

# Western Mining Alliance

Voice of the Independent Miner

January 2016

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# Rinehart Takes Center Stage

“One influential view of the Court... is that it stands in some special way as a protection of minorities against tyranny by majorities.” Robert Dahl, 1957, published in the Journal of Law.

One young miner stands between the tyranny of the majority and mining rights, and perhaps the future of mining in California.

Unlike some other mining companies which either pay off the environmentalists through donations and sponsorship, one man refused to back down and has fought his way to the California Supreme Court despite overwhelming money and power being against him.

The future of mining now rests on the shoulders of a young miner from the Bay area who was cited for dredging without a permit on Father’s Day 2012. He was later convicted by a Plumas County trial court, then an Appeals Court overturned the conviction and the case is now pending before the California Supreme Court.

All attention, and financial support, should now turn to Rinehart.

The entire resources of the State are focused on this one miner who refused to plead guilty to a charge which asked him to vacate his Constitutional rights. The State has relentlessly pursued Rinehart for nearly 4 years and has made this case the one case which will decide the future of mining.

Not just dredging, because this case isn’t about the use of suction dredges. If you read the State’s filings this case isn’t about dredges, or even Rinehart. It’s about a single miner challenging the power of the State, that’s what this case is about.

The State can’t suffer a citizen to stand up and refuse to obey a law which has now been ruled as unconstitutional. Even the trial court ruled Rinehart’s refusal to bend as “civil disobedience.” We need more Rineharts, and more civil disobedience.

The State’s filings in this case make clear this case is

really about the State seeking unlimited, and unchecked, authority to ban any equipment, anywhere under the guise of environmental protection. The State claims their very right to regulate is at stake here and an adverse ruling would result in catastrophic damage to the environment.

If the State wins it opens the door to the banning of any type of equipment with the slimmest of excuses so long as that excuse is based on “environmental protection.”

Standing against this is Brandon Rinehart.

If you’ve done nothing over the past seven years of the dredging ban, or if you’ve done all you can, please step up and put your support behind Brandon. You can donate directly to Brandon’s legal fight by visiting his excellent website where you can follow his case and his story.

It doesn’t matter whether you believe we can ultimately win this fight, let’s at least go down united and fighting and not concede a single step backwards. Brandon’s fight is now the only fight and what we most need is financial resources to put up the best defense we possibly can.

You can visit Brandon’s website at

[www.peoplevrinehart.org](http://www.peoplevrinehart.org)

and make a direct contribution to the fight, or you can see the flyer at the end of the newsletter and contribute directly to the attorney to help pay off the legal bills.

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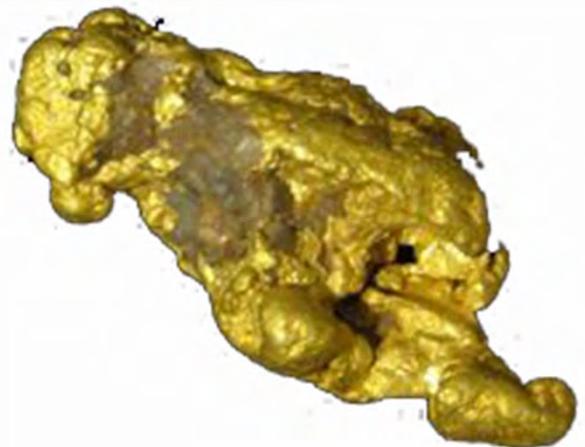
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# The Crazy Path to the Dredging Ban

*“Power concedes nothing without a demand. It never did, it never will.” Frederick Douglass*

The first lawsuit against dredging was filed in 2005 by the Karuks demanding the California Department of Fish and Wildlife prohibit the use of suction dredges on the Klamath, Scott and Salmon Rivers.

The Karuks claimed suction dredges were harming the salmon, and only by banning all dredges on these rivers could the State protect the salmon.

The State denied suction dredges caused any harm to salmon, but reached a settlement agreement with the Karuks whereby they would ban suction dredging. This agreement was reached in secret and the New 49ers, a mining club with mining claims on the Klamath, intervened to block the agreement.

After the New 49ers intervened an Alameda trial court blocked the settlement agreement as being illegal and ordered the California Department of Fish and Wildlife to conduct an additional study to determine whether salmon were endangered by the use of suction dredges.

