

## Nugget / March 2009

### The Rocker Box

**Bob Baldwin– President**

Hey there Club Members,

Boy, March Madness is just about to cut loose. I'm not talking about basketball. It looks like we have the Roseburg show well manned and if everyone on the Salem show list makes it, it will be enough. But we could use some more people in Puyallup on the 20th and 21st of March. I imagine Puyallup is going to be the big one and without enough help, we won't do as well as we would have with more people.

The Rubber Duck outing was a good time. Lots of people (38) in the creek and I believe most found at least some color. "Cowboy" Randy Waters found a lumpy piece of mercury, so you know it was full of gold. The weather held off until afternoon, so we didn't get the eighteen hundred pounds of food wet. And boy, what a feast it was. WOW!

I've never seen a washtub full of pasta salad before, that tasted so good. Along with brownies and pie, it was perfect timing for me, since I had just had my annual checkup with the doctor. I could afford to make another pass by the dessert table.

Not much going on club wise in March, except for THREE GOLD SHOWS!!!! I hope to see each of your bright shining faces at any of these shows. This is a big play for NBP. Let's make the best of it. With gold hitting the 1000 mark, there should be golden opportunities for us at all three shows.

See you There!!! Bullet Bob Baldwin

P.S. It's like my old Boss often said, "There ain't no log, that can't get got!!

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### **Roseburg Gold Show, March 14 & 15 @ Douglas County Fair Grounds Take I-5 exit #123.**

RV Parking– 50 spaces at fairgrounds. First come first served;

Umpqua Safari 511 Main St. Roseburg; (541) 679-6328

Rivers West, 333 Ruckles Dr. Myrtle Creek, (541)863-7601

### **Keeper of Records**

**Cecilia Lattin– Secretary**

North Bend Prospectors

Minutes February 13, 2009

Meeting was called to order at 7:20 by President Bob. There were 69 people in attendance- including 7 guests and 1 new member.

The minutes for January were accepted as published in the "Nugget".

Renee read the treasurer's report. Accepted as read.

Committee Reports:

The Rubber Duck outing Sat. Feb 21. Larry Broman gave a report on what to expect and what the lay of land is like- Watch out for many holes all over the property. Hwy 101S mile post 294 1/2. BBQ pork sandwiches will be provided, bring a side dish.

Saturday Feb. 14 a Dole Bar outing. Interstate 5 exit 108 Myrtle Creek.

Hot dogs will be furnished.

A DSL 600 permit is needed for high banking - FREE- Cowboy 444 (Randy Waters) has a link on his web page and the clubs web page for permits.

The fine gold recovery tables for the gold shows are coming along fine. Thanks to all who have

helped - with special thanks to Jim Harris for the use of his wonderful wood shop and to Mike Potoff for the use of his fabrication shop. To purchase one the club member price will be \$262.50 - Retail will be \$375.00

3 sign up sheets were passed around for working at the 3 gold shows.

Raffle tickets were available for the prizes for the Roseburg Gold show. A gold recovery table, a 4 ounce nugget, and a myrtle wood slab with a beautiful painted picture by Keith Hitch.

March has the 3 gold shows; April 18-19 will be an outing to the Squaw Fish. Interstate 5 exit 71 Sunny Valley.

Old Business:

The club donated \$100.00 in memory of Carol Leaton to the South Coast hospice.

Joe Holdman handed out a real nice info packet on the trip to Winnemucca in April. Theo will send it to anyone interested via the internet. Just let him know and be sure he has your e-mail address.

The board has determined that Bob should be reimbursed for the myrtle wood slabs that are being used for fund raisers at the gold shows. He will be paid the same amount as Keith will for each painting- (\$50- 75.00)

Theo will bring the badge making machine to the April meeting and make badges for all members that are present.

New Business:

The PLP Newsletter- (Public Lands for the People) cost \$35.00 a person to join.

Doug Hanna shared some insight on the price of gold increasing.

Laura Broman needs a warehouse for the Pelican Bay Food Bank. Any leads would be appreciated.

Meeting adjourned at 8:30

Door Prizes:

small vile.....Joe Holdman

small nugget.....Frank Kaiser

50-50--\$42.00.....Bob Baldwin

Large Nugget.....Marian Norton

Respectfully submitted by Cecilia Lattin, Sec.

