



**MILLENNIUM DIGGERS
ASSOCIATION
Keizer, Oregon**



Secretary/Editor: Penny Esplin

PRESIDENT: Karen Darnell
VICE PRESIDENT: Bill Moore
TREASURER: Alice Phillips

June 25, 2015

Prez Sez:

"Genius is the gold in the mine; talent is the miner who works and brings it out." - Marguerite Blessington

How is everyone doing this summer? Getting out for some rock hounding and prospecting? If you haven't yet, be sure to join us in Hubbard on August 8 for some metal detecting. Also, join us at our next meeting to learn more about metal detecting from our guest, Walt Evens of Metal Detectors and More in Sutherlin. It will be a great help to those of us who need a refresher before the outing.

Book of the month: *"Gold Mines of Southwest Oregon"* by Roy F. Mayo, Nuggets Enterprises, 1987. I picked up this short book on loan and after some brief historical notes was delighted to find that it is chiefly a book listing southern Oregon creeks and gulches in which gold has been found, along with their matching USGS 15' Quadrangle maps. If you're looking for a place to prospect, this book is a great place to start.

Continuing the process: After you've found an area of interest, use a topographical map to narrow down the township, range and section you'd like to be in, then go to the county courthouse and check where your place is located and see if the land has a location notice filed on it. If it doesn't, chances are good it's unclaimed. Lastly, go check it out. If you don't see any claim signs, you're most likely free to prospect and claim it by hanging a location paper and filing it for yourself.

Finally, I wish to thank the people behind the scenes who handle association business to manage our membership, finances, claims, newsletters and outings and everything else that makes our communications, meetings and outings successful.

Take care and I hope to see all of you soon - Karen

Call to Order: Karen called the meeting to order @ 7:00 pm.

We all stood for the Pledge of Allegiance to the Flag –

Attendance: 23

TONIGHT'S GUEST SPEAKER: Karen introduced **Jack W. Peters, president of American Explosives Group, Inc.** He gave us an explosive presentation of just what it takes to become a "powder monkey" or "blaster". He also showed us some videos with great blasting footage, complete with the deafening "KABOOM!!" of the actual blast! He had speakers set up just for that purpose; just to give us a little hint of how the blast sounds and feels. He and his crew have worked out at the sunstone mines (for example), blasting the hard basalt to release the gemstones. His services are held in high regard, and he just loves his job! I think he said, before he starts his workday "How many different ways might I kill myself today?"

There is a lot to learn if anyone wants to get into this field. He is offering a class just for that purpose, an "**Explosives Class**" on how to "become your own blaster". It is to be held at the **7 Feathers Casino down in Canyonville. The class is for 2 days, starting September 25, and the cost is \$1,250.00**, and includes the license from the ATF.

"Thanks so much to the Millennium Diggers for allowing me to be your speaker! It was great fun to meet you all and looking forward to saying hi again for more adventures sometime soon. Thanks to my crew too, Matt Byers and Dez Strat." -**Jack Peters with American Explosives Group** <https://www.facebook.com/americanexplosivesgroup>



Jack Peters, Karen and Matt Byers

Break Time/Raffle Table Ticket Sales

Treasurer's Report: Cecil repaired dredge motor- needs compensation for his expense. Delmon made the motion to have Alice repay him with a check. Terrie seconded. All approved.

Outings/Events:

-July 27th, Thursday OUR GUEST SPEAKER Walt Evens is scheduled to give us a presentation. (See above)

-August 8, Saturday 10:00 Metal Detecting outing in Hubbard. Between the RR station and bank and hotel. We decided to wait until after the HopFest (end of July), Terrie made the motion and Ken seconded, we all approved. We will discuss this a bit more during the July meeting.

-September, Jeeter Creek claim. It was decided we wait until after Labor Day when the kids are back in school.

-October, Petrified Wood outing by Bend, Ken will update us as the time gets closer.

Claims Updates: Briggs Creek area closed due to fires. Claudia and Karen were down that way, saw the fire and reported it to the forest service.

-On Wednesday, June 24th, Claudia, Penny, And Karen and her grandson Brodie took a drive up to the Quartzville area to look for available claims. **(See summary below)**

Old Business: Kevin Preuss contacted David and made threats. His girlfriend has been hanging out at 7 Feathers Casino. There is a \$500 reward out for information leading to his arrest and conviction, with a matching donation of \$500. going to the Sugar Pine Legal Fund.

Snacks: Penny and Marlea volunteered to bring refreshments to our July meeting

New Business: SB830 Legislative Update: Word is that SB 830, which seeks to end the moratorium on suction dredge mining and adds a volume of arbitrary rules for permitting, died in Ways & Means Committee for this year. The moratorium will go into effect as of January 1, 2016. The enviros want to add amendments to the bill and are expected to get them in for the 2016 Short Session in February.

Show and Tell-letter is "G": Claudia brought some of the samples she collected from Quartzville area, including some from the altered rock road cut. -Ken found petrified wood, logs all broken up into rounds, then the rest of the tree was found vertically in the ground.-many pieces were encrusted with crystalized minerals -Delmon brought both halves of a geode he found in a rock quarry, mile post 31, east of Prineville. It was already broke in half when he found it.

Next Month's letter is "H"

OUR NEXT MEETING IS THURSDAY JULY 27th @ 7:00pm Be There!

Summary of Field Trip to Quartzville (by Penny):

On Wednesday June 24th, Claudia (with her little dog Milo), Karen and her grandson Brodie and Penny took a drive up to the Quartzville area looking for available claims for our club, using the print out Claudia had made from the BLM's LR2000 as a guide. Within the next couple days, she was going to go to the Linn County Recording office and, using their computer, compare notes with what we had found.