In nearly 60 years of using suction gold dredges the Department had never documented a single instance of a suction dredge harming salmon. In fact, just two years earlier their own senior fisheries biologist, who was responsible for the Klamath River had done an onsite review of dredging effects on the Salmon River and had found suction dredge holes to be the only means of survival for young salmon, and these dredge holes provided the only deep water which afforded the cooler temperatures required for them to live during the hot summer months where water temperatures reached the point they could literally cook the salmon.

These high water temperatures were responsible for the 2002 Klamath River fish kill which killed over 45,000 salmon when a lethal pathogen which thrives in warm waters infected the salmon

making their spawning run and wiped out almost the entire years run of salmon.

That is those salmon which managed to escape the gill nets of the Yurok Tribe which is permitted to take up to 75,000 salmon in the lower reaches of the Klamath prior to them even reaching the spawning grounds.

Nearly 100,000 of these supposedly endangered salmon are killed each year, but not by dredges. Not a single salmon or salmon egg has been killed by a suction dredger.

In 2009, the environmental groups found a legislator who was willing to do their bidding, which isn't all that hard and pushed through a ban on suction dredging claiming the presence of a suction dredge anywhere in the State was a mortal risk to the people of the state of California. Once legislation is introduced into the capitol building you need only count the numbers of democrats or republicans to determine whether it will pass. Every single republican voted against the ban, every single democrat voted for it.

Yet there was no evidence of this harm. Not a shred. There were emotions, feelings and a lot of money.

The law was introduced by a legislator with known mental health issues. According to news reports MS Wiggins suffered from a medical condition which causes one to lose judgment and memory and is prone to random outbursts. During this time she sat as the committee chair of several key committees such as the fisheries committee.

The Napa Valley Register, the newspaper of the area MS Wiggins represented reported she had to be restrained during a committee meeting in which she screamed at a staffer for failing to refill a water glass and lunged out to attack the staffer.

# The Crazy Path to the Dredging Ban

Despite her erratic behavior the Senate president “met with Sen. Wiggins and he’s confident that she’s capable of performing the core duties of her job.”

MS Wiggins mental issues were recognized at least as early as 2007, according to the Napa Register, when during a fund raiser an attendee noticed her unusual behavior, “I personally observed Sen. Wiggins at an event, and that was my first realization that something is not right with her,” Koire said, referring to a 2007 fundraiser for another Santa Rosa politician ...When Koire approached Wiggins at the event to introduce herself, she said, “It took her awhile to move her eyes to my face, and her mouth was hanging open. ... Then, she just stared at me and said, ‘What are we doing here? What is this? Why are we here?’ I told her, and then she just stared at me and said, ‘I don’t know what I’m doing here.’”

Now, we’re not unsympathetic to mental illness, it seems to be endemic to these environmentalists, and we’re all going to be there someday, some of us sooner than others, but should a person without proper judgment be in a position to introduce legislation which takes away people’s jobs? Should they be the chair of committees with the power to rip the economic livelihood away from people and destroy communities?

In 2009, in the Press Democrat, the Santa Rosa area newspaper, reporter Paul Gullixston wrote, “No, she’s not competent.” This was within weeks of the Wiggins sponsored anti-dredging bill being passed.

Wiggins was the chair of the Fisheries committee and a member of the Natural Resources committee.

This is the person the environmentalists sought out to ban dredging.

We challenged in court the constitutionality of the two bills which extended the dredging ban beyond the Wiggins bill, which allowed the ban to expire once the environmental review was complete. Rinehart would never have been convicted had these two unlawful bills not been pushed through as mere paragraphs in much larger omnibus bills.

Miner Keith Walker challenged these bills as violating the California Constitution’s prohibition against jamming a bunch of bills together in one late night session and ramming them through using a budget bill whereby no debate or discussion was presented. It was either take the budget bill or leave it.

That’s how the dredging ban extension bills were passed. They were introduced by another Napa Valley elite, Jared Huffman, whose claim to fame in the legislature was passing a law which regulated chickens.

Based on this extraordinary record of legislative accomplishment he was elected to Congress.

When the San Bernardino Court ruled the laws passed by Wiggins and Huffman were unconstitutional, a pretty damning condemnation on the California legislature, the environmentalists once again sought out the representative of the elites in Senator Ben Allen who represents Malibu and Beverly Hills.

Under the guise of water quality Senator Allen did the bidding of the environmental groups showing great courage in completing the devastation of rural economies of which he was completely unaware, and had actually never seen a suction dredge operating, but somehow he recognized their lethal potential to mothers and children.

# The Crazy Path to the Dredging Ban

So we sought legal remedy in the courts.

