



# **MILLENNIUM DIGGERS ASSOCIATION Keizer, Oregon**



Secretary/Editor: Penny Esplin

**\*PRESIDENT: Ken Orndorff\***

**\*VICE PRESIDENT: Terrie Fox\***

**\*TREASURER/MEMBERSHIP: Joe Greene\***

**\*CLAIMS OFFICER: Claudia Wise\***

**Note from the editor:** Following the minutes report, I have included updates from the court cases we are concerned with (EOMA and Bohmker).

## **Meeting Minutes from August 24<sup>th</sup>, 2017**

**Call to Order:** We all stood and recited the Pledge of Allegiance. Ken called the meeting to order and welcomed all members and guests.

**Attendance:** After everyone had signed in, we had a total of **19**, including 2 guests: David Grout and Jennifer Stout.

**Secretary's Report:** Penny reported that minutes/newsletter was emailed; most members got it and read it. Karen made a motion to accept the report, someone seconded and all approved.

**Treasurer's Report:** Joe gave the report. Don made a motion to approve; it was seconded by Karen and all approved.

**Claims Report:** Claudia said all our claims paperwork has been sent to BLM. She appreciates all members who turned in their maintenance/labor paperwork. –Penny will send out more of those forms to fill out as needed for this next year (2017-2018) of mining in order to qualify for the maintenance fee waiver.

### **MMAC update:**

**September 30<sup>th</sup>, at 11:00am in Sweethome at the Skyline Inn on Hwy 20, the “Santiam Mining District”** will hold their first meeting; to organize and modernize following the example set by NSMD; with MMAC advisors and MMAC members, each owning claims in the district, will elect the five (5) officers necessary. –In the historic mining records at the Linn County clerk, Claudia found that the **Santiam**

**Mining District** was the only bylaws recorded with the county. No Quartzville M.D. was in county records. Santiam Mining District is the official name, historically and again on Sept. 30, 2017.

On October 7<sup>th</sup>, the Ochoco Mining District will hold their first meeting; to organize and modernize their district in keeping with MMAC's advice. The meeting will be held in Prineville.

The second mining district in Montana is in process of forming, and one in Trinity Co, Calif.

The Plomosa Mining District in Arizona was taken over by the Junior Miners!

Joe and Claudia will keep us informed of the meeting dates of both the Santiam Mining District and the Ochoco Mining District. Those dates are listed in the September issue of ICMJ as well.

**JOIN MMAC to Support All Mining Districts and get Pro-mining Bills through the Federal Legislature**

[www.mineralsandminingadvisorycouncil.org/USDMM-store.html](http://www.mineralsandminingadvisorycouncil.org/USDMM-store.html)

or

<http://www.mineralsandminingadvisorycouncil.org/membership-one-district.html>

Millennium Digger Members can support MMAC with a Silver Membership of \$30.

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**Upcoming Outings/Events:**

**During next meeting on Sept 27th:** Joe and Claudia plan to give us a slide show presentation from their mining trip in Cambodia! So, that will make for an interesting meeting. Please plan to show!

**September 30<sup>th</sup>, at 11:00 am meeting in Sweethome at the Skyline Restaurant on Hwy 20, "Santiam Mining District"**

**September 30<sup>th</sup> Beverly Beach**, meet @ 10:00am in the day use parking lot. It is 7 miles south of Newport. Wes and Tammy host this event, and they call it "mining on the beach to find gold". If you arrive later: After parking in the day use parking lot, walk north up the beach (it's about a mile walk), to a small creek flowing in. It will be pretty obvious; you'll see a small crowd of miners there working the creek. Bring a small bucket or two, a hand trowel and a shovel and a couple gold pans, even a small sluice if you have one (and something to drink/eat-*make it special!*) There will be plenty of others there for this event that will help in recovering the extra heavy black sands that the extra fine gold is in. Wes says he's always got extra equipment (buckets, pans, shovels) for anyone in need. The tide will be low on this date.