Karen had never been up that way, so it was an exciting journey. We made many stops, checking claim signs and numbers and taking notes. One of the stops was at an old tunnel site where there were a lot of sulfides present: chalcopyrite, bornite, sphalerite, galena, to name a few. We collected a couple samples for further study.

The day was beautiful; we had a picnic snack that was just wonderful, while sitting on the soft moss on the side of a spur road. All was going well, until a bit later, Penny started to go stir crazy, with claustrophobia beginning to set in, and the need to get out of the car and just wander! So, Claudia caught on to those vibes and made it a point to stop on Canal Creek on our way back for longer than 10 minutes! It was a much appreciated stop; Penny wandered upstream and built a rock stack. Brodie skipped rocks and splashed in the water along with Milo. Then, we made our way back, stopping at the A&W in Sweethome. Thank you Claudia!



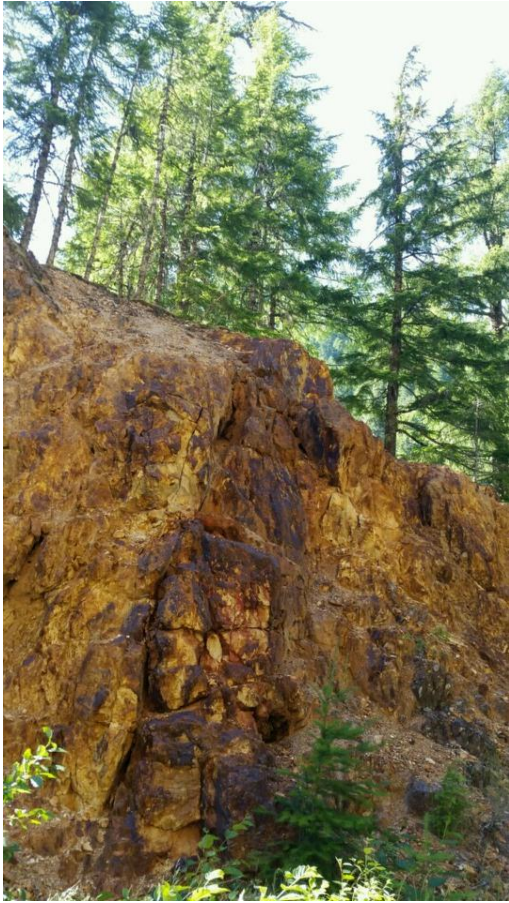
Milo found a nice spot to kick back and cool down.



Penny checks out mine tunnel



Sign posted on mine tunnel



Altered rock formation, smelled of sulfur



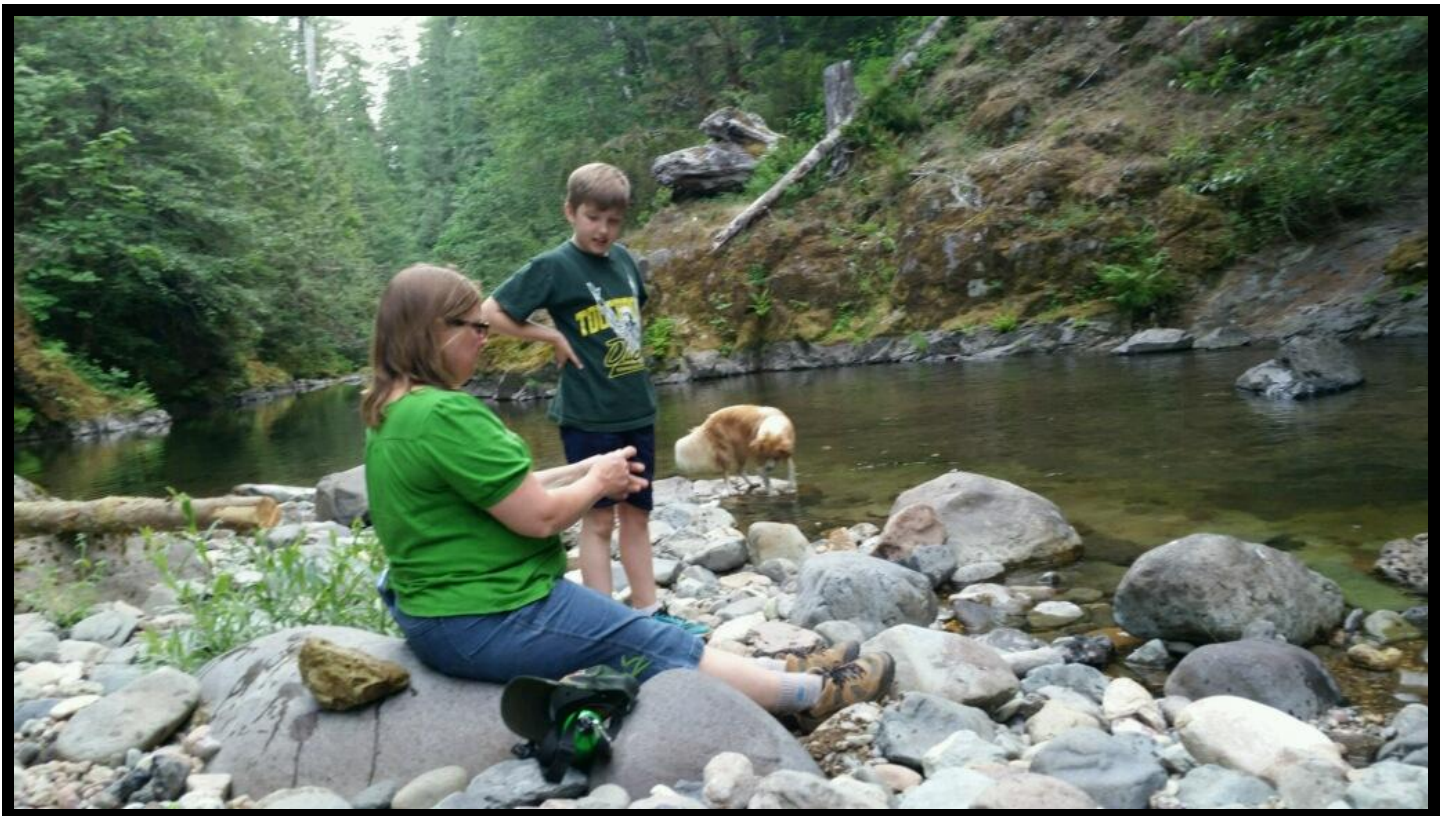
Pyrite was present



Elk bones in an old quarry site.