What's our record?

- In 2006 the Alameda Court ruled the secret agreement between CDFW and the Karuks was illegal.
- In 2010 PLP overturned the 2009 Wiggins Bill dredging ban as illegal.
- In 2015 the Appeals Court ruled convictions under the dredging ban violated the U.S. Constitution.
- In 2015 the San Bernardino Court ruled the entire scheme of the dredging ban was unconstitutional.

We have, in fact, won.

But you'd never know it. In 2015 we sought relief from the illegal and unconstitutional California laws, it wasn't granted and we appealed. The appeal was filed in July 2015, we're still waiting on a hearing.

We've spent millions of dollars fighting laws which have already been ruled unconstitutional and illegal, yet they continue to pass more laws, even while the current laws are in litigation heaping yet more regulation upon us.

The California Constitution provides each branch of government is independent from each other. In theory there should be some checks and balances against what has happened to us.

There is no evidence suction dredging harms the environment, should we be entitled to argue this in front of a judge and jury? We believe so.



## APPRECIATE WHAT WE DO?

OK, we've got the world's lousiest business model. Everything we do we give away for free. Well, with the exception of what we try to sell. If you appreciate getting the information each month, and the hundreds of hours we spend in putting it together then we'd appreciate your membership. Or at least buy a Claims Report, or buy us a beer sometime.

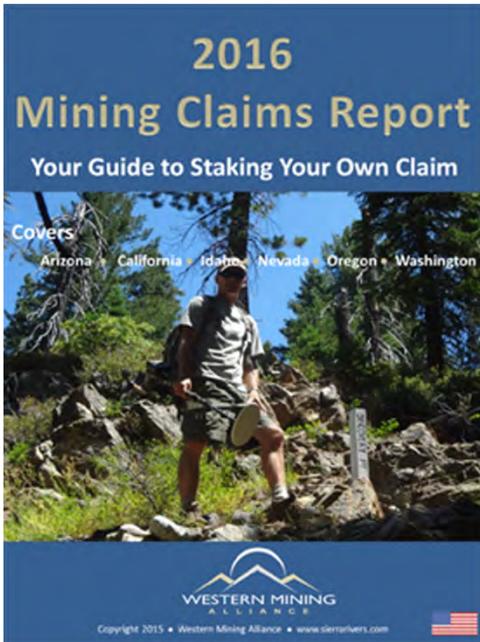
You can join the Western Mining Alliance by going to our main web page, or going to our [www.sierrarivers.com](http://www.sierrarivers.com) web page. Your membership in the American Mining Rights Association also supports the WMA and the Rinehart case. [www.americanminingrights.com](http://www.americanminingrights.com)

Somehow, over the past four years your support has always paid the legal bills, and we count on your continued support to keep up our work which includes our ongoing efforts at the federal level to obtain relief through Congress. Once again this year we'll be returning to capitol hill to continue our efforts to change the playing field. Your ongoing support of our annual trip is much appreciated and this will be our 4<sup>th</sup> year on Capitol Hill. People are actually starting to know us.

If you're a member of the WMA, and you own a mining claim, please drop Miner Rick an email if you would like to obtain a federal permit for your dredging this summer. [MinerRick@theminingalliance.com](mailto:MinerRick@theminingalliance.com)

# 2016 Claims Report Update

OK, we're running a little late on this. But...we've been kind of busy trying to fix this SB 637 thing. First things first. We need to get dredging legal again, then concentrate on claims. We got our first significant effort done on SB 637 the past few weeks so heading into February we'll try to publish the initial Advanced Copy. We're not sure when the "normal" copy will be available, but for those of you looking to get a head start on finding your next great claim, we're thinking maybe around the middle of February. You can check our website at [www.sierrarivers.com](http://www.sierrarivers.com)



The 2016 Claims Report will include state reports for the following:

-  Arizona
-  California (Northern and Southern)
-  Idaho
-  Nevada
-  Oregon
-  Washington

We are tracking all claims pending closure for California by the specific geographic feature they are located on or near. For Arizona we're at about 25%. It's time consuming process but each month we make further progress. Last year we ran about a 90% accuracy rate in predicting claims which would be available for new location – before they hit the "Closed Claim" list.

Based on our first scrub of the data it appears this will be an average year for claim closures, meaning we expect between 1,000 and 1,500 claims to be abandoned in California. We haven't run a first check of the other States, but it will probably be average. Based on the list we're looking at right now there are some claims abandoned this past year which were located in the 1890's and quite a few which have been held over 100 years.

