



Maybe it's time to move to Western Australia. One nugget like these should help you retire to a life of luxury.

Portland Gold Prospectors, Inc. October Minutes	Outings:
Secretary's Report October 16, 2016	Due to recent heavy rain and wind, Jerry reported that the beach min- ing outing at Cape Disappointment in Washington was cancelled. This
Milwaukie Grange Hall, 12015 SE 22 nd Milwaukie, OR	was the final mining event for the year.
Meeting called to order by President Jerry Johns at 1:30 pm	
	Old Business:
The Pledge of Allegiance conducted.	Tyroy Claim – End of Season:
	Charlie Foster reported on the October trip to complete year-end main-
Attendance:	tenance at our Tyroy claim. There were about 10 volunteer members
38 attendees at the meeting, 2 visiting guests were present.	who worked for 3 days. Jerry reminded members this is our private
Martine minutes	claim and information on it should not be shared. The claim is currently
Meeting minutes:	shut down until next spring. Also mentioned was the requirement to
A Motion was made and seconded to accept the Secretary's report of the previous month as written and published in the October newsletter.	contact Dave Chiara or Charlie Foster when a member plans to visit or work at the claim.
The motion was approved by the members present.	work at the claim.
	Education:
Treasury report: Beverly Parker	Last month the Blue Bowl equipment was not working correctly, so
The Treasury report was read by the Treasurer to the association.	Richard Ruth brought the equipment again to show how this type of
A Motion was made, seconded, and approved to accept the Treasurer's	recovery separates gold from black sand and fine material.
report as given.	
	Fund-raising:
Correspondence:	Jerry reported that our fund-raising during the past year has been
No new correspondence was received since last month. Each month our	successful. In the past this has included a booth at the McMinnville
Chapter receives a newsletter from Eastern Oregon Mining Association. It can also be seen through a link on our website.	UFO festival, our yard sale, meeting raffles, and work at the Portland Gold Show. He said funds have been used to buy new claims, expand
it can also be seen through a link on our website.	mining opportunities in eastern Oregon, purchase raffle items, as well
Membership:	as the cost to hold our monthly meetings. Jerry stated the Board of
Jerry Johns explained that there are two levels of membership. The first	Directors is interested in learning what members would like to have/do
is membership with Portland Gold Prospectors. After guests have at-	so that everyone can enjoy the benefits from fund raising. Discussion
tended three meetings or events in one year, they are considered to be	continued on some things other chapters have done such as picnics or
full members and may receive a membership card. This gives the right to	casino trips. Jerry asked members to continue to share ideas with him.
participate in all activities and use of Association private claims. The	
second level, if you wish to also become a member of Gold Prospectors	2017 Gold Show Committee:
Association of America (GPAA), has an annual membership fee. This allows use of the GPAA claims in many US states. The GPAA new	The next Gold Show will be at the Portland Expo Center on March 24- 26, 2017. The committee is meeting monthly to plan for the event. Our
member package can be purchased at the meeting for \$84.50 which	Chapter will have a booth to sell items such as bags with gold and one
includes a gold pan, snuffer, DVD, and Mining Guide of USA claims, plus	or two items for raffle. A new suggestion is for our main raffle to be a
a subscription to the GPAA magazine. Jerry reminded that renewal of	large gold nugget valued at \$200 or more and tickets would be sold
your 1 year, 2 year, or 3 year GPAA membership can be purchased at	soon at our meetings. The sizes and types of gold were discussed.
this meeting.	Jerry requested the authority to purchase gold for this purpose. Penny
	Parsons made a Motion that Portland Gold Prospectors Inc. be au-
<u>GPAA State Director</u> : Steve Lewin	thorized to purchase a gold nugget or nuggets costing from \$500 to
Steve encouraged members who are thinking of joining the Lost Dutch- men's Mining Association (LDMA) that now is a good time to join with	\$700 for a raffle ending at the 2017 Gold Show. The motion was sec- onded and passed by the members present.
special reduced prices and free mining equipment such as the Mine Lab	onded and passed by the members present.
metal detector included with LDMA membership. Steve also informed us	New Business
that work is being done on new culverts and erosion control on the road	Elections:
that leads to our new claims in Washington.	The positions open for nominations were discussed. Jerry explained
	the normal duties of the Vice-President include back up for the Presi-
Newsletter:	dent or other officers as needed and assistance on committees. He
Jerry stated that the email list for sending our newsletter was recently	explained the Secretary takes notes of the regular meetings and the
updated so more members should be receiving this notification. See Jerry if you are not getting the newsletter but you have given your cor-	board meetings. Both of the positions are open for election at the No-
rect email address. Also, for those who prefer a hard copy mailed to	vember meeting. Also, he stated that four Board Member positions need to be filled for 2017-2018. The nominations were opened for the
them, there is a \$15.00 annual fee to cover the cost of printing and mail-	position of Vice President. Bill Bench was asked if he is interested in