### **NBP Meeting and Outing Schedule for 2009**

March 13— Monthly meeting **NBSC\***

Gold Shows— 14-15 Roseburg, Or,

21 -22 Puyallup, Wa., 28-29 Salem, Or.

April 10—Monthly meeting **NBSC\***

April 18 &19— Squawfish

May 8—Monthly meeting **NBSC\***

May 16—Graves Creek

June 12— Monthly meeting **NBSC\***

June 20 &21—Squawfish

July 10— Monthly meeting **NBSC\***

July—Coos County Fair

August—14 Monthly meeting **NBSC\***

August 22 & 23—Sixes River

September 11— Monthly meeting **NBSC\***

September 19 &20— Foster Bar

October 9— Monthly meeting **NBSC\***

October 17—Metal Detector Hunt

November 13— Monthly meeting **NBSC\***

November 21—Rubber Duck  
December— Xmas Party  
NBSC\* is North Bend Senior Center  
1470 Airport Lane, North Bend, Or. 7 PM

The outing committee of Frank Kaiser, Larry Broman, Bob Adams and Desi Rains are open to any and all suggestions. Please contact any member of this committee if there is somewhere special you would like to go or any outing that you would be willing to host.

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**For Sale:**

5 Inch Keene Triple Dredge without motor or pump, upgraded to a power jet. Make offer!!  
Contact— Gaylen Black 541-290-4401

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## **Rubber Duck Report**

By Larry Broman

WOW!!!! what an outing

Thanks for everyone efforts that made the "Rubber Duck" outing a great success. I guess you took me to heart about the potluck, youz guyz really outdid yourselves this time...Kudos to all. The forecasted rain held off and the day was set for a great time. The gold getting started right off when Elizabeth, my daughter and I practically fell in the hole down by the old mill piers, we got to diggin on bedrock and came home with some decent color. A lot of members worked the creek with some good luck. My crew arrived at 7am to get the fire pit set up, Laurel (wife) and Elizabeth (daughter) helped me saw up a few downed logs and gathered sticks for our warming fire. If you happened to miss this one you missed a good one, we had 40 plus very well fed prospectors in attendance.

thanx for all your efforts

Larry Broman VP

## **DFG Decides in Favor of Dredgers**

By Dave Mack, The 49er's

**Editors note: I include this information from California because they would set bad examples for Oregon to follow. Theo Stanley**

For those of you who have not heard, I am pleased to inform you that the California Department of Fish & Game (DFG) [denied](#) a Petition for Emergency Rule-making made by the Karuk Tribe and its allies to impose increased suction dredge restrictions and some closures upon our industry. The restrictions basically would have imposed [Assembly Bill 1032](#), which is the anti-suction dredging litigation that Governor Schwarzenegger vetoed two years ago. According to the Director of DFG, the Petition was denied "because there is not substantial evidence to support a finding that an emergency exists as a matter of law."

Our lobbyists and attorneys invested a substantial amount of effort to overcome the Petition – and I believe our success was largely helped along by a unanimous decision by the Siskiyou County Supervisors to hand-deliver a strongly-worded Resolution and formal letter to the Director of DFG and Governor Schwarzenegger that opposed any imposition of Emergency Regulations upon our industry. We have James Foley largely to thank for this effort, along with our own Siskiyou Supervisor, Marcia Armstrong, and Ric Costales, who is the Natural Resource Policy Specialist for Siskiyou County.

I also want to thank all of you out there who made generous contributions in support of our legal fund, which we rely upon to pay our attorneys, lobbyists and the other specialists who are helping us to keep overcoming these dangerous challenges to our industry.

Once again, we have proven that when we all stand united to defend our important property rights, we are able to defeat the efforts of extremists who are working so hard to take them away from us!

### **New Lawsuit Against Suction Dredgers Has Already Been Filed!**

Exactly one week after DFG denied the Karuk's Petition for Emergency Regulations, they filed yet another lawsuit in Alameda Superior Court (February 5), asking the Court to prevent DFG from administrating a suction dredge permitting program in California until a full review is completed of the Environmental Impact Report (EIR) which is the foundation of our existing regulations. The Complaint

was actually filed by three individual “tax payers” who are affiliated with the Karuk Tribe. [Here](#) is a link to the complaint. The Complaint seeks an injunction from the Court to prevent the State of California from using general fund money to operate a suction dredging program, which they allege, is causing harm to fish in violation of Section 5653 of the Fish & Game Code.

