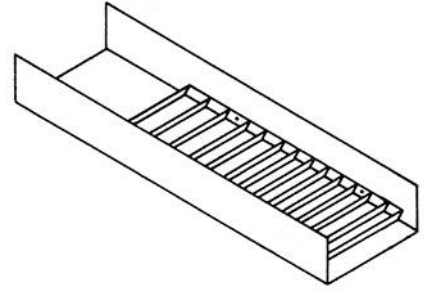




**Prospectors Association**

444 Winchester PMB 12-D,  
Roseburg, OR 97470



**THE SLUICE BOX**

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## February 2015

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DCPA meets on the 3<sup>rd</sup> Monday of each month at the Pine Grove Community Church, 1729 Buckhorn Road, Roseburg, OR 97470 at 7:00 pm. There is an optional potluck starting at 6:30 pm.

I'm sorry that I won't be able to report much about the January meeting. From what I heard there were only about 20 people there probably due to the National Playoff Game between the Ducks and the Buckeyes. I would have rather been at the meeting considering the beating our team took! Instead, I was recuperating in California from a fall which happened over the Christmas Holiday. I am probably the youngest person in the history of that hospital to ever break their hip. I should make it to the next one as I'm getting around better and better with each passing day.

### **Minutes:**

Last year the Board of Directors decided not to publish the monthly General Meeting minutes in the Newsletter due to the sensitive nature of some of its contents such as expenditures and bank balances. I will try with their permission, to supply you with a "Readers Digest" version without that information.

### **Membership:**

I still don't have any idea how many members we have. I did send out renewal applications with the last newsletter. I will have a better handle on things when I get back. **Dues are \$12; due now and late by the end of March. April 1<sup>st</sup> we will drop those who haven't paid from the roster!**

### **Outings:**

There was an outing last month at Island Creek. Scotty "Digger" Rentoul was the Wagonmaster. I spoke with him last night and he reported that nobody showed. I know it was January and maybe a little cold and rainy. It's hard to keep these going without member participation.

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**Saturday February 21<sup>st</sup>** (It would have normally been on the 14<sup>th</sup> but that's Valentine's Day) We will be learning to "Read" a river, Part One. We'll rendezvous at the Visitor Center in Roseburg at 9:00 am. **Bring your camera.** Part two will be later in the year where we compare the river at high water with the river at low water. The point of this exercise is to determine where in a stream the gold will settle and pay streaks or pockets may be formed. **There will be a no host lunch afterwards at the Myrtle Creek Dairy Queen.** The tour will be approximately 2.5 hours.

**Saturday, March 14<sup>th</sup>** will be a trip to Whiskey Run Beach just north of Bandon. No motorized equipment is allowed (Gas or Electric). You can bring one (1) of each: sluice box, pan, bucket, shovel (although some have filled multiple buckets and taken them home to process there). A 20 – 30 mesh classifier (sieve) would be helpful as the gold tends to be fairly small. However, I have found some pin head size pieces with a larger one. We will meet at the Dairy Queen in Winston at 8:00 am.

### **Metal Detecting:**

I am heading to California to help my sister-in-law move back there (driving only). I will be gone the weekend of February 21<sup>st</sup> and 22<sup>nd</sup>. I may be able to put on a Metal Detector Outing on Saturday the 28<sup>th</sup> unless Paul Demers from the Lock Out Guys wants to do one. I will also be gone to gold shows (ours and GPAAs) the last two weekends in March, so we might not have one for that month. Starting in April we should be able to go out regularly once per month, a week or two after the gold mining outing. I'm pretty sure the first one will be at one of the County Parks so be sure and get your permit!

### **Gold Show:**

The contracts are out. Applications and checks are coming in. We're working on the advertising including Reader Boards, TV, Satellite and Radio. Posters and fliers should be available soon. We need to start a signup sheet (if we haven't already). There's plenty to do. **If you'd like to get involved there will be a Gold Show meeting at 6:00 pm on Tuesday February 17 at Abbeys Pizza on Diamond Lake Boulevard. Anyone is welcome!**

### **Emergency Meeting in Riddle:**

I received a phone call on Tuesday January 20<sup>th</sup> from someone informing me of a "Secret Meeting" the EPA was having at the City Council Chambers in Riddle. I couldn't make it so Fred Richardson went instead. What it turned out to be is a public comment meeting between them, the Citizens of Riddle and surrounding area, regarding the proposed cleanup of the Formosa and Silver Butte mines. I have a copy of the hand out if anyone wants to look it over.

### **New DEQ 700PM For 2015**

As most of you may be aware the DEQ700 permit for dredging is for a five year period. **The last one ended on 12-31-14!** I've been in contact with Beth Moore at the Department of Environmental Quality. She informed me that the permit will not be available until Spring.

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In the meantime, if you had one for last year, then you should have received an extension form which was supposed to be mailed in by the expiration date of the last permit.

