad_Padgett@sullivan.senate.gov; Lisa_Harbo@sullivan.senate.gov; greg_bringhurst@sullivan.senate.gov
Subject: Alaska Goldmine MSHA citations
Attachments: 7.13.23.AKGoldmine.David.Clark..pdf; 7.13.23.AKGoldmine.Response.MSHA.citations.pdf

CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.

Hello David Clark

This email is in response to your phone messages left with Sheldon Maier, owner operator of Alaska Goldmine.

Please find a letter addressing your concerns attached.

I have also attached a document with response to each of the MSHA citations as a courtesy.

Respectfully,

Sheldon and Janne Maier

EXHIBIT 3

July 13 2023

Alaska Goldmine LLC
276 Eagle Ridge Rd
Fairbanks, AK, 99712

To David Clark, MSHA solicitor

This communication is in response to repeated phone messages left with Alaska Goldmine by David Clark regarding the need for Alaska Goldmine to correct "safety violations" levied by MSHA inspectors Jerrod Towne and Robert Wood and asking permission for repeat inspection.

Mine owner operators Sheldon Maier and Janne Maier maintain that these violations/citations are not valid as they are a result of unjustified inspections that were harassing in nature. **Alaska Goldmine does not have employees and has yet to be presented with any evidence that a complaint had been filed against Alaska Goldmine to justify initial MSHA inspections.**

The ongoing insistence from MSHA representatives in pursuing harassment against Alaska Goldmine has prompted Alaska Goldmine to file title 18 section 241 and 242 civil rights violations against MSHA inspectors Jerrod Towne and Robert Wood through the United States Department of Justice (record number 318003-KJG), and a formal civil suit through the United States District Court for the District of Alaska for repeated harassment against MSHA inspectors Buck Jones, Jerrod Towne, and Robert Wood is being prepared.

Alaska Goldmine will continue to work with our political representatives to seek relief from MSHA overreach, and Alaska Goldmine has provided a written response to each MSHA violation to the political representatives who are aiding us in abating this pattern of harassment; we are sharing the document addressing MSHA violations here as a courtesy.

Alaska Goldmine will continue to refuse MSHA inspections as **Alaska Goldmine does not have employees and has not been presented with any evidence that an authentic complaint had been filed against Alaska Goldmine.** Furthermore, since Alaska Goldmine has filed title 18 section 241 and 242 civil rights violations against MSHA inspectors Jerrod Towne and Robert Wood through the United States Department of Justice, we will consider the presence of either of these inspectors at our site to be aggravated harassment. Alaska Goldmine owner operators will exercise their right to film any official visits.

Again, Alaska Goldmine maintains that the MSHA citation are invalid due to MSHA not having authentic justification for the initial inspection of Alaska Goldmine at best, and at worst, MSHA citations are evidence of intentional threats, harassment and abuse of power "under color of any law" (Title 18, section 241 and 242).

Respectfully,

Sheldon and Janne Maier

EXHIBIT 4

Fairbanks 7/13/2023

Addressing MSHA citations left taped to our gate on or about 6/19

The initial citations from September 13 2022 are invalid as they resulted from an unauthorized visit to our site immediately adjacent to the highway by helicopter; using a helicopter to access our site is both harassing and threatening in nature, and we have been attempting to address the harassment through our political representatives. Subsequent citations build on the initial harassing visit and are also not valid. We have never authorized MSHA inspectors to be on our site. In spite this, a number of citations resulting from repeat incommodious inspections have been levied against us, and inspectors claim to have repeatedly cited violations to operator- **we are husband and wife owner operators with no employees**, and neither of us have seen the inspectors since the 9/13/2022 incident; also, we have not received citations prior to the envelope taped to our gate.

Although these citations are not valid, we will address them as follows:

Citation #9615291 and #9687056 “failed to notify..... date mining operation will commence” and “..no....notify MSHA...”

We are owner operators and do not have employees. We will not be notifying MSHA of our operation schedule

Citation #9615288 and #9687055 “Three miners.....not received new miner training...” and “no.....part 48 training plan”

We are owner operators and do not have employees. Friends that visit our mine site or stay in our trailer are not employees or miners and do not require training.

