

## Understanding Oregon Mining Regulations

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# UNDERSTANDING OREGON'S REGULATIONS

BY WALT EVENS

**A**s a club president and member of the mining community, I'm always being asked to explain the rules. What permits, if any, are necessary for panning, sluicing, highbanking, and dredging? The information below is from 14 years of living and mining in Oregon. Much of it came directly from Jim Billings, compliance specialist for the Department of Environmental Quality (DEQ). For questions or further clarification, he can be reached at: [jim.billings@state.or.us](mailto:jim.billings@state.or.us) or 503-229-5073 (an email alerts him when you leave a voice message).

**Gold Panning:** Fortunately, this is permit-free. All that's needed is a pan, a classifier (miners sieve), a hand trowel, or a small shovel. Modern pans are made from plastic and have riffles molded into them to catch and retain the gold more effectively. They come in various sizes (6-inch to 17-inch) and styles (round, rectangular, hexagonal, etc.). Some are designed for processing large quantities of material quickly, also known as production panning. These include the Garrett Super Sluice, Gold Cube Banjo Pan, and Alan Trees' Gold Trapper.

**Sluice Box:** When I started this journey in 1999, I learned two words early on: concentrates and sluice box. A #2 pointed shovel holds the equivalent of a 14-inch gold pan. By using a sluice box, I could process 30, 40, or 50 "pans" and "concentrate" them into a more manageable quantity, and at the same time speed up the process. Everything starts and ends with a gold pan. You use it for prospecting to find high-grade material to run through your sluice box. You need it to pan down your concentrates when you're done. While an individual DEQ 700 NPDES permit is not required, you must download and print a blank copy of the General Permit and keep it with you while engaged in this activity. It is forbidden to run "forest" material from above the high-water mark. Everything should come from the stream bed, or what I call the "flood plain."

**Rocker Box:** Another non-motorized mining device. It has a hopper with a classifier screen inside attached to a sluice with "rockers" on the bottom to facilitate moving it side to side. The water is fed from a bucket, a ladle, or a hand pump, which can also act as the rocker handle. These are generally used when the water flow is low.

Unless prohibited (see TMDL & 303(d)), you can use non-motorized equipment year-round, except when fish eggs are present. According to the permit, you can only run one at a time.

**Highbanking:** A highbanker is a sluice box with a hopper attached. Inside is a spray bar and a classifying screen known as a grizzly. Over time, streams change their course. Rather than haul the material from where it used to be to where it is now, you set up the highbanker and pump water to it. This requires a DEQ 600 permit for "Upland Mining." It must not be used down in the flood plain near the water, but rather 100 yards (300 feet) above the normal high-water mark or where the vegetation begins.

DEQ quit issuing these permits a while back. However, a recent email from them indicates they are working to bring them back. They will be free. In the meantime, the only way to acquire one is to purchase it from an existing permit holder. They start at around \$1,500. You must construct a settling pond for your wastewater, and it should be designed to prevent it from flowing back into the stream.





**Power Sluicing:** This is a sluice with a header box attached, which disperses water from a pump into it. There is no grizzly. Classified material (usually  $\frac{1}{4}$ ") is fed into it.

**Trommel:** Best described as a piece of mining equipment consisting of two tubes, one inside the other, driven by a power source. The inner tube has holes that classify the material fed into the hopper. A spray bar washes the dirt off the rocks. The clean "tailings" flow out the other end. An outlet feeds a slurry into the sluice box, where the gold is caught. Recreational models can range from 5 inches by 16 inches to 15 inches by 30 inches. Commercial types can reach 40 feet long and 8 feet wide! Trommels work extensively on material where the gold is trapped in clay. It also requires a DEQ 600 permit.

