



WILLAMETTE VALLEY MINERS

November 2010

Meeting
November 18, 2010
7:00 pm

President's Report

Well October's meeting was well attended we had 2 new members and 1 guest. The meeting ran very smooth and we had time for a presentation on Mud Seams from Tom Bohnker. Nominations for officers are still open and, we will vote at the November meeting, so if you are interested step up and let us know. Nominees at present are: Eben Ray for President, Jeff Farrand for Vice-president, Joan Frick for secretary, and Larry Coon for treasurer. At this time I would like to thank all the present officers for all their hard work these last two years!

Now onto the NPDES 700 permit this is very crucial everyone needs to read this and let your thoughts be known by writing or e-mailing the DEQ and other powers that are involved (that doesn't mean e-mail me). If this permit is allowed to stand none of us will be able to dredge due to costs and fines and time needed to do the paperwork. This permit can be found on the DEQ web site under Suction Dredge permit. EVERYONE NEEDS TO LOOK AT THIS EVEN THOSE OF YOU THAT NEVER ATTEND THE MEETINGS YOU TO WILL LOSE IF THIS STANDS ! "If you don't write and tell them they will never know".

Be aware of the general authorization permit change (if you don't send in a year end report then you will not be renewed next year).

Safety first and always. Some of our members have been injured this year. Recently a member was at Beverly beach a few days before our outing and he fell and spent 3 days in the hospital. Then during the outing another sneaker wave hit the group. WATCH OUT. Another member injured his leg while out alone and almost didn't make it back. I believe he fractured his femur. So be careful and think about taking someone with you.

We have several committees that need members to step up and be a part of them. As you're thinking about this, also remember the people who are out doing the work to keep our club running well.

Remember to winterize your equipment soon and this is also the time of year to return any borrowed equipment not only borrowed from the club trailer but borrowed from other members so that they can get it winterized and be ready for next year.

Continued on next page

If you have changed your email/phone number or address please let us know by sending a note to the club mail box.

Officers

President

Eben Ray
503-508-1497
ebenray44@yahoo.com

Vice President

Jeff Farrand
503-371-3652
jafarrand@msn.com

Secretary

Karen Phares
503-749-1006
mlksphares@yahoo.com

Treasurer

Lloyd Bridgmon
503-749-1679
lloydbridgmon@yahoo.com

Government Affairs

Tom Quintal
503-371-9747
quintalt@gmail.com

Committees

Claims

Howard Conner
Gordon Davis
Bob Howell

Events & Outings

Programs

Howard Conner
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Website

Don Hammer
Trudy Schrader
Diane Smith

Newsletter Editor

Debi Farrand
503-371-3652
dfarrand@msn.com

Please have all items for the newsletter to me by the 25th of the month

Continued from front page

Here is a reprint from our club packet.

Code of Ethics for Detecting

1. Respect private property and do not enter private property without the owner's permission.
2. Obtain any needed permits for state and federal lands.
3. Take care to refill any holes and try not to leave any damage. Use probe or the smallest digging tool possible.
4. Use thoughtfulness, consideration and courtesy at all times.
5. Remove and dispose of any and all trash and litter you find. (that much less junk to find next time).

We had a challenge at the October meeting in support of the funding needed by the EOMA in their legal pursuit of what is right for the mining community. Tom Bohnker donated a penny weight of fine gold and challenged others to do so. I have accepted the challenge and will have mine at the next meeting to donate. How about you? Are you up to the Challenge?

Be safe and find some gold.

Eben Ray

President

Meeting Minutes October 21, 2010

The meeting was called to order by President Eben Ray at the usual 7:00 P.M. time. The first order of business was the Treasurer's report given by Lloyd Bridgmon.

Gary Schrader reported on the metal detecting outing that was held this past month. There were about 7 members that participated with lots of coins found along with a copper & silver ring.

There will be a meeting at Jeff Farrand's home on the 30th of October to schedule outings for the coming year. This meeting will include a small pot luck. The meeting will be held at 11:00 A.M.

On Dec. 4th of this year is our annual Christmas party. Once again this includes a potluck & gift exchange. If you wish to participate, bring a wrapped gift. Your gift should not exceed \$5.00. This party is always great fun so come & enjoy.

The GPAA show in Salem has been moved to April 2nd & 3rd for 2011. This show is usually in March. Please make note of the change.