A group shot during our little picnic



Karen and Brodie with Milo on Canal Creek

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Visit our website at <http://www.millenniumdiggers.com/>

The Millennium Diggers Club is a group based in Keizer, Oregon, which is near Salem, Oregon. The club is for people that share an interest in searching for things of value. The club's charter is to provide members with a club that will help promote the hobbies of metal detecting, prospecting, rock hounding, and treasure hunting. Part of our yearly dues pay for mining claims that are available for all club members to use. We use club meetings to share information about locating gold, silver, coins, jewelry, gemstones, fossils and metal detecting. We plan club outings each month where we can help each other learn all aspects of our hobbies. This is a great family activity, bring the kids! Please feel free to drop in on one of the monthly meetings or outings.

We meet the 4<sup>th</sup> Thursday of each month, 7:00 p.m, at:

**Clear Lake United Methodist Church**

**920 Marks Drive**

**Keizer, OR 97303**

We meet in the church's Fellowship Hall; a real a nice meeting place complete with tables, chairs and a kitchen. The church is located across the street from the Clear Lake Fire Station. There's plenty of parking in the church's parking lot.

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## **About Mining In Southwest Oregon**

### **CHRONOLOGICAL OUTLINE OF MINING RELATED ISSUES WITHIN THE SISKIYOU NATIONAL FOREST OF SW OREGON**

November 7, 2003

by Tom Kitchar, **resident, Waldo Mining District**

<http://www.waldominingdistrict.org/mining-in-southwest-oregon.html>

#### **HISTORY OF MINING IN THE AREA**

**Althouse - 1935** (Large file 21MB. You may wish to download it and read it offline. To download right click and save) A 14 page series published by the Grants Pass Courier in 1935 about mining on Althouse Creek.

Prior to the discovery of gold in 1850, this area (SW Oregon) was basically unsettled, being visited occasionally by a few roving bands of Indians, a few trappers, and the occasional party of settlers passing through to get somewhere else. In 1850, while passing through on their way to Sacramento, a party of settlers was shown (by local Indians) a place to camp where gold could be found (which later became known as the mouth of Josephine Creek on the Illinois River). This party named the creek "Josephine" for a young girl traveling in the party (Josephine County was also named for this girl), and the river the "Illinois", as many in the party were originally from the state of Illinois.



During the winter of 1851-52, a party of sailors jumped ship in Crescent City (CA) and headed for the recently discovered gold fields in the Jacksonville (OR) area. Along the way, while passing through the Illinois Valley (in the heart of what is now the Siskiyou National Forest (SNF), the sailors discovered what came to be known as "Sailor's Diggin's", (a huge rich placer gold deposit).

The sailors were followed that same winter by 100's of "49er's" that had arrived in California too late for the California gold rush. By 1853, 1000's were swarming into the SW Oregon area, working mostly rich placer deposits. (NOTE: To give an idea of how many people came to SW Oregon to mine, on just one creek alone, "Althouse Creek" (which is a medium-size creek, with about a 15 mile long drainage), it is reported that over 10,000 miners had mined on Althouse Creek between 1852 and 1860. (And these miners were followed by 100's of Chinese miners, then the hydraulic miners, the 1930's depression miners, and currently the suction dredge miners).

By the 1880's, gold had been discovered in just about every watershed from the Pacific coast inland for 50-60 miles, and 30-40 miles north from the California/Oregon border. Although mining for gold has been the main interest, the area has also produced silver, copper, iron, cobalt, platinum, pgms, chromium, nickel, and other metals.

The area was especially rich with placer gold deposits. All three main rivers in the area (the Rogue, Applegate, and the Illinois rivers), along with almost every other creek or stream were rich in placer gold. Some lodes were discovered and worked, producing millions of dollars in gold (all were shutdown in WWII and never reopened). The area also produced some amazingly rich "pocket gold" discoveries.

By the 1960's and early 1970's interest in gold mining in this area was on the decline, with only a few die-hards still working some marginal deposits. About this same time, Hippie's, by the 100's if not 1,000's moved into the area, setting up several large communes. This created the base for the environmental movement that followed.

The soaring gold prices in the late 1970's - early 80's, along with the development of the modern surface suction dredge, created mini-gold rushes in almost every known gold producing area in the United States... including here in the SNF area. With this area's high number of gold bearing rivers and streams, along with the mild climate, this was about as close as it comes to "Dredger's Heaven". Courthouse records show a jump in mining claims from around 1,000 in the 1970's to over 8,000 in the early to mid 1980s (current number of claims in this area is around 800-1,000).

Almost all of these claims were/are placer claims, on streams, creeks, and gulches. Most are owned by individuals or small groups of individuals holding 10 or fewer claims. The main mining method of choice on most of these claims is with small surface suction dredges (intakes from 2" to 4" are most common, some 5" & 6", and the occasional rare 8").