**Suction Dredging:** This apparatus is used to vacuum gravel from the bottom of a stream and run it through a sluice box. It can be mounted on pontoons or legs by converting a highbanker with a dredge adapter. Several years ago, Oregon outlawed suction gold dredging in essential salmon habitat (ESH). You can only "legally" do this in non-essential salmon habitat (Non-ESH). You must have a DEQ 700 permit. The current permit is good from 2025 to 2030. Apply with the \$250 fee. Once you're approved, the cost is \$250 per year. The filing fee is just that. It's not your first-year payment! The total cost for five years is \$1,500. From what I can tell, they want it submitted online. I can't find a paper application anywhere. There's also some annual reporting required. A person registering a gravity or siphon suction dredge must submit a \$25 fee and thereafter pay \$25 annually to maintain permit coverage.

For motorized dredges, the maximum hose and nozzle size is 4 inches. The maximum engine size is 30 horsepower. For gravity





or siphon-fed, the maximum hose and nozzle size is 6 inches. The Department of Fish and Wildlife publishes a report outlining when work in the water can begin and by what date it must be completed. You cannot mine in the water before or after that timeframe, except for non-motorized equipment such as a gold pan, sluice, or rocker box. Hand-operated suction devices, like those made from PVC pipe, are legal and require no permit.

**PLP and Reclamation Dredging:** California-based Public Lands for the People (PLP) has developed a Reclamation Dredge Program, which repurposes your gold dredge to reclaim waterways, removing toxins such as mercury, lead, rusty iron, and trash. Gold is a by-product used to offset the cost of reclamation. There are no permits required. While PLP maintains that this process is lawful and defensible under existing statutes, it has not been formally approved by the Department of State Lands (DSL) or the DEQ, and interpretations continue to be challenged. As a reminder, reclamation is a requirement of owning a mining claim. **NO PUBLIC AREAS!**

**Drywasher:** It operates on three principles: air, vibration, and static electricity. Air moving across the riffle tray blows the lighter material off so the heavies can settle down behind the riffles, which point up against the flow (the opposite of a sluice box). The air is provided by a bellows powered by a hand crank, a 12-volt motor, or a gasoline-powered blower. The bellows cycling creates vibration, which helps settle the gold and black sands. A constant airflow drywasher has a fan blade inside the inlet with a counterweight that shakes the airbox and riffle tray. Lastly, static electricity is generated when air flows through the cloth at the bottom of the tray, pulling any metal toward it. Gold is not magnetic, but it's susceptible to the properties of static electricity.

With Oregon having many creeks and rivers, this activity is not as popular as it is in drier parts of the country. However, the eastern side of the state is a desert. Many areas could offer dry-washing opportunities.

**Beach Mining:** While motorized equipment — gasoline, propane, electric (AC & DC), and diesel — is not allowed, you should be able to use something that's gravity-fed. Otherwise, it's limited to sluice boxes. Classification is usually 1/12" or smaller. Many folks dig in the cobble at the bottom of the creeks — some run a concentration of black sand while others process the blond sands. The best time to go is in the winter months when storms wash away overburden or concentrate black sands. No permits are required.

**12-volt Powered Equipment:** Even if you're recirculating into a large plastic tote, you still need a DEQ 600 permit and must be above the high-water mark. Some streams overflow twice their size, leaving a large area of sand, gravel, and cobbles, often referred to as a bar. Even if there is no water present, it's still





the river bottom! To the best of my knowledge, the only motorized equipment allowed is a dredge (only in non-ESH areas with proper permits) and a hookah system for diving sniping and underwater metal detecting.

If you don't want the hassle of hauling all your equipment out in the field, you can classify buckets in most locations and take them home or camp to process, unless prohibited. Remember, the more material you run, the more gold you find!

**Digging on Federal Mining Claims:** Unless you have an approved Plan of Operation, you are limited to hand tools only. Nothing mechanized; no mini-backhoe, rototiller, conveyor belt, air or electric jackhammer, big or small. Just picks, shovels, chisels, sledgehammers, and the like. A gasoline or battery-powered vacuum is a gray area, but I suspect they wouldn't like that either. If it has a motor, it's not approved!