In the past decades we have both sacrificed operating hours and money to attend redundantly repetitive 8-16 hour “MSHA training” classes with little relevance to our small operation. As owner operators we decline further MSHA training and will not submit a training plan

Citation #9615287 and #9687054 “Drive belt and fan blades on water pump” and “No....guard the drive belt and fan blades on the water pump”

Belt blades already guarded September 2022 at time of original citation

Pump not on mine site June 12 2023 when inspectors repeat cited belt/blades.



Citation #9615286 and #9687053 “The 120 volt control box.....” and “no....knockouts on 120 volt...”

No 120 volt power on pump; 12 volt remote receiver does not need knockout



Citation #9615279, #9615281 and 9687046 “..drive chain and drive sprocket were not adequately guarded...” and “trammel discharge belt is not adequately guarded.....”



Trommel had guards in place where they do not impede function, and guarding has been improved this summer

Citation #9615283 “....trammel discharge belt there are 2 return rollers that are not guarded...”



Guard impedes belt operation; safety barrier in place

Citation #9615280 and #9687047 “.....fan blades on the engine that operates the trammel are not guarded...”



Engine was to be replaced, but it has been repaired and additional guards installed

Citation #9615284 “...mine site does not have any flotation device...”

Neither owner operator need to wear flotation device while mining; nonsense citation

Citation #9615293 and #9687058 “no....first aid supplies...”

First aid kit always on site; used 2 Band-Aids in the last 5 years



Citation #9615294 “..denied entry to the mine site..” and “on September 13 the mine owner also engaged in harassment/intimidation of the authorized representatives.....” and “...the owner began to audio and video record...refused to stop”

We are owner operators and cannot accommodate surprise MSHA inspections without severe loss of operating time; we have informed MSHA that their interference is jeopardizing the viability of our business.

At initial visit 8/24/2022 MSHA inspector Jarrod Towne claimed there had been safety complaints against our mine site but **did not provide any evidence of complaints**. Owner operator declined inspection but provided MSHA inspector with cell phone number.

The subsequent visit 9/13/2022 was conducted via helicopter by Jarrod Towne and Robert Wood which, as previously stated, was harassing and threatening in nature, and the mine owner has every right to refuse harassment. Assistant Secretary of Labor for MSHA, Christopher Williamson also recognized in official communication to Senator Dan Sullivan 11/28/2022, that the 9/13/2022 helicopter visit “did not follow protocol” and Mr. Williams **did not produce any evidence of safety complaints against our site**.

The mine owner did not harass the inspectors by recording the incident as we have a right to film official visits for our protection

Citation #9615282 "The high wall..... fatal impact injuries .."
High wall posed no risk of injury and is being reclaimed

Citation #9615277 and #9687044 "..replace the 3 side windows on the D7G dozer.."
Cracks do not obstruct operator view



Citation #9615285 "A Ford Aerostar.... Without parking brake set or chock blocks...."
From previous MSHA training was informed that rocks are acceptable as chock blocks;
as the site has no shortage of rocks, I will continue to use rocks to chock vehicles

Citation #9615292, #9615278, #9687057 and #9687045 "..does not have any speed limit, right of way...." And "....no berms..."

A site with two owner operators and no employees does not need road signage, and berms are in place where they are needed and do not impede operation

Per above evidence these citations demonstrate either inability of the inspectors to recognize actual safety concerns or intent of inspectors to unduly harass mine owners and prevent mine operation. Disturbingly, per conversation with two separate legal counsels, we were informed that our attempt to mitigate MSHA harassment through our political representatives is inciting additional punitive MSHA action against us. This is not the purpose of MSHA.

Per Interagency Agreement between The Mine Safety and Health Administration U.S. Department of Labor and The Occupational Safety and Health Administration U.S. Department of Labor, **MSHA is tasked with protecting the mine employees and Alaska Goldmine does not have employees.**

Over the past 3+ decades the estimated operating time lost to attending redundant MSHA training, being harassed by forceful threatening visits, and spending time addressing continued harassment through our political and now legal avenues of relief is approximately 1500 hours/90,000 minutes
Operating time lost due to mine related injuries over the past 3+ decades: ½ hour/30 minutes.

Please support us in abating this harassment

Sincerely,
Sheldon and Janne Maier