## **AREA MINING IN THE 1980s - 1990s**

Since the early 1980's, the numbers of mining claims has fallen, along with the numbers of people mining/dredging. This is probably mainly due to the lower price of gold, and the fact that, once a suction dredge has worked an area, the area will not be worth working again for many many years, if ever (this is because the small streams and creeks of the SNF do not replenish themselves (form new placer gold deposits) like large rivers sometimes do).

During the 1980s and 90's, the SNF requested Notices of Intent (NOIs) from area dredgers. Approximately 120 or so dredgers complied (annually). Suction dredgers are also required to obtain a National Pollutant Discharge Elimination System permit (0700-J) from the State Dept. of Environmental Quality (DEQ), along with a Remove & Fill permit from the Oregon Division of State Lands (DSL) for operations moving more than 50 cubic yards in any given location per year. DSL later changed their regulations, designating almost every stream flowing west of the Cascades as "Essential Salmon Habitat" (ESH). This ESH designation put further restrictions on dredging.

All of the state issued permits require that dredgers follow the "In Water Work Timetable" set by the Oregon Dept. of Fish & Wildlife (ODFW). In the SNF area, dredging is only allowed when salmon eggs and fry are not present... meaning that dredging can only take place between June 15 through September 15 (unless a waiver is issued by ODFW to work out of season).

## **ENTER THE ENVIRONMENTALISTS**

Sometime around 1980, a group of people came to this area and formed an extremist environmental group, "Kalmiopsis Earth First!" ("Kalmiopsis" is the name of a huge area designated as Wilderness in this area). This group later changed their name to "Siskiyou Regional Education Project" (SREP), and were very active in destroying this area's once thriving timber industry. During the late 1980's they had a saying: "Logging through by '92, mine free by '93."

SREP is a tax-exempt non-profit organization, and its members have managed to get positions on almost every local council or committee. They are very well organized, and operate on an annual budget exceeding \$300,000.00 (this money comes from grants, donations, and dues). They have approximately 6 or so full-time paid employees (whose job it seems is to think of ways to stop all land use in the area) including an in-house staff attorney.

In the late 1990's, SREP and other environmental organizations sued the SNF twice for allowing a suction dredge operation on one (1) particular local creek (Silver Creek), without requiring a Plan of Operations (POO) and for failure to properly conduct an Environmental Analysis (EA) or Environmental Impact Statement (EIS). The environmentalists won both suits. The SNF was ordered to go back and re-do parts of their EA. An appeal was planned, but orders from the Clinton administration said do not appeal. (NOTE: Records show that SREP was awarded over \$46,000.00 for the "SREP v Rose" suit.)

## **EVENTS SINCE MARCH 2000**

Instead of appealing either of the court decisions, the Pacific NW Regional Forester (R6), Harv Forsgren, and the SNF Supervisor, Jack Williams, interpreted and used the judges decision (SREP v Rose) to try to implement provision "Minerals Management 1" (MM-1) of the 1994 Northwest Forest Plan (NWFP). (NOTE: Both Harv Forsgren and Jack Williams were Clinton administration appointees, and both were fish biologists).

### **MM-1**

MM-1 of the NWFP requires an approved POO, reclamation plan, and bond for ALL mining activities within riparian reserves (riparian reserves are described as all water, and 2-300+ feet around any water). (MM-1 is found on page "C-34" of the Standards and Guidelines of the NWFP).

March 29, 2000: The SNF sent out the first "Dear Prospector" letter, informing miners that the SNF had lost the SREP vs Rose suit, and because of that, all mining operations within riparian reserves "may" require a POO, pursuant to MM-1 of the NWFP.

## **THE ANTI-MINING WAR BEGINS:**

**May 24, 2000:** At the Waldo Mining District (WMD) general meeting of May 24, 2000 (held in Cave Junction, OR), SNF personnel informed miners that they will now be required to submit

a POO for all mining activities within riparian reserves. When asked to define "all mining", the SNF said that it meant panning, sluicing, dredging, etc.... including picking up a nugget out of a bedrock crack with bare fingers! (NOTE: This meeting was recorded on audio tape). The mining community (members and officers of the WMD and several other mining organizations from Oregon & Washington) argued that this was illegal... in violation of 36 CFR 228.4 (which plainly allow for certain non-disturbing operations to take place without even a "Notice").

The miners argued that the demand for POOs for all mining within riparian reserves, irregardless of the level of disturbance, went against the NWFP itself, as, page "C-1" of the Standards & Guidelines (NWFP) says that no part of this plan supersedes existing laws and regulations, and that it does not give agencies authority they do not already have (Congress has prohibited what amounts to as a "permit" for mining or prospecting). The SNF ignored the miners' arguments. (NOTE: The SNF had not approved a single POO in over 8 years).

**(NOTE:** From this date on, the general consensus of the mining community is that under the 36 CFR 228.4 provisions, in nearly 99% of all cases, a simple suction dredging operation does not require a POO. The mining community believes that most of these simple operations do not even require a Notice.)

The effects of enforcing MM-1: Requiring an approved POO, Reclamation Plan, and Bond for all mining activities (including prospecting) would effectively be the same as a prohibition on mining within riparian reserves (it is estimated that approximately 80-90% of all mining claims within the SNF are within riparian reserves, and approximately 90% of these claims are worked with suction dredges). Before May 2000, the SNF received approximately 3-4 new POOs a year. Of these 3-4 POOs per year, none have been approved in over 8 years (as of May 2000).

In May of 2000, there was approximately 800 mining claims on the SNF. Approximately 640-720 (80-90%) of these claims are within riparian reserves. If MM-1 is strictly enforced, well over 500 POOs will need to be submitted just to cover operations related to existing suction-dredging claims. If the SNF can't approve a single POO in over 8 years (when they were receiving 3-4 new POOs per year), there's no reason to believe that any of the 500+ new POOs would ever be approved.