### **DSL Permit & Annual Report:**

Both the application for a DSL permit (needed for dredging in Essential Salmon Habitat waters) and the Annual Report from last year **need to be in by 2-28-15!** Both can be done online or you can download them, fill them out and mail them at the same time. However, it's usually faster to apply for the permit online but they won't issue one until they receive last year's report. **The permit is free.** You can find the online reporting page here:

[http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Recreational\\_Placer\\_Mining](http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Recreational_Placer_Mining)

Choose "Year End Report Form" if you want to print it out and mail it in. Choose "Online Report Form" if you want to do it electronically. Once you've completed that, choose "Online Application" to file for a new DSL permit for 2015. **They will not issue one if your report hasn't yet been received! You do not need one if you are dredging in Non-ESH waters.**

### **DEQ600 Permit**

You must have a DEQ600 permit for High Banking and other equipment which occurs out of the water, above the "High" water mark and drains in to a settling pond. No tailings can be allowed to flow back in to the stream. **The permit is free as long as you're moving less than 1,500 cubic yards per year, otherwise there's a \$213 fee.** Heck, I've been doing this since 1999 and there's no way I'm even close to that amount. The current permit is good until January 31, 2017. You can download the application here:

<http://www.deq.state.or.us/wq/wqpermit/docs/general/wpcf600/application1.pdf>

### **California Dredge Cases:**

Just to give you a little background, Brandon Rinehart was cited for dredging on his Federal Mining Claim without a permit. His argument was that the state requires one but refuses to issue said permit. He lost his first case so he appealed. The Appellate Court overturned the first case, citing that the state has no right to Preempt that which has been given to us by Congress, i.e. the 1872 Mining Law. Not only does the state not have jurisdiction, it cannot require you to have a permit and not issue one. What started out as a moratorium, turned in to an all-out ban! It was my understanding that the moratorium was for two years while they studied the effects of dredging on the environment, especially aquatic wildlife. I was told that the studies came back in favor of the miners, so the state of California claimed they were broke and didn't have the money or man power to issue dredge permits. There were 4500 permits issued in 2009. Using just the resident fee amount of \$47.50, that's \$235,000. It would have been more with non-Californians paying considerably more. Even if it cost the government \$35,000 for state employees to sign off on the permit and put it in the mail, the state would have received over \$200,000! Rinehart's legal fees were paid by the New 49s out of Happy Camp, California.

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At the same time Public Lands for the People and the New 49s (as well as a few others, some with counter suits) filed law suits against the State of California, mainly the Department of Fish and Wildlife, on the bases of Federal Preemption just like in the Rinehart case. Judge Ochoa not only ruled the same as the Appellate Court, he also decided that the 2012 California Dredge Regulations be thrown out! Right now the prevailing parties have to submit (or have done so by now) to the Judge their demands to see if he will grant them or whether they have to be modified to fit within the guidelines of his ruling. **The main thing that came out of this was, if you apply for a California Dredge Permit in 2015 and you are denied, you can dredge without one and there's nothing they can do about it!**

The state doesn't like losing. They have already (most likely under pressure from special interest groups) decided to review the Rinehart case and possibly unpublish the findings. **That means it will be like it never happened!** However, they can't touch Judge Ochoa's ruling and it will remain in effect and help bring dredging back to California!

So, why should we be concerned? There's an impending moratorium planned for 2016 here in Oregon which includes **an all-out ban on motorized equipment both gasoline and electric.** There's a good chance we can use these cases that have now set precedence, to possibly overturn SB838 which limits the amount of DSL permits available. One of the arguments in the second case was that the state has no right to utilize a lottery system which is exactly what SB838 created. Here's an e-mail I received from Anita Huffman at the Department of State Lands (DSL) when I inquired as to the deadline for applying for a DSL Permit:

***“Hi Walter, are you referring to the placer mining application? If so, then yes the deadline for a lottery of names is Feb 28<sup>th</sup> if the Department receives more than 850 applications. Last year (2014) the Department issued fewer than 850 permits, so no lottery was required. You can submit an application at any time.”***

So, there was no lottery last year. That explains why I received a DSL permit with only having one point out of eight possible. It's also my understanding that they didn't sell very many DEQ700 permits either. Surely not enough to pay for the studies. The rulings in the above mentioned cases claim that a lottery system or limiting the number of permits is **Federal Preemption.** The problem we're going to have here is the fact that any dredge with a nozzle 4 inches or smaller is considered by the state of Oregon to be “Recreational” Mining. In fact, it even states so across the top of the application:

### **“General Authorization Application For Recreational Placer Mining Within Essential Salmon Habitat”**

I've been told many times over the years that “Recreational” Miners are not covered under the 1872 Mining Law. The most amount of buckets I've ever classified and ran through my sluice in a day is 10 or about ¼ cubic yard. That might be called “Recreational”, I suppose.