Library:

ing.

Joe Weber talked about the library that is free to use for regular members. He brings the large number of books, magazines, DVD's, and maps each month for members to check out and return the following month. Joe encouraged members to look them over and use the library.

pate.

continuing in this position and he agreed to be nominated. Also Larry Sharpe volunteered to be nominated. There were no other nomina-

tions for Vice-President. Next, Melinda Dorning declined to be nomi-

open for the position of Secretary. No nominations were heard. Jerry

indicated the position is necessary and he asked members to partici-

nated as Secretary due to other responsibilities. The nominations were

Portland Gold Prospectors, Inc. October Minutes (cont.)	Legislative and Regulatory Update—by Scott Harn
Nominations were opened for the position of Board Member. Three nominations were heard, including Larry Sharpe, Jim Schmidt, and Char- lie Foster. Board members should be able to stay after the regular meet- ing for the Board planning meetings and have regular attendance. All nominations will again be open at the November meeting prior to the	<u>Oregon proposed withdrawal</u> A revised notice published in the Federal Register on September 30 seeks to place approximately 96,000 acres of lands under the National Forest System and over 5,200 acres of lands under the Bureau of Land Management off-limits to mining in southwest Oregon.
official elections. Also, contact Jerry Johns if you would like to be nomi- nated for any position. Jerry reminded that eligible voting members are those who have attended at least 3 meetings in the year.	The proposed mineral withdrawal is located in the Rough & Ready Creek/Baldface Creek area of Josephine County, and the Hunter Creek/Pistol River area of Curry County.
Jerry stated the Library position has been overseen by Joe Weber for 3-4 years. Joe is interested in turning this over to another member.	The Department of Interior's revision is to increase the withdrawal from 5 years to 20 years.
Banquet Committee: Bill Bench discussed the Annual Banquet that takes place at the January meeting. He is the chairman of the committee to plan the food and deco- rations for the banquet. Bill asked volunteers to sign up for the committee	A public meeting is scheduled for Tuesday, November 15, 2016, from 6:30 to 8pm at Brookings-Harbor High School, 625 Pioneer Rd, Brook- ings, Oregon.
that will meet soon. He said usually there is a pizza event for the volun- teers during planning. A sign up sheet was passed around.	There is a withdrawal already in place that was set to expire June 28, 2017, unless that withdrawal is approved prior to the expiration.
DEQ WPCF 600 Permit Renewal: Melinda Dorning read information from the DEQ related to those who	© ICMJ's Prospecting and Mining Journal, CMJ Inc. November 2016
currently hold a 600 permit that will be expiring. The DEQ will require that you submit a renewal application not later than December 31, 2016. Melinda encouraged members to submit a new application to continue	Ask The Expertsby Chris Ralph
your eligibility and indicate interest from the mining community. This only applies to those who have an expiring permit.	Q: I'm fighting a battle with the Arizona Bureau of Land Management. The Arizona BLM state office has started sending out registered letters to association placer claim holders in the state, demanding that they
Silent Auction: Some items in the silent auction today included a sluice box and wind catchers made from pop cans. Members can bring something they would like to donate that others may find interesting and may purchase through the silent auction. Funds help support the Chapter activities.	submit a notarized letter stating their legitimacy as a claim holder. I wrote back asking for the law or regulation requiring this. Long story short, after talking with the assistant state office manager, I called their bluff and refused to comply. She continued to threaten to close the claim, so I told her to do what she has to do then I will appeal and we'll see who is correct.— Jim
Jerry thanked the kitchen crew including Elaine Ruth, Dorothy Ruth, Betty Bench and Vicky Weber The coffee donation can is located near the refreshments. A raffle was held with \$1.00 tickets and \$5.00 tickets. The gold nugget	A: I have not heard of anything like this before, though I know they will ask for evidence on specific claims where they have reason to believe it's a fraud, but they should not make this a general requirement for everyone.
was awarded to George Parker on the first \$5.00 ticket drawn.	This is the kind of thing that occurs when government employees feel
The meeting was adjourned at 3:02 pm.	like they are free to make laws up as they go. I have had similar prob- lems with requirements from the Environmental Protection Agency. They would tell me I had to do stuff to meet their requirements. On
(Respectfully submitted by Melinda Dorning, Secretary)	some things, I knew the specific federal regulation that required it, so no problem—like or not, you have to comply with the law.
	But when it seemed fishy, I would ask on what authority it was re- quired. They often could not come up with any actual rule, and in those cases they would just say, "It's policy."
	I told them they had no legal standing to enforce their policies, so I wouldn't do it.
	There is actually a legal term—"Quo Warranto"—that is a prerogative writ requiring the person to whom it is directed to show what legal au- thority they have for exercising some right or power they claim to hold. Chris Ralph Associate Editor © ICMJ's Prospecting and Mining Journal, CMJ Inc. November 2016
RANDOM	(Vol. 86, No. 03)