Enforcement of MM-1 would also put a stop to all prospecting within riparian reserves. This would be the same as a mineral withdrawal in these areas, as, no new mining claims can be located without a discovery... which, according to MM-1, could not be done without an approved POO (and the SNF does not approve POOs).

Enforcement of MM-1 would also place an unfair financial burden on claim owners. The U.S. Mining Laws require that a claim owner either pay the government \$100.00, or, if the claim owner owns 10 or fewer claims, do at least \$100.00 worth of work or improvements (assessment work), per claim, per year, in order to hold the claim/s. Requiring an approved POO that never gets approved would deny the small miner (owns 10 or fewer claims) the option of doing assessment work, forcing them to pay \$100.00 per year, per claim, just to hold their claims. This is totally against the intent of Congress when they granted the Small

Miners Exemption/Waiver (allows owners of 10 or fewer claims to do the work instead of pay the \$100.00). As many claim owners own more than one claim (can own up to 10), small-scale claim owners could be forced to pay hundreds of dollars each year to hold their claims, thus placing in some cases, an extreme financial burden on the claim owner/s. Many would be forced to abandon at least some of their claims.

**June 2000:** A plan was developed by the mining community to partially respond to the SNF's demand for POOs. It was decided to (partially) give them exactly what they wanted... POOs, by the hundreds if not thousands. Using the standard 7-page FS POO application form, a generic POO was written to allow for prospecting on unclaimed lands (it was decided by claim owners to not submit POOs for activities taking place on mining claims). The generic POO would cover any or all unclaimed lands within one (1) whole ranger district (the largest area a POO could cover). The generic POO was called a "Plan of Operations for Prospecting" (POOP), and would allow for panning, sluicing, and the use of up to a 4" dredge (activities defined by Oregon statutes as prospecting, and small-scale or recreational mining).

The POOPs were completely pre-filled out, with every item on the 7-page form answered or addressed. They were NOT frivolous in any way... the activities described were real bonafide mining/prospecting techniques and all allowed under permits issued by the State of Oregon. All that was required to submit a POOP was to add your name, address, date, and sign. Each individual could submit a POOP to each of the five (5) ranger districts within the SNF. By the end of summer (2000), approximately 5-600 people had submitted over 2100 POOPs to the SNF. (NOTE: There was two main reasons for the POOP plan: 1) Large numbers of POOPs would be a form of protest, and bring attention to the ridiculousness of the situation and; 2) "IF" this demand for POOs was upheld, then all who submitted a POOP would actually need an approved plan.)

**August 2000:** Local newspapers announced that the Siskiyou Project (SREP) had secretly submitted a proposal to the Clinton administration to designate the whole (1.2+ million acres) SNF a "National Monument" (the "Siskiyou Wild Rivers National Monument"). This led to the formation of a new chapter of "People for the U.S.A." (PFUSA) by Illinois Valley area residents to fight the Monument.

**January 14, 2001:** In his last few days in office, out-going Secretary of Interior, Bruce Babbitt, comes to Medford (OR) with the intent to take a drive down the Illinois River to hold a press conference to announce that there just was not enough time (left for the Clinton administration) to designate another new National Monument. Because of the several hundred protesters waiting for him near the Illinois River, Secretary Babbitt stayed in Medford. After meeting with members of SREP, Sec. Babbitt announced that there would be no new monument, but, he was going to recommend that the whole SNF and adjoining BLM lands be withdrawn from mineral entry. In the words of Bruce Babbitt: "Suction dredging in these streams is a dagger pointed at the heart of the Siskiyou National Forest."

**January 22, 2001:** Notices published in the Federal Register announce the proposed withdrawal of approximately 150,000+ acres of BLM land and approximately 1.2 million acres of the SNF. As of this date (01/22/01), all of the lands described in the proposal were

"segregated" (i.e.; a temporary withdrawal) for a period of up to two (2) years. As of this date (01/22/01), none of the 2100+ POOPs had been approved. During the next 60 days: Comments were submitted, pointing out the many violations of federal regulations (43 CFR 2310), and the SNF's own 1989 Land Resource Management Plan that occurred in connection with the proposed withdrawal of the SNF. A "Notice of Non-Compliance" was sent to the SNF, the Regional Forester, the Chief of the Forest, and the new Secretary of Interior by the Waldo Mining District, calling for the immediate cancellation of the proposed withdrawal. All of the miners' protests were ignored. The mining community solicited comment letters from local civic groups, governments, Senators and Representatives (State & Federal), miners everywhere, and from interested individuals. By the end of the comment period, the comments numbered over 11 to 1 against the proposed withdrawals.

To test the legality of the segregation, a member of the WMD located and filed a new mining claim on lands covered under the proposed withdrawal. BLM declared the claim null & void, and an appeal was filed with IBLA. The IBLA ruled that Tom Kitchar, as President of the WMD, did not have standing to file an appeal for another miner (this decision was appealed, and denied). The claim was relocated and filed, again declared null & void, and another appeal was filed with IBLA, this time by the locator of the claim. The IBLA ruled that the lands were segregated by the publishing of the Notice and that therefore the claim was null & void. (NOTE: In their decision, IBLA made no mention of the numerous acts of noncompliance of the federal regulations concerning the Application for the proposed withdrawal, or the numerous acts of noncompliance within the published Notice for the proposed withdrawal.)