**Wild and Scenic:** Oregon has 34 of the 81 National Wild and Scenic Rivers, which also include creeks. These were created by the federal Wild and Scenic Rivers Act of 1968, which is managed by the Bureau of Land Management (BLM). It's my understanding that they're periodically making additions. The two phrases are usually used together when referencing, but they are two separate designations. According to an associate of mine who sells mining claims, there are three types: Wild, Scenic, and Recreational.

Wild has been withdrawn from mineral entry, which means you can neither file a mining claim nor prospect or mine there. Both Scenic and Recreational allow claiming, prospecting, and mining. If these are non-ESH, you can legally dredge there with a DEQ 700 permit. However, on the DEQ Interactive Map,

there are three color indicators. If the stream is blue, it's open to dredging. If it's green, it means that there haven't been any recent fish studies; it's still open, but your application may be subject to further review. If it's red, it's usually ESH and is closed to dredging, but you should be able to run a sluice box.

Oregon has its own scenic waterways where suction dredging is not permitted. I contacted DEQ for some definitive rules regarding panning and sluicing. Their response was to "look at the interactive map."

**DEQ Interactive Map:**

<https://tinyurl.com/deq-interactive>

**How to use Interactive Map:** <https://tinyurl.com/oreinteractive-howto>



**TMDL and 303(d) Waters:** TMDL refers to the "Total Maximum Daily Load" of pollutants allowed, usually mercury. If a stream exceeds the limit, it's closed to mining with anything other than a pan. However, you can run a highbanker or trommel with the proper permit and distance above the high-water mark.

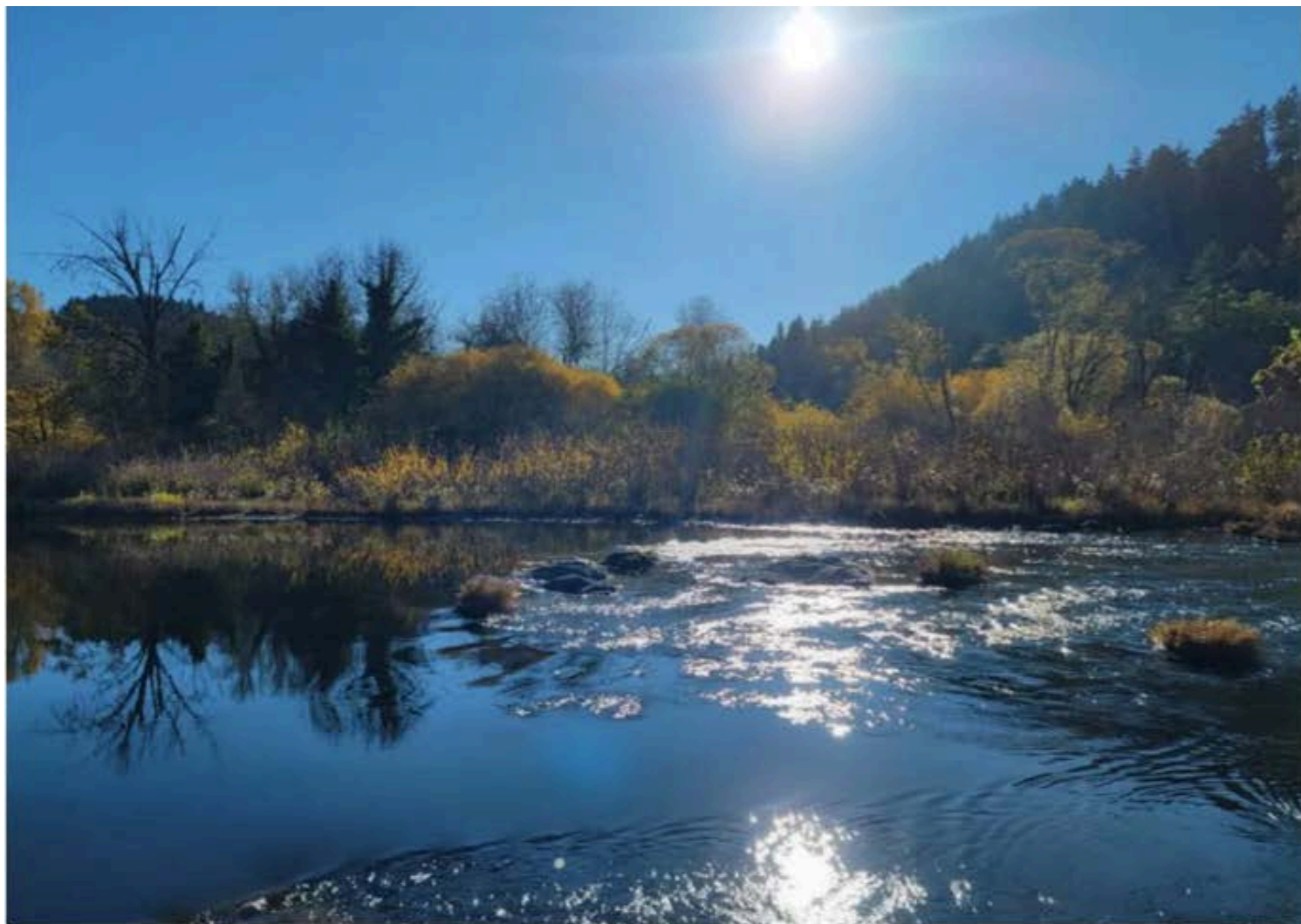
303(d) refers to that part of the Clean Water Act that lists impaired and threatened waters due to pollution or excess sediment. These are also closed to mining.