Tom Quintal talked this evening about the Permit Litigation battle that is ongoing. A motion was made & seconded to contribute \$2000.00 to this pressing matter. The money will be taken from our Money Market account.

Nominations for the coming year are as follows:

President: Eben Ray

Vice President: Jeff Farrand

Secretary: Joan Frick

Treasurer: Larry Coon

Elections will be held at our November meeting.

An audit will be held to be sure that our books are in order. Date & time to be determined.

Larry Coon

Howard Connor

Jeff Farrand

Lloyd Bridgmon

There were 37 members & 4 guests with us this evening.

Respectfully submitted,

Karen S. Phares,

Secretary

Willamette Valley Miners club



Treasurer's Report

It is time to start to remind you that registrations are due for the year of 2011. As the application says, membership runs from January 1 to December 31 each year. The club has said that anyone wishing to renew early, can send their money in starting October 1st. Those of you who wish to renew by mail, may send in your application and dues to the P.O. Box and I will send back your cards. If you want to come to a meeting you may renew there also. For an additional \$1 you can receive a postcard size membership card for your vehicle's windshield.

An application will be in the newsletter for the next three months so you all have one. Please make a copy of it so you can give one to a friend. October and November will be the last two meetings of the year. On December 4th we will have the Christmas party and not have a regular December meeting.

It is very important to keep your address up to date as we have to pay each time a newsletter is returned. Some of you have moved and not sent in a new application with the change of address. If your newsletter is returned two times I will be removing you from the mailing list.

This is why we need a new application every year, please do not send in a check and think you are automatically renewed. As I can not fill out your application for you and sign your name.

Good luck panning and I will see you in the creek.

Treasurer
Lloyd Bridgmon

If you are renewing your membership at a meeting, please fill out the application at the back of the newsletter and bring it with you. If you forget your application, we will have them available at the sign in desk so you can get it filled out before bringing it to the treasurer. Hopefully this will help this process go more smoothly.

Jeff Farrand
Vice President

Outings/Events

November 18th - elections

December 4th – Christmas party

The Christmas party is a potluck with the club providing meat, beverages, plates, and utensils. Please bring your favorite salad, side dish, or dessert to share. Don't forget your \$5 gift if you wish to participate in the gift exchange.

Raffle Table

Eben won the big Nugget!!! For those of you that were not there you missed a nice "I won at last" dance. Congrats Eben! Lloyd has promised that the next nugget is even bigger than this last one!!

We raffled off the Mine Lab detector and I apologize for not getting the winners name. (so hard

to recognize everyone). Gary Ashley has donated a second detector, an entry level Garrett Freedom Ace. Thank you again Gary for your generosity.

It appears that fundraising for the dredge permit litigation is going to be an ongoing thing and our raffles are a big part of that effort. Please help out where you can!!!!

We could put a donation can on the table but experience has told us it's better to let the club dole out the funds as needed. By bringing items for the table and buying tickets it eases the pain of giving. That is what you are doing by participating in the raffles. If we can't defend the most environmentally safe method of extracting minerals known to man, how can we expect to mine at all??

Gary

Member's Corner

Last night at our monthly WVM meeting we discussed the many potential issues miners are facing to ban suction dredging in Oregon waters. I gave a quick overview of the new 700 NPDES permit explaining the serious implications and fines that are associated within this 12 page permit. The simple fact that none of our members believe there is a way to mitigate or treat our sediment discharge and that we are not a Federal Facility, Lechate or Sewer treatment facility or an Industrial discharge emitting an outside pollutant seem to hit home. I do believe if miners were encouraged to take the time and read this EPA Federal Industrial discharge permit it would be easier to raise funds to litigate this permit. I will copy this permit off ODEQ's web site and send it to all 80 folks on my government affairs email list and encourage each to read this permit and send money to the EOMA legal fund.

WVM's membership voted to write a check to the EOMA NPDES legal fund for \$2,000. In addition to that WVM started a gold drive for members to donate as much of their individual gold as they can spare. One of our members last night started the drive with a one pennyweight donation. The gold drive could generate a decent amount of cash if gold prices continue to climb.

Some of our WVM members told me they plan to send in monthly amounts to this fund as the litigation continues.