**March 19, 2001:** SNF Supervisor Jack Williams sent another "Dear Prospector" letter to all that had submitted the 2100+ POOPs, informing them that the whole SNF had been segregated, and that because of the segregation, the miners had no rights under the mining laws to prospect on any unclaimed lands within the SNF (NOTE: This was a lie... not all the SNF was in fact segregated. See January 18, 2002). Supervisor Williams said that because their POOP was for activities on unclaimed lands, "...your plan cannot be approved." (NOTE: By refusing to process the POOPs because "supposedly" the whole SNF was segregated... when in reality it was not, Supervisor Williams violated several Oregon statutes. See January 18, 2002.)

During the next few months, several Freedom of Information Act requests were submitted to the SNF, Region 6, and the Washington Office of the FS, in order to acquire more information. Copies of email messages to and from SNF Supervisor Williams as early as August 2000 indicate that he was considering the withdrawal of the whole SNF as a method to deal with the 2100+ POOPs.

**May 29, 2001:** A Notice was published in the Federal Register, local papers, and in letters sent to interested parties, by the SNF, notifying everyone that; "...the SNF is intending to prepare an EIS on the effects of authorizing suction dredge operations across the forest." The stated purpose for this study was so the SNF could; "...approve Proposed Plans of Operation for suction dredging within Riparian Reserves on mining claims, providing the following:" (the "following" was a list of restrictions so restrictive that nobody could operate under them, all based on pure speculation of possible harm where none had been proven to exist).

The idea here was, dredgers would be able to submit a basic POO, agreeing to follow a list of highly restrictive provisions, and the SNF would be able to give a "blanket approval" for all of them, possibly instantly.

June 15 - September 15, 2001: "In water" work period for the SNF area as set by Oregon Dept. of Fish & Wildlife. Suction dredging is permitted during this period by the State of Oregon. Many miners dredge on SNF lands without submitting a NOI or a POO during the 2001 dredging season..

**July 26, 2001:** A meeting was held at the Grants Pass SNF HQ. Attending the meeting was SNF Supervisor Williams along with 4 other SNF employees, and 5 miners from the WMD and Oregon Independent Miners (OIM). This meeting was arranged at the request of the SNF, due to recent letters they had received from SREP, complaining that miners were still dredging without approved POOs. The miners stated that they were doing required assessment work. The SNF asked if the miners could do something else for assessment work. The miners said they would gladly build cabins, roads, or trails, or sink shafts or tunnels (all court approved ways to meet assessment requirements) instead of active mining to meet the assessment work requirements. The SNF did not like any of these options. The meeting ended in a stalemate.

**October 2, 2001:** The new Chief of the Forest, Dale Bosworth, sends a letter to Secretary of Interior Gale Norton, requesting that she cancel the proposed withdrawal of approximately 1.2 million acres of the SNF due to overwhelming public opposition.

**October 4, 2001:** The SNF holds a public information meeting concerning the EIS on the effects of approving suction dredging operations (see May 29, 2001).

**October 9, 2001:** The WMD sends Regional Forester Forsgren and Supervisor Williams a "Notice of Non-Compliance" of Federal Regulations, Oregon Revised Statutes, and possibly the California Public Resources Code for denying to process the 1000 (approximately) POOs that covered any of the approximate 50,000 acres of the SNF that were not segregated under the proposed 1.2 million acre withdrawal (see January 18, 2002). (NOTE: No response was ever received concerning this Notice of Non-Compliance).

**October 17, 2001:** Nancy Graybeal (for) Harv Forsgren, Pacific Northwest Regional Forester, submits an application for the proposed withdrawal of approximately 83,000 acres of the SNF. (NOTE: As of this date (10/17/01), the previous 1.2 million acre withdrawal proposal had not been canceled. See May 21, 2002.)

**November 14, 2001:** In an article in the Grants Pass Courier, SNF Supervisor Jack Williams announced that Secretary of the Interior Norton, at the request of FS Chief Bosworth, would terminate the proposed mineral withdrawal and segregation on approximately 1+ million acres of the SNF. (NOTE: The article did not say "when" this would happen... just that it would.)

**January 17, 2002:** SNF releases the "Draft EIS to Approve Plans of Operation for Suction Dredging". The DEIS contains speculative science (at best), supposedly justifying the almost

prohibitive restrictions on dredging operations. It is important to note that this draft was released even though an important part, the "cumulative effects" analysis had not been completed. At some point in time, the SNF hires Peter B. Bayley, Dept. Fisheries & Wildlife, Oregon State University to do the cumulative effects analysis. (NOTE: The draft analysis was expected by fall of 2002, when in reality was not released until spring of 2003, and then available only if requested using a Freedom of Information Act (FOIA) request). The Final of the analysis was due by the end of March, 2003. To date (11/07/03), the Final has not been released. It is interesting to note that the conclusion in the draft said, in part: "...any effect that may exist could not be detected at the commonly used Type I error rate of 0.05.").

**January 18, 2002:** The WMD formally informed the SNF that the WMD was prepared to prove that approximately 50,000 acres of the SNF were not legally segregated (by the proposed withdrawal of January 22, 2001) due to errors in the legal descriptions given in the Federal Register notice of January 22, 2001... and that because of this, all of the POOPs submitted covering these lands (approximately 1000 POOPs) "MUST be processed."

**NOTE:** From information gained through FOIA requests, the WMD believes that SNF Supervisor Jack Williams KNEW these lands were missed at the time he sent his letter of March 19, 2001, denying mining rights to those that had submitted a POOP. Because of this, the WMD informed Supervisor Williams that it believed that he was in violation of Oregon Revised Statute 517.128 (makes it a crime (class C misdemeanor) to deny access to open mining ground), and of ORS 517.133 (makes it a crime (class C misdemeanor) to harass or interfere with a legal mining operation). The WMD believes that Supervisor Williams violated, harassed and interfered with the mining rights of approximately 800-1000 individuals.