**Where to go:** Many parts of the state are "Gold Country." Be careful not to venture onto private claims without permission. Most are clearly marked.

I've lived in both Lane and Douglas counties. Near me, there are two GPAA claims, Golden Cat and Little Paradise. The first has easy access on the Brice







Creek side. The trail from Champion Creek is a little treacherous. As you may recall, Kevin Hoagland hosted a "Gold Trails" event there a couple of years ago. It's about 30 miles out of my town of Cottage Grove (Lane County). Little Paradise is located approximately 6 miles up Champion Creek Road (a rocky dirt road with more rocks than dirt!). There's a steep trail down to the creek and limited parking. There's a grated adit on the opposite side. There is also the public recreation area a couple of miles up Sharps Creek Road, 19 miles from town. This is TMDL waters. You can pan or mine with a highbanker or small trommel. You need a DEQ 600 permit for the latter. You must be 300 feet above the high-water mark and use a settling pond. **No sluicing!**

**Douglas County:** He comes on a White Horse, and Horse Play is on White Horse Creek Road in south Douglas County off Interstate 5 Exit 88, near Azalea. This is another GPAA claim that Kevin visited on his trip to Oregon. I stopped by with some friends to take a look. It has some promising spots.

There are three popular public areas: Lawson Bar, near Canyonville; Dole Bar, in Myrtle Creek; and Island Creek west of the town of Riddle. There is also the Cow Creek Recreational Panning Area. It's located about 21 miles southwest of the city of Riddle on Cow Creek Road. These are ESH, so no motorized equipment is allowed.

**Curry County: Sixes River.** Approximately 10 miles east of Sixes, Oregon, is an access point. It's called the Sixes River Recreational Mining Site and, like Island Creek in Douglas County, is under the jurisdiction of the Bureau of Land Management. It's

roughly one mile of the Sixes River available for panning and sluicing only, as it's ESH.