Oregon Miners Still Fighting by Tom Kitchar

In 2013, Oregon passed Senate Bill 838 (SB 838), which among other things, placed a five-year moratorium beginning January 2, 2016, on the use of "all motorized placer mining equipment" in all stream segments designated as Essential Salmon Habitat (ESH), and up to 100 yards to either side of such stream segments.

Over the years, the Oregon Department of State Lands (DSL) has classified thousands of miles of rivers and streams as ESH, to the point that roughly 90% of all gold bearings streams in western Oregon have the ESH designation. And for years, DSL allowed the use of up to a 4" dredge in such streams. SB 838 changed all that.

<u>Coverage:</u> SB 838's five-year (if not extended) moratorium covers two distinct areas. The first part is the stream itself, measured from the "ordinary high water marks." In this area, the use of motorized placer mining equipment is totally prohibited with the sole exception of large scale operations (i.e., move more than 5,000 cd/yr) that have a permit issued by the Oregon Department of Geology & Mineral Industries (DOGAMI). Typically, these are the "instream" areas where one would operate suction dredges, high-bankers, powered sluices, etc.

The second area covered by the moratorium is the upland areas along ESH designated streams, measured from the "ordinary high water mark" 100 yards to either side. In these areas, the use of motorized equipment is prohibited if it results "...in the removal or disturbance of streamside vegetation in a manner that may impact water quality." (SB 838 Sec. 8). In theory, motorized upland operations "may" be allowed; however SB 838 does not define "streamside vegetation" (a sane person would think this meant vegetation growing on the bank near the stream—not vegetation 100 yards away); and SB 838 is tempered with the use of the phrase "may impact," leaving that factor open to interpretation by anti-mining agencies.

Under SB 838, all stream segments (and 100 yards to either side) designated as ESH and all downstream areas are under the moratorium, leaving only recognized "...areas that do not support populations of anadromous salmonids or natural reproducing populations of bull trout due to a naturally occurring or lawfully placed physical barrier to fish passage." (SB 838 Sec. 8).

"All motorized placer mining equipment" means any internal or external combustion engine (i.e., no steam engines either), and any electric motors (grid, battery or generator powered). No suction dredges, high-bankers, or powered sluices, and no gold wheels or mini-concentrators or other devices that use for instance a 12V battery to power a marine bilge pump. Even a motor to power an air-compressor for a diver—if mining—is prohibited. (It should be noted that all other non-mining related use of motorized anything in these areas is still allowed... such as power boats, lawn mowers, and even sand & gravel operations (SB 838 only affects precious metals placer mining).

<u>Note:</u> Last summer we received word that Oregon Dept. of Fish & Game were harassing a miner who was attempting to use a large undershot water-wheel to turn the pump on his dredge. Although we never heard the outcome, it is troubling to think that a simple water-wheel could now be considered to be a "motor." Carried to the extreme, even rubber-band or wind-up spring powered devices, if used for mining, would be prohibited.