Last year, Wes lost his sluice after a "sneaker wave" inundated him and Tammy as it hit; it was over their heads! Tammy was knocked down by a huge tree stump that came tumbling on top of her with the wave. She very easily could have lost her life! How totally terrifying that must have been. Wes's sluice was lost because of that sneaker wave. A gold nugget goes to whoever finds it!

**Mark your calendars: Miner's Meadow camp trip scheduled for Thurs June 7<sup>th</sup> thru Mon June 11<sup>th</sup> 2018.**

Located on Quartzville Creek, Linn County.

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**Break Time and Raffle Ticket Sales:** Terrie wasn't able to make it tonight, so George handled the raffle. Tickets are now on sale for the 50/50 drawing and the Christmas drawing. There are 2 special prizes for the Christmas Drawing, a rocker cradle and a really nice knife (Don donated). All raffle Tickets are \$1.00. Lots of good stuff, lots of ticket sales!

**Tonight's Letters are "M and N":** Don brought vial of gold from Gold Hill, Jump-Off Joe Creek (by Grants Pass); the gold was coated with **Mercury** (amalgamated) from past workings. He also had a vial of beautiful bright gold from his claim by Briggs Creek. -Joe also had a vial of "amalgamated" gold. -Penny brought a couple of "**My Neat** rocks"; each was oblong with six flat sides and river tumbled; obvious "shrinkage columns" from an old lava flow. (She thought they were pretty special anyway)

**September's Letters are "O and P"**

**OUR NEXT MEETING IS Thursday September 21st @ 7:00pm Be There!**

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

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**COURT CASE UPDATES:**

**BOHMKER CASE**

*[from September 2017 Eastern Oregon Mining Association Newsletter]*

In August of 2013, Oregon imposed a moratorium on the use of "any form of motorized equipment for the purpose of extracting gold, silver or any precious metal from placer deposits of the beds or banks of waters of this state...or from other placer deposits, that results in the removal or disturbance of streamside vegetation that may impact water quality."

In 2015, Oregon miners and mining groups with claims on federal land sued the State, alleging that the moratorium was preempted by federal laws, including the Mining Law of 1872. On cross-motions for summary judgment, the district court held the ban was not preempted because it "*limits only one form of mining, and only in specific areas.*" The court also held that whether the ban made mining

"commercially impracticable" was irrelevant; "nothing... makes the cost or practicability of mineral extraction a factor in whether or not a state environmental law is preempted."

On July 21, 2016, the AEMA (American Exploration & Mining Association) filed a friend of the court brief arguing that, in passing the 1872 Mining Law, Congress extended a unilateral offer granting all U.S. citizens and those who declare an intention to become citizens a statutory right to enter onto federal lands to explore for and develop valuable mineral deposits. Over time, Congress has continued its policy of encouraging development of the Nation's mineral resources by private enterprise. *"By banning all mining using motorized equipment in the beds and banks of state rivers, Oregon has frustrated Congress's purpose."*

**STATUS OF EOMA SB838 LAWSUIT** -*Scott Horngren*  
*[from September 2017 Eastern Oregon Mining Association Newsletter]*

Magistrate Sullivan has not addressed the legal issues raised by our lawsuit and has ordered the case to be stayed. The stay will last until the Ninth Circuit decides the Bohmker case which also involves SB 838 in southwest Oregon. The Ninth Circuit appeal of the Bohmker case is fully briefed and will be scheduled for oral argument in November. A Decision is expected on the Bohmker case by February or March. In the meantime, SB 3 has become law, which will eliminate any ban on mining in the upland areas when SB 3 goes into effect on January 1, 2018. However, the ban on suction dredge mining will become permanent. So our case will still be alive with the sunset of SB 838 and the rise of SB 3. The state filed a notice about SB 3 and took the position that the lawsuit was still alive, but that SB 3 had favorably resolved our upland mining claims.

Assuming the Oregon Mining Association and other suction dredge miners still want to pursue a challenge to the permanent ban on suction dredge mining, we will amend our complaint to challenge the permanent ban on suction dredge mining, drop the claims involving upland mining, and possibly add a few new plaintiffs who are affected by the SB 3 permanent ban on suction dredge mining.

~End~