**January 18, 2002:** SNF Supervisor Williams sent out a letter to all that had submitted a POOP, apologizing for; "...the confusion, and for any missed exploration opportunity some of you may have experienced because of this situation." Supervisor Williams also included in this letter a copy of a "Decision Memo", dated back in December of 2000 (13 months previous). The Decision Memo supposedly approved portions of the POOPs... (i.e.; metal detecting, panning and sluicing... providing that it was all done in a tub). (NOTE: It is especially interesting that no one in the mining community knew of this memo for 13 months).

**January 30 and February 5, 2002:** Two (2) letters from the Chief of the Forest's office state that the provision "MM-1" does NOT supersede the existing 36 CFR 228.4 regulations:

"In areas covered by the NW Forest Plan or covered by other general management guidance or strategies, forest users can conduct non-significant surface disturbing activities without filing plans of operations per the intent of the Forest Service Mining Regulations. A Notice of Intent to Operate (NOI) will still be required if the proposed activity might cause disturbance of surface resources and it doesn't meet the provisions of 36 CFR 228.4(a)(2). The MM-1 standard and guideline applies only when the proposed activity is likely to cause significant surface disturbance." (emphasis added)

**February 22, 2002:** Jack Williams steps down as Supervisor of the SNF (transfers to a teaching position at Southern Oregon University, Ashland). Mr. Williams said as the reason for his



leaving: "I have some different opinions on natural resources management issues than the current administration."

Also, sometime in the next few months, Regional Forester Harv Forsgren is transferred out of the Pacific Northwest region. (NOTE: This means that the two FS individuals most responsible for everything that happened since May of 2000 (i.e.; the demand for POOs under MM-1, the proposed mineral withdrawal of the whole SNF, the illegal denial to process approximately 1,000 POOPs, the more recent proposed mineral withdrawal of 80,000+ acres of the SNF, the never completed and now irrelevant proposed EIS on the effects of approving suction dredging, etc.) no longer have any authority over the SNF. They created a huge mess, wasted hundreds of thousands of dollars of taxpayer money... and walked!)

**March 15, 2002:** A meeting was held at the SNF HQ in Grants Pass. In attendance were personnel from the SNF, R-6, and from the mining community. The purpose of the meeting was to discuss future SNF mining management policy in light of the two letters (01/30 & 02/05) from Washington DC. At this meeting, miners were told that the EIS on suction dredging was to be canceled because the stated purpose no longer existed.

**April 2002:** Phone conversations with the SNF reveal that the Pacific NW Regional office does not want the EIS on suction dredging canceled. The EIS is now in "limbo". (NOTE: Over \$100,000.00 was spent by the SNF on this DEIS).

May 21, 2002: Federal Register (FR) Notice cancels the proposed withdrawal of 1.2 million acres of the SNF. This same Notice announces the new Proposed Mineral Withdrawal of 83,000+ acres of the SNF, and begins a new two (2) year period of segregation. (NOTE: Notice that the FS chose to cancel their original proposed withdrawal and implement a new proposed withdrawal with a new 2-year period of segregation.)

This new withdrawal was proposed by Pacific NW Regional Forester Harv Forsgren, and the application was submitted to BLM/DOI by Nancy Graybeal (signing for Harv Forsgren) on 10/17/01. The FR notice of May 21, 2002 was published 290+ days after the submission of the application on 10/17/01. USC 1714 (b)(1) and 43 CFR 2310.2 (a) require that the Secretary of Interior publish the Notice of proposed withdrawal in the FR within thirty (30) days of receipt of the application. This was not done, as over 290 days went by between the date of receipt of the application (10/17/01) and the date the notice was published (5/21/02). The WMD believes that the new proposed withdrawal, and its period of segregation, are illegal.

**May 21, 2002:** Federal Register Notice amends the Bureau of Land Management's proposed withdrawal of 150,000 acres which was published on January 22, 2001. This Notice reduces the BLM proposed withdrawal to approximately 30,000 acres. (NOTE: Notice that the BLM chose to "amend" their existing proposal which does not extend the original 2-year period of segregation.)

**June 15 - September 15, 2002:** "In water" work period for the SNF area as set by Oregon Dept. of Fish & Wildlife. Suction dredging is permitted during this period by the State of Oregon. Many miners dredge on SNF lands without submitting a NOI or a POO during the 2002 dredging season..

**June 25, 2002:** The WMD sends Pacific Northwest Regional Forester a "Notice of Non-Compliance" with Federal Regulations and the SNF 1989 LRMP, concerning the May 21, 2002 proposed withdrawal of 83,000+ acres of the SNF. In this Notice, the WMD alleges that; 1) 43 CFR 2310.2 was violated when more than 30 days went by between the time the Application for the proposed withdrawal was submitted (Oct. 17, 2001) and the when the Notice of Proposed Withdrawal was published (May 21, 2002); 2) the FS is illegally extending the 2-year period of segregation (violation of 43 CFR 2310.2) connected with the withdrawal proposal of January 22, 2001, by canceling this withdrawal proposal and creating a new proposed withdrawal with a new 2-year period of segregation; 3) the proposed withdrawal is in non-compliance with the 1989 SNF LRMP wherein withdrawals are to be held to a minimum, and mining shall be facilitated (1989 SNF LRMP, Standards & Guidelines, page IV-55, 10-1 & 10-2).

FS response to this Notice of Non-Compliance is that; 1) Once the FS submitted the Application to BLM, the time before publishing was out of their hands and; 2) The FS claims that the new proposal is not based on the previous withdrawal, and therefore is entitled to a new 2-year period of segregation. Violations of the 1989 SNF LRMP were not addressed.