Another Proposed Bill. In the 2015 Oregon legislative session, the author of SB 838 (Sen. Alan Bates) introduced new legislation that would have expanded the coverage of the moratorium to include the whole stream and all tributaries if any portion is designated as ESH. Fortunately, the new bill did not pass as it was a short session and they ran out of time. Sen. Bates promised to introduce a similar bill in 2017.

On August 5, 2016, Sen. Bates died of a heart attack. Ironically, the man who was most responsible for destroying small-scale placer mining in Oregon in the name of saving fish passed away while out fishing on the Rogue River!

What Is Being Done. On October 19, 2015, the Waldo and Galice Mining Districts (of SW Oregon), along with several Oregon mining organizations and individuals, filed a Complaint in the United States District Court in Medford requesting: Injunctive Relief restraining defendants from enforcing SB 838 and declaring SB 838 to be preempted by federal law. (A copy of the Complaint can be found at www.waldominingdistrict.com along with more information).

Round 1: On February 18, 2016, a hearing was held at the US Courthouse in Medford, Oregon, before US Magistrate Judge Mark Clarke. Appearing for the Miners was attorney James Buchal. The State and environmental intervenors were also represented. On March 29, 2016, Magistrate Clarke issued his judgment in favor of the defendants and upholding SB 838.

In his conclusions, Magistrate Clarke said, "The Court agrees with the plaintiffs that the practice of mining has a long and cherished history in the State of Oregon, and a protected place in the law. However, the Court can find no indication that such protection prevents the State of Oregon from temporarily banning the use of motorized instream equipment as a legitimate way to protect water quality and fish habitat. The Mining Act and other federal regulations do not express an intent to preempt state environmental regulations affecting mining claims on federal land. Senate Bill 838 does not directly conflict with federal law, nor does it stand as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress because, under the law, "the 'valuable mineral deposits in lands belonging to the United States' in Oregon remain 'free and open' to mineral exploration and development by means other than the use of motorized equipment." (Emphasis added.)

Round 2: On April 7, 2016, the Miners filed Notice of an Appeal in the US 9th Circuit Court of Appeals. The Miners' Opening Brief was filed July 15, with the State Response due in mid-August. The State (and environmentalists) requested an additional 60 days to respond, which was granted over the Miners' objections. Reasons given for the extension included an expected decision in the Rinehart case, heavy work-loads, and long-planned vacations (of course, the long-planned mining vacations of hundreds of miners never entered the picture). The State (and environmental-ist's) Response(s) are due in mid-October. (Copies of all court documents can be found at: www.waldominingdistrict.org). (Continued on page 6)

Special THANKS to the following	regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."
businesses and individuals who are sponsoring the three GPAA Chapters	There are literally thousands of Mining Districts in the United States. Virtually anywhere a valuable mineral or metal deposit was located, a
	Mining District was created.
in the 2017 Gold and Treasure show	If you are a mining claimholder and you wish to retake control of public lands in your Mining District, MMAC was created to help you accomplish that goal.
T R A I L E R	There are 21 states with traditional Mining Districts. These include, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisi- ana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Oregon, Utah, Virginia, West Virginia, Washing- ton, and Wyoming.
Greg Swanson greg@summittrailermfg.com [] 503-804-8239	So far, MMAC has been able to assist Mining Districts covering a total of 5,568,000 acres. Within these districts, some of the roads and trails have been reopened for access, critical habitat designations have beer scaled back, and a few Mining Districts were completely removed from proposed withdrawals. A Memorandum of Understanding between BLN and a Mining District in Southern California was hashed out, and it's
2 4530 NE 148TH AVE PORTLAND, OR 97230 571-279-2176	currently being considered by BLM as a state-wide template.
971-279-2006 💮 summittrailermfg.com	Miners within these organized Mining Districts have asserted their rights and obtained some concessions by educating federal agencies about those rights with the assistance of MMAC. As an MMAC advisor, I've made a few presentations to federal agencies and miners on how this process works. I was also asked to speak on this topic at the Alaska Miners Association conference this November. Although I have a scheduling conflict and can't make it, I hope to make it up there soon.
MMAC Update by Scott Harn	In last month's issue, we published Public Notices for seven separate Mining Districts after claimholders stepped up to the plate to make sure their district remains a viable entity. (Public Notices for Mining Districts
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Oregon Miners Still Fighting by Tom Kitchar

(Continued from page 4)

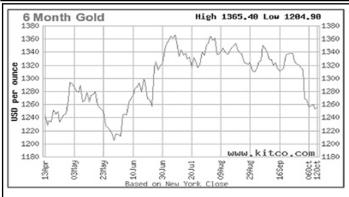
With the terrible, recent Rinehart suction dredging decision in California, the next best hope for all miners is the case in Oregon on appeal in the 9th Circuit. A win in Oregon in the 9th Circuit will do a lot to help turn state enacted anti-mining legislation around.