Tom Q, WVM

OREGON MINERS TAKING DEQ TO COURT – AGAIN

By Tom Kitchar, President Waldo Mining District

BACKGROUND: Back in 2005, right after Oregon DEQ issued their new 700-PM permit for suction dredge mining, a coalition of 3 environmental organizations (NEDC et al.) filed a challenge against the new permit in the Oregon Court of Appeals claiming among other things that the new permit wasn't restrictive enough. Shortly thereafter, the Eastern Oregon Mining Association (EOMA) filed to intervene in the NEDC challenge, and, filed a challenge of their own against the permit; claiming it was the wrong permit in the first place.

EXPLANATION: DEQ's suction dredge permits (i.e.; the earlier 700-J and the 700-PM) are issued in part under an agreement with the U.S. Environmental Protection Agency (EPA) pursuant to Section 402 of the federal Clean Water Act (CWA) and are "*National Pollutant Discharge Elimination System*" (NPDES) permits. These types of CWA permits are required for any discharge from a point source that causes an "addition" of "pollutants" to the "waters of the United States"; and are typically required for such facilities as municipal sewage treatment plants and other large-scale industrial plants that discharge into waters.

However, under the CWA, the U.S. Army Corps of Engineers (USACE) has jurisdiction over the discharge of "dredged materials" through their Section 404 permitting program. Add to this, the CWA clearly states that if one is permitted by or under the jurisdiction of the USACE, no EPA Section 402 NPDES permit is required (i.e.; one or the other, but not both). This concept was most recently decided in June of 2009 by the U.S. Supreme Court when they ruled in the case of *COEUR ALASKA, INC. v. SOUTHEAST ALASKA CONSERVATION COUNCIL* (Nos. 07-984 and 07-990) 486 F. 3d 638:

"...a two-permit regime is contrary to the statute and the regulations."

So which is the legally correct permit? We believe that if the discharge from a suction dredge or other forms of in-stream mining even falls under the CWA (which is doubtful), then it would be under the jurisdiction of the USACE, and not the EPA; for the following reasons:

1. There is no "addition" of anything. 100% of everything being discharged by a suction dredge is already present in the water. The courts have consistently ruled that for a discharge to be an "addition", it must come from an outside source (such an onshore operation discharging into the water). Nor does the dredge change, in any way, the bottom sediments passed through the dredge (i.e.; the dredge does not cause the turbidity – the turbidity is caused by the movement of the streambed material and is present before the material and water even enter the intake nozzle).

2. Streambed sediments, when returned to the stream they came from, are not "pollutants".

3. Many if not most all small streams, creeks, gulches, etc. are not "waters of the United States" but instead are waters of the State of Oregon.

THE 2009 COURT OF APPEAL RULING: On December 23, 2009, the Oregon Court of Appeals ruled on EOMA's challenge to the 2005 700-PM permit in EOMA's favor. The court declared the permit invalid, because it did not specify what discharge was being permitted by the permit. The court stated that the discharge from suction dredges consisted of streambed sediments, and water. The court stated that discharges of streambed sediments were under the jurisdiction of the Army Corp, not the EPA . . .

. . . And then they defied all logic (and the U.S. Supreme Court June 2009 ruling) and said that suction dredges also discharged turbid wastewater, and those discharges were under the jurisdiction of the EPA! The court ended by saying that suction dredging needed both a 402 and a 404 permit!

EOMA promptly filed a Motion for Reconsideration, which was promptly denied. EOMA then filed a petition for review of the Appeals Court decision with the Oregon Supreme Court. On September 17, 2010, the Oregon Supreme Court agreed to hear the EOMA appeal (and, unfortunately, the NEDC appeal too); with briefs due in a matter of weeks, and a hearing scheduled for mid-January 2011.

However, on September 27, 2010, the State filed a Motion to Dismiss the EOMA & NEDC appeals on the grounds that the 2005 700-PM permit had expired and had been replaced, making all appeals moot. EOMA then filed arguments against the State's motion to dismiss. At this time, we are waiting to hear from the court to see if they will dismiss the case, or not.

MINERS CHALLENGE THE NEW 2010 700-PM PERMIT:

On September 27, 2010, the Waldo Mining District (WMD) et al. filed a petition in the Oregon Court of Appeals challenging the new 700-PM permit on the grounds that it too is another NPDES permit. On the same day, EOMA et al. filed a petition in the Circuit Court of Baker County challenging the new 700-PM permit on the grounds that it is a NPDES permit; that DEQ failed to properly consult with the affected parties while drafting the permit as required by state law; that DEQ failed to recognize the use of water for mining is both a beneficial use and a public necessity, and that such use is granted" (under state law); plus several other reasons.