**August 6, 2002:** The WMD requests that the Regional Forester and/or the SNF Supervisor officially extend the comment period connected with the withdrawal proposal of May 21, 2002, due to, amongst other things, no public meeting, the lack of information, and the public's inability to access most of the areas proposed for withdrawal because of the 500,000 acre Sour Biscuit wildfire.

**August 13, 2002:** SNF declines the WMD's request to extend the comment period connected with the May 21, 2002, proposed withdrawal of 83,000+ acres. A letter from Rob Shull (SNF) said: "I am declining your request for an extension of the comment period because a new comment period will be initiated and provided the public at the meeting scheduled for Sept. 5, 2002."

**Mid August, 2002:** Notices in local newspapers announce that the Medford BLM and the SNF are planning to hold a joint Public Meeting concerning both agencies respective proposed withdrawals. The meeting is scheduled for September 5, 2002.

**September 5, 2002:** The Public Meeting concerning the BLM and SNF proposed withdrawals is canceled because no Notice of the meeting was published in the Federal Register at least 30 days before the meeting, as required under 43 CFR 2310.2. (NOTE: To date (11/7/03), no public meeting has been held concerning any of the proposed withdrawals mentioned in this outline, neither has a new comment period been initiated).

**January 22, 2003:** The 2-year period of segregation connected with the proposed withdrawal on approximately 30,000+ acres of BLM land expires without a Notice of Withdrawal being published in the Federal Register.

The WMD believes that as of this date (01/22/03), the segregation connected with the SNF's proposed withdrawal of 80,000+ acres is in violation of 43 CFR 2310.2 as it illegally extends the 2-year period of segregation connected with the January 22, 2001, proposed withdrawal (of 1.2 million acres of the SNF), because the more recent proposal is in reality just a down-sized

version of the earlier proposal... and thus cannot extend the earlier two-year period of segregation.

**February 6, 2003:** The Siskiyou Regional Education Project (SREP) files a Complaint for Declaratory Injunctive Relief against the SNF and the SNF Supervisor, Scott Conroy, in United States District Court, District of Oregon. SREP alleges violations of the SNF 1989 LRMP, the 1994 NWFP, and the Endangered Species Act (ESA), in that the SNF was not enforcing provision "MM-1" of the NWFP (by not requiring POOs for suction dredging operations in 2002), and by not consulting with National Marine Fisheries Service (NMFS) about instream mining and its effects on threatened and endangered species of coho salmon.

**April 2003:** The SNF responds to SREP's Complaint of February 6, 2003. Because of the ill-conceived half-hearted arguments given by the SNF (in reality U.S. Dept. of Justice (DOJ) attorneys), area miners believe that the SNF was set-up to loose this suit by former Regional Forester Forsgren and former SNF Supervisor Williams. The miners also believe that if the SNF loses the SREP suit, it will be they, "the miners" that will, in reality, loose.

**June 4, 2003:** The Waldo Mining District and Bob & Lesa Barton ("the Miners") file a Motion to Intervene in the SREP v SNF suit.

**June 16, 2003:** Magistrate Judge Cooney recommends that the Miners Motion to Intervene be denied.

**June 30, 2003:** The Miners file objections to Magistrate Cooney's recommendation.

**August 8, 2003:** U.S. District Judge Hogan upholds Magistrate Cooney's denial of intervention for the WMD, but grants limited intervention (in the remedial phase only) to the Bartons. This limited intervention is seen as nearly worthless by the Miners.

**August 22, 2003:** The Miners file a Complaint against the SNF and SNF Supervisor Conroy to not require POOs for suction dredging, and to not consult with NMFS. The Miners also file a Complaint against the Secretary of Commerce, to remove certain species of coho salmon from the Threatened and Endangered Species list.

The Miners also file a Motion to Consolidate their suit with the SREP v SNF suit.

**November 3, 2003:** DOJ files a Motion to Dismiss, in Part, the Miners Complaint.

**November 7, 2003:** As of this date; 1) the period of segregation connected with the proposed withdrawal of 80,000+ acres of SNF lands continues; 2) No Public Meeting connected with the proposed SNF (or BLM) withdrawal/s has been held; 3) The EIS to Approve Plans of Operation for Suction Dredging has not been completed, and is not likely to be; 4) The SNF has not approved a Plan of Operations for at least 10 years.

## **FINAL NOTES**

Effects of Suction Dredging: To date, over two dozen studies have been done relating to the environmental effects of suction dredging, especially possible effects on fish and fish habitat. Nearly every study concluded that, providing current levels of restriction and regulation are followed, there are no significant effects on the environment, fish, fish habitat, and surface resources.

On September 13, 1994, the U.S. Army Corps of Engineers study on the effects of suction dredging concluded in "Special Public Notice 94-10" that:

Four-inch and smaller dredges have inconsequential effects on aquatic resources. "This is an official recognition of what suction dredgers have long claimed; that below a certain size, the effects of suction dredging are so small and so short-term as to not warrant the regulations being imposed in many cases. The U.S. Environmental Protection Agency (EPA), has ignored this concept, although numerous studies, including the EPA's own 1999 study of suction dredging, repeatedly and consistently support the Corps finding de minimis effects. The reports consistently find no actual impact of consequence on the environment, and so almost always fall back to the position that potential for impact exists. Studies to date have not shown any actual effect on the environment by suction dredging, except for those that are short-term and localized in nature." Suction dredges of larger than 4 inches generally have more than de minimis effects on the aquatic environment and therefore requires authorization. (emphasis added)

"The regulatory agencies should be consistently and continually challenged by the dredging community to produce sound, scientific evidence that support their proposed regulations. To regulate against a potential for harm, where none has been shown to exist, is unjustifiable and must be challenged." (emphasis added)

Written and prepared by:

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