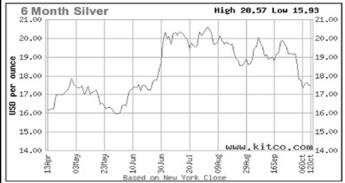
Help Needed. The Waldo & Galice Mining Districts need the support of all miners to help cover the growing legal expenses. To help with this effort, the Western Culture Conservancy, a 501(c3) tax-exempt organization, is sponsoring two raffle drawings to help raise the necessary funds. Enter before the December 2 Preliminary Drawing and your entry will be eligible to win in both Drawings. (Final Drawing will be held June 2, 2017.) Over \$10,000 worth of prizes have already been donated, not including the Final Grand Prize of 1/2 Pound of Gold. Information on How to Enter, Official Rules, Prize List, etc., can be found by going to: www.waldominingdistrict.org & www.galiceminingdistrict.org

Online entries can be made at www.westerncultureconservancy.org

Armadillo Mining in Grants Pass, Oregon will also take your entries. Please help!

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XAU-GOLD/SILVER MINING SHARES INDEX



MMAC Update by Scott Harn

(Continued from page 5.

What's Next?

We need to get our team back to Washington, DC. Several Congressional committees have requested maps depicting the traditional Mining Districts that are currently organized so they can put through legislation to remove some of the obstacles we face. All the legislators Clark and Joe met with back in March 2016 were in agreement-mining is a National Security issue that needs to be addressed right now to stop countries like China and Russia from controlling our supply of critical minerals and metals.

And there is power in numbers. We need to show them that a significant number of individual miners (constituents) and Mining Districts are engaged. At the request of the House Oversight Committee and others, we have submitted several bills to Congress that would restore mining to its rightful place as a priority for our public lands. When approved by Congress, these bills will create tens of thousands of mining-related jobs and allow independent, small miners to get back to work. A key provision includes the removal of county and state governments from the regulatory process. This would provide instant relief for miners and dredgers in current battles with state regulators in California, Idaho and Oregon.

It all starts with you. If you are not a claimholder, you can still help tremendously by joining MMAC and helping us get back to Washington, DC. If you are a claimholder and you need assistance figuring out which Mining District you are in, or tracking down the original bylaws, contact us and we'll lend a hand. The goal is to get your Mining District on a level playing field with federal agencies so your concerns as a miner and public land user can no longer be ignored.

More information is available online at www.mmacusaorg.

Note about Public Notices: For the past year we've been running Public Notices for Mining Districts for no charge. The postage rate we pay each month is based on our percentage of advertising and it was starting to get painful due to the volume of Public Notices. Those who go through MMAC are charged a reduced rate of \$65 now for a Public Notice to help recover some of that cost. If you are the claimholder paying for the Public Notice we are happy to provide you with a receipt so you can request reimbursement from your organized Mining District. Thank you in advance for your understanding! © ICMJ's Prospecting and Mining Journal, CMJ Inc. November 2016 (Vol. 86, No. 03)

By the Numbers

- 1.500—Approximate number of proposed rules and regulations pending at the federal level as of mid-September, 2016, according to the White House Office of Management and Budget.
- 700—Approximate number of those pending rules and regulations that could have an adverse economic impact of over \$100 million each.
- 320 million—Acres of public land set aside by President Theodore Roosevelt, who earned the moniker of the "conservationist" president.
- 548 million—Acres set aside for federal protection by President Obama, according to rollcall.com Approx. 148,000-Foreign nationals from countries that are security concerns whose fingerprints have not been digitally scanned, according to the Department of Homeland Security Inspector General.
- 858-Illegal immigrants who used false names or birthdates and . were granted US citizenship after they were ordered deported and no fingerprint match was found.

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