*** **

Folks, the WMD and EOMA need the financial support of every suction dredge miner in Oregon. We are fighting for YOUR RIGHTS to mine...not just ours! DEQ says there are (or were) approximately 2,000 permitted suction dredge miners in Oregon. If each of you donated just 2 dwt of gold, or \$100.00, we would have more than enough funds to see us through this litigation. WE (WMD & EOMA) are actively fighting to keep what happened in California from happening in Oregon (i.e.; a prohibition on dredging).

PLEASE DONATE WHAT YOU CAN.....
THANK YOU!

DONATIONS CAN BE SENT TO:

Waldo Mining District
P.O. Box 1574
Cave Junction, OR 97523

Eastern Oregon Mining Association
P.O. Box 932
Baker City, OR 97814

Or, you may drop your donations off at the Armadillo Mining Shop in Grants Pass (OR).

Help us win.... Or forget dredging in Oregon!

EASY DUTCH OVEN COBBLER

- 1 white cake mix
- 1 12 ounce can of Sprite or 7-Up
- 2 cans fruit pie filling (we like blueberry)

Note: This cobbler is prepared in a camp-style cast iron Dutch oven which has a lid with a lip so that hot coals may be set on top of the pan. A quick and easily prepared outdoor recipe for barbecues, picnics and camping trips!

Pour fruit pie filling into a 6 quart Dutch oven. In a separate bowl, mix soda with cake mix. Batter will be lumpy. Pour over top of pie filling.

Bake with 20 coals on top and 10 on bottom until cake is golden color. Serve hot.

Wonderful served alone or with vanilla ice cream. Recipe can easily be doubled for 12 quart Dutch ovens.

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Mining books, where to find gold, Falcon and Fisher Detectors
 Book publishers and small mining consultants

Finally after 3 decades (on and off) of research, a new Mining Book

Gold Panner's Guide to the Oregon Cascades

By WVM member Tom Bohmker. Covers areas to pan w/o a claim from Portland to Cow Creek south of Roseburg. How to pan mining stories, 87 pages 9 maps. \$17.50, \$2.00 postage.

Classifieds

Wild West Gold Sales

I Buy & Sell Gold nuggets and Fines no amount is too small. E-mail: wrtckenhaines@comcast.net
 Ph: 541-791-9986

For Sale

Garrett Scorpion Gold Stinger Metal Detector

Good as new. Good for coin-relic and gold hunting
 \$325.00 Ph. 503-859-3132

Wanted

Gold Screw

Dan @ 541-401-0922 (Sweet Home)

Willamette Valley Miners

MEMBERSHIP APPLICATION

PLEASE CLEARLY PRINT ALL INFORMATION

Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip _____ Phone _____

Email _____

Please check: _____ New Member _____ Membership Renewal

Please accept my application for membership in the Willamette Valley Miners Club. I understand that the association is a non-profit organization of members with a common interest in small scale mining and Mineral prospecting. I have read and understand the agreement below.

Annual Family membership dues - \$20.00

Membership card for dash - \$1.00

Membership year begins in January

As a member of the Willamette Valley Miners I hereby agree to abide by the rules and guidelines established by the club. I acknowledge that small scale prospecting may involve inherent dangers and I hereby release the Willamette Valley Miners Club, its officers, and claim holders from any and all actions, causes of actions, claims, damages, or injuries that may occur on any and all claims controlled by the Willamette Valley Miners Club, or other clubs who we share claims with. I further agree to hold the Willamette Valley Miners Club, its officers, and claim holders harmless from the results of any accident or incident that may occur while I am on said lands controlled by the Willamette Valley Miners Club or claims shared with others clubs

Signature _____ Date _____

Signature _____ Date _____

(Must be signed by spouse for family membership)

Amount enclosed _____

Please send application and remittance to:

Willamette Valley Miners
PO Box 13044
Salem Or. 97309

Willamette Valley Miners

PO Box 13044
Salem OR 97309-1044

We Meet Third Thursday of
the month, 7:00 pm at
Marion County Fire Hall
300 Cordon Rd NE
Salem, OR