**Linn County:** The Brownsville Chapter president and his wife own two claims in the Quartzville area, Riverside and Hallelujah. These are in the Claims Guide, along with another, Angie M. You can also pan for gold in the Brownsville area at Pioneer and McKercher Parks. The Calapooya River feeds these. Public areas include the Quartzville Creek Recreation Corridor, above Green Peter Reservoir. It lies about 10 miles northeast of Sweet Home via Oregon Highway 20 and Quartzville Road. This is a non-ESH area, and it is legal to use motorized equipment with the proper permits.

**Molalla River Corridor:** This popular public area is located about 1.5 hours Southeast of Portland. The main river is ESH, but many of the tributaries are non-ESH, which means you can mine mechanically with the proper permits.

**Beaches:** In Douglas County, Seven Devils Wayside State Park and Whiskey Run are about 13 miles north of Bandon. Fifty-two miles south on Highway 101 and 12 miles above Gold Beach is Nesika Beach, another popular area. You will also pass by Hubbard Creek across the first bridge out of Port Orford. In Lincoln County, many have had success on the beaches near Lincoln City, where the streams empty. Beverly Beach is another popular location.

Gold is found on most Oregon Beaches from California to Washington, and beyond. Gold is more prevalent on the north side of rivers and creeks.





Any campground on a gold-bearing stream is open to the public for panning and sluicing. There are many county parks as well.

**Josephine County:** Hellgate Recreation Area. This is a very large section of the Rogue River west of Merlin, near Grants Pass. It covers a 27-mile stretch between the Applegate River and Graves Creek. This is ESH, so pans and sluices only.

**Gold Nugget Wayside:** There are three places along Highway 234 near Gold Hill in Jackson County that provide more opportunities for gold panning on the Rogue River. This is ESH, so pans and sluices only.

**Applegate River Access:** There are two good access points on the river where the public can try a bit of gold panning. They're called the Tunnel Ridge Site and the Little Applegate Site. Each covers about a quarter-mile of the river.

**Eastern Oregon:** Baker City. There are two LDMA camps located off Highway 84 en route to Idaho: Burnt River and Blue Buck-et. They have spaces to rent, Dirt Fests, and GOLD! GPAA has two claims totaling 80 acres: Starla 5 and 6.

Also in Eastern Oregon, according to Oregon's recreational gold-panning pamphlet, there is a Powder River Recreational Area on the Powder River just below Mason Dam in the Baker Ranger District. The panning pamphlet also mentions that Antlers Guard Station, on the Burnt River, has a panning area.

**John Day:** Parts of the north fork of the John Day River, including the Gold Dredge Campground. **Priest Hole Recreation site** is 12 miles from Mitchell, Oregon.

## Sumpter

**McCully Forks Creek/McCully Forks Campground:** According to a list of free panning sites, McCully Forks Campground is just west of Sumpter.

**Powder River/Dredge Tailings:** The Powder River in the Sumpter area has a history of gold mining. These tailings might be accessible, but again, check for valid claims.

**Sumpter Valley Gold Dredge State Heritage Area:** Within the park, there is a panning experience; you can get a permit (apparently free) from the park's gift shop to pan in certain gravel boxes. This is more of a "tourist panning" experience than wild and free prospecting.

**Deer Creek (Deer Creek Campground):** Deer Creek, north of "McEwen" / Sumpter area, is listed in some recreational panning guides.

**Mining Claims:** As noted by the Wallowa-Whitman National Forest, many areas are claimed, and panning on someone's active claim is **not allowed**.

**Leave No Trace:** Be mindful of environmental rules. Even recreational panning should minimize disturbance.

**Regulations:** Confirm whether you need any permits or if there are seasonal restrictions.

Most campgrounds and county parks are open to panning and sluicing.

**In Closing:** The summer mining season here is just around the corner, but many prospectors still crevice and snipe in the cooler months. If you plan to visit Oregon, use this guide to help navigate the rules. Gold Luck!

*Walt Evens, an LDMA member from Cottage Grove, Oregon, owns Metal Detectors and More and has been prospecting and metal detecting since 1999.*