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This is what I found in the Proline Mining Equipment Catalog regarding dredge capacities:

2 inch = Up to 2 yards per hour

2.5 inch = Up to 5 yards per hour

3 inch = Up to 8 yards per hour

4 inch = Up to 12 yards per hour

Even a 1.5 inch dredge is rated at 1 cubic yard per hour. **Folks, that is not recreational!**

Granted it's probably based on sucking up sand but you get the point. I believe the state of Oregon knows we aren't covered by the 1872 Law and that's the reason for the designation. I think we may have to force the state to change that definition before we can be protected by it. I talked to Walt Wegner recently to see whether PLP (he's the Vice-President) or the New 49ers will help us with our fight. **I'm not advocating that anyone does anything illegal.** He told me the best thing that could happen would be for someone to get cited for doing something that they have a total right to do, like Rinehart. Then they can step in and help us (Oregon Miners) with a legal battle.



### **Harassment:**

I'm still receiving telephone calls from people telling me that they're being told that they can't sluice this time of the year or they need a DSL permit to sluice, etc. They can never tell me who the representative is or what agency they're with. I've written the Oregon State Police and they've assured me they completely understand the new regulations spelled out in SB838. Now the County Sheriff may be another story. I have not had any communication with them thus far. Sluicing is allowed all year long, there is no season. However, if it's during the salmon run before and after Dredge Season, they would like you to contact Fish and Wildlife to see if there's a risk of setting your sluice box on or stepping on Redds (clusters of salmon eggs). **You do need a copy of the latest DEQ700 permit in your possession and adhere to the rules.** It's not one that's made out to you but if you have a 700 permit for dredging, it is also good for sluicing. This "Generic" permit can be downloaded from their website. However, there's a new permit coming out later this year. The link for the current permit is here:

<http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/permit.pdf>

Although it expired 12-31-14, it's still the only one available at this time.

In the meantime, if you are approached by anyone from any agency who is trying to stop you from doing something you believe you have a legal right to do, use one of these cards from PLP.

Name \_\_\_\_\_  
Badge # \_\_\_\_\_ Position \_\_\_\_\_  
Agency & District  
Represented \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ AM  
PM  
Location Details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Compliments of:  &   
**Public Lands For The People**  
a 501 (C) (3) Non-Profit Corporation  
20929 Ventura Blvd. Ste. 47-466  
Woodland Hills, CA 91364  
909-889-3039 • www.plp1.org

**Suggested Challenge Procedure**

If you are challenged by law enforcement or a representative of a governmental agency and advised that your work, recreation or sport is an unlawful activity, **do all of the following:**

1. Comply with the agent's instructions and politely ask what is the name and number of the law, municipal code or regulation that you are allegedly violating.
2. Note on this card the date, time, name(s), badge number(s), agency title(s), agency name, the district that the agents represent and the laws or regulations allegedly violated.
3. PLP documents both positive and negative contacts by law enforcement and agency representatives. PLP follows-up on contacts with the appropriate agency to reinforce positive professional contacts and to dissuade future negative and unprofessional contacts.
4. Forward the information on your contact to your local PLP office or PLP representative. PLP will advise you of the appropriate procedure to follow relative to your contact.

...Preserving Public Land Use for the People...

Just like a Law Enforcement Officer has to tell you what vehicle code you violated before he can issue a traffic ticket, a field officer for any agency **should and must** tell you what law, ordinance or code you are breaking. If they can't or won't, they need to leave you alone!

**Miner's Mall:**

This will be a monthly classified advertising area for members who want to sell prospecting and mining equipment. This is for members only. No retailers please. I will approach the board about selling business card size ads for vendors. However, if you're a vendor and the item is used, I don't see why I can't post the ad. Send photos if you like. I'll try to get them in.

**For Sale:** Used White's DFX Coin & Relic Metal Detector with rechargeable battery, \$450.00 Paul Demers @ 541 673 5625

**For Sale:** Slightly used Minelab 705 General Purpose Metal Detector \$625 Tom Bohmker, Cascade Mountains Gold @ 503-606-9895. email: [cascademountainsgold@gmail.com](mailto:cascademountainsgold@gmail.com).

**For Sale:** 4 inch Keene dredge with triple sluice, air compressor, newer Marlex pontoons, 5.5 Honda Engine and pump, 20 feet of suction hose with 4 inch swivel tip nozzle. **Low pressure breathing system, NOT INCLUDED!** \$2500 FIRM! Digger Rentoul @ 541-736-6981

**For Sale:** Slightly Used Desert Fox Spiral Wheel, \$250.00; Walt @ 541-315-2030 (selling this for Bob Pace)

**For Sale:** Used small Keene high banker, foldable and portable with an electric motor/pump and no hoses, \$250; Stephen Trout @ 541 391 2406 in Elkton.