More than likely, this lawsuit will be joined with [pre-existing litigation](#) in Alameda Superior Court in which the Karuks have already been challenging DFG’s management of suction dredge mining in California. In that case, all of the parties Settled upon an [Order](#) which required DFG to perform a review of the EIR and modify our regulations as necessary to protect (if any) fish that could be harmed by our activity. That Order was issued on 20 December 2006, allowing DFG 18 months to complete the review. While the money has finally been allocated by the State to complete the review, DFG has failed to meet the 18 month deadline which was set by the Court. We are informed that the Karuks and other environmental organizations will seek to Intervene in this litigation. It will also be necessary for us to Intervene, since nobody else is going to be looking after American small-scale mining rights, even though that’s really what this battle is over.

This is one that our attorneys will need to fight for us. And since they are far more experienced in matters of law than I am, we nearly always defer to their best judgment on how to proceed on these matters. Having said that, here are just a few of my own thoughts:

1) Asking the Court to shut suction dredge miners down because the State has failed to prove **"no harm,"** would basically be the same thing as asking the Court to prevent all privately-owned farms in California from growing crops on their land because the State has failed to prove **"no harm."**

2) We will strenuously object to being classed as "recreationalists or “hobbyists,” as the Karuks persist in trying to identify us. We are actually gold prospectors operating under the federal mining law, which does not distinguish part time prospectors or eliminate Americans who are enjoying the activity.

**Federal law clearly encourages mineral prospecting and development as the most productive use of most public lands.**

3) I personally believe we should make it very clear that we are **not mining gold on our properties by permission from the State of California.** We are doing it under a vested right which is granted by an act of Congress.

4) My personal view is that while the wording in Section 5653 of the Fish & Game Code appears to create a *required permission* from the State, the State never had any jurisdiction to assume such authority to grant or withhold permission for miners to prospect for minerals on public or private lands and/or develop minerals on our own federal mining claims -- especially under some impossible standard that the miners must first prove (to anti-mining extremists) **no harm** to fish.

5) It seems a good time to point out that the legality of California Section 5653 is questionable from the beginning (especially under the interpretation being used by our adversaries); in that we have a federal right to mine our claims which even the federal government cannot take away. From my own viewpoint, at most, the State might have some authority to request some mitigation in the event that they can prove **important harm**; something which remains their burden (rather than ours) to do in the first place. By mitigation, I mean in terms of reducing serious harm as much as is practical while still allowing the activity. This would be in line with federal mandates. It is also exactly what the California Environmental Quality Act (CEQA) requires.

6) Here is an argument that is ripe (good timing to make) in view of California’s serious budget problems: The State does not have the authority to shut down mining simply because the State does not have enough money to regulate the activity. If they are broke, they will just have to step back and allow legal commerce to move along. Americans have a fundamental right to make a living. This is a fundamental constitutional argument that liberty cannot be taken away from Americans just because the State does not have enough money to study every bug in a river which might or might not be affected.

7) I think we should point out that the anti-mining interests keep making the fatal mistake of confusing miners with others who are present on the public lands. Federal mining law grants us a **vested right** to

be there, which no others (except the few who own private property) possess. The State has no authority to remove us as they are able to do with others that do not possess a property right. They keep forgetting that, and our adversaries refuse to acknowledge the right, even though the Supreme Court and 9th Circuit has continued to do so.

8) Furthermore, the argument/interpretation that Section 5653 requires the State to prove "**no harm**" before they may allow suction dredging is ludicrous coming from a commercial fisherman and representatives of an Indian tribe, each of the Complainants (in this latest lawsuit) who are in the business of strictly harming fish (killing them), neither class of Complainant who has any vested right in law to harm fish under any conditions. They are only being granted a privilege to kill fish by the State government.

9) Even if we did kill some fish (which we do not), I believe that federal law provides our right to kill some as a result of our mining activity as superior to the privileges which the State is granting to the Karuk Tribe and recreational or commercial fishermen. If cutbacks on "harm" are needed, it must first be the Karuks who feel the pain. The Complainants argument that miners must be eliminated so they can continue to kill fish is actually an argument which we should be using against them; which, as outlined below, we are getting ready to do.

10) Any standard of "**no harm**" that Complainants want imposed upon suction dredgers must be evaluated in light of the State's decisions to allow millions of recreational fisherman to actually kill fish, and commercial fisherman and foreign fleets of commercial fishing vessels off our shores to kill huge allotments of fish for commercial gain.

How can the State impose a "**zero harm**" standard upon miners who have a vested right to work our mining claims, while they continue to sell fish-kill licenses to millions of others who have no similar vested right? There is a strong discrimination argument here.

11) Furthermore, Complainant's theory for relief goes against basic economic policy, in that eliminating even more productive economic activity in a serious (and likely getting worse) recession is not going to help California's budget crises. There are many rural communities that rely mainly upon the income they receive from suction gold dredgers who are actively exploring the public lands for rich new gold discoveries, and who are actively developing gold deposits which have already been found. Gold mining was one of the first important economic activities which helped California become a state in the first place, and it has been continuing ever since. With gold prices edging higher and higher, the last thing California wants to do right now is eliminate gold mining, especially since Complainants have yet to demonstrate that the activity has ever harmed a single fish!

March 1, 2009

### **Petition calls for end to 'widespread and wanton' killing of salmon**

The New 49'ers and a coalition of North State and other organizations is demanding that the State of California end the "widespread and wanton" destruction of the threatened Coho salmon and other fish in the Klamath River by the very people who claim to be guardians of the environment.

In a petition filed today with the California Department of Fish and Game & Fish and Game Commission, the coalition calls for a repeal of the favored treatment it has given to the Karuks, an Indian tribe that routinely takes countless salmon from the river with no oversight by state, federal, or even Tribal regulators. The petition can be found at:

[www.goldgold.com/legal/harvest\\_petition\\_final\\_3-2-09.pdf](http://www.goldgold.com/legal/harvest_petition_final_3-2-09.pdf)

Although the Karuk Tribe has no federally-recognized fishing rights, the Commission has given the Karuks special rights to take salmon from an otherwise closed portion of the Klamath River. "At a time when the federal

government is poised to ban ocean salmon fishing for the second year in a row, it makes no sense for the State to turn a blind eye to the wholesale slaughter of salmon by the Tribe," according to Mike Higbee of Grants Pass, Oregon.

The Klamath River Basin has been the subject of countless environmental battles over the years, with the Karuks and their extremist environmental supporters fighting to ban farming, hydroelectric power, logging, mining and other activities in the Klamath River Valley. They constantly claim that they are trying to protect the fisheries, but at the same time they demand that State and Federal authorities allow the Karuks free rein to exploit natural resources.

In response to earlier complaints, Fish and Game acknowledged not only that it does nothing to regulate Karuk fishing, but also that it has no idea how many Coho salmon and other fish are taken from the river by members of the Tribe. Some studies indicate that the Karuks take 1,000 fish a year, but those may be gross underestimates of the actual damage done to this fragile fish population.

No regulators take account of how many fish the Tribe kills, and no one knows whether the salmon actually wind up on the dinner table—as State officials claim—or how many might wind up in restaurants and at markets. No one knows because no one is watching.

“We want to level the playing field. The State imposes strict controls on farmers, power producers, loggers, miners and others who want to make productive use of our natural resources. Even recreational fishermen are subject to tough state control. Only the Karuks are exempt,” says James Buchal, an attorney based in Portland, Oregon who filed the Petition on behalf of the coalition.

The coalition’s petition says the State has irresponsibly given special fishing rights to the Karuks – and only the Karuks -- even though the federal government has refused to do so. The State’s position is not only legally indefensible, it is also unconstitutional, the petition says. The California Constitution says no individual or group may be “granted privileges or immunities not granted on the same terms to all citizens.” “Fish and Game is clearly granting special privileges to the Karuks in clear violation of the Constitution,” according to Mr. Buchal.

“We file this petition reluctantly. We believe that the vast majority of Karuks simply want to live in peace. A few leaders of the Tribe, however, have teamed up with well-financed environmental extremists to turn the North State into a political battleground. They are hell-bent on destroying the very industries which provide jobs and promote economic growth for their own members and everyone else,” said Dave McCracken, a leader of one mining organization which has spent years in court defending against law suits filed by the Karuk Tribe.

Speaking on behalf of the coalition, a local resident of the Klamath River, Jim Foley pointed out that it is very irresponsible for the State of California to impose crippling regulatory burdens upon everyone else, while completely ignoring the Karuks who are likely killing more salmon than all other activities combined.

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