## Change From 2014 to 2015

STATE	LODE	PLACER	MILLSITE	TOTAL	%CHANGE
CALIFORNIA	-1559	-306	213	-1652	-0.07
OREGON	-163	-36	6	-193	-0.03
WASHINGTON	-572	-205	-2	-779	-0.21
IDAHO	-4217	-150	-12	-4379	-0.19
ARIZONA					
NEVADA					
TOTAL	-6511	-697	205	-7003	

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No pre-classified or pre-screening required! Highly portable, with a size and weight of 12" x 25" (folded up) and 14 pounds, the Micro-Concentrator will process up to 300 lbs per hour. The accuracy is typically 98% for visible gold and 60-90% for sub-visible (free) gold, down to 200- mesh. The Heavy Duty HFBE Vibrator is recommended for those "difficult" jobs with micron or "flour" gold.



## Micro Sluice 2

Only 12lbs and 25" long the Micro-Sluice 2 processes wet or dry concentrates at a rate up to 1/3 cu. yd. per hour. The innovative and unique 4-stage water recycling system uses a float mounted pump to provide a consistent flow of water to the hopper and sluice

The **Micro-Sluice** utilizes a feed hopper into which water is automatically added. The resulting slurry exits through drain holes in a consistent manner. The material then pass over a classifier plate with small holes to capture the finest materials. Then the slurry passes over a riffle system that utilizes a vee-grooved rubber mat pioneered by **Micro-Sluice Gold Products** to capture even the finest gold. A built-in angle indicator guarantees the correct angle of the sluice and repeatable results.



## Micro Sluice Junior

## Micro Sluice 1

The Micro Sluice 1 is easy to backpack and ATV friendly with the new high impact flat bucket. It's ideal for dry or desert use as a wet recycle unit where water is limited.

An integral 1 quart feeder hopper features a unique wash down system that automatically regulates the rate of pre-screened material being classified. The tailings filter bag ensures no lost gold, as tailings can be run again to check for proper operation.



# LEGAL UPDATE

Based on the San Bernardino ruling we can pretty much wipe this slate clean. There will be no scheduling of any legal challenge until the California Supreme Court issues an opinion in Rinehart.

For those of you who haven't listened in on the webcast "Gold Talk Radio" you should give it a try. The host, Bobby Freedom, has put together what is likely the best gold talk show on the internet, or even on the airwaves. Many of the leaders of the mining community have been on his show and listeners can call in to talk with guests on mining issues. If you haven't checked it out yet, you should. We tune in every week.



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# The San Bernardino Decision: What's it Mean?

On January 20<sup>th</sup> Judge Gilbert Ochoa of the San Bernardino Superior Court issued a ruling staying all the pending suction dredge cases subject to the outcome of the Rinehart Supreme Court case.

Rinehart was cited for dredging without a permit in June 2012 on a branch of the Feather River. He was then convicted by a Plumas County Superior Court in May 2013. He appealed and the Appeals Court overturned the conviction in September 2014 indicating the laws banning dredging were preempted by federal law which encouraged mining.

The Appeals Court ordered the case returned to the trial court for a new hearing whereby Rinehart could present his defense which he was denied during the initial trial.

California, seeking to avoid a trial where evidence would be heard petitioned the California Supreme Court to hear the case. Even though he had never received a fair trial, one in which he could present a defense.

It is highly unusual for a state Supreme Court to hear a case without a fully developed record, which in this case is entirely lacking. Rinehart was never able to present his defense which was the state was prohibited from banning mining on his mining claim, they had in fact overstepped the bounds of their authority and the Appeals Court agreed.

As the Appeals Court wrote in their ruling overturning Rinehart's conviction:

*"Having no evidence in the record relevant to the operative issues bearing on defendant's affirmative defense, we must return the matter to the trial court for further proceedings on the issue of preemption, admitting whatever evidence, and hearing whatever argument, the trial court, in its discretion, deems relevant and then ruling accordingly. Specifically, the trial court must address at least these two questions: (1) Does section 5653.1, as currently*

*applied, operate as a practical matter to prohibit the issuance of permits required by section 5653; and (2) if so, has this de facto ban on suction dredge mining permits rendered commercially impracticable the exercise of defendant's mining rights granted to him by the federal government?"*

The January 20<sup>th</sup> decision puts everything on hold until the Supreme Court makes their ruling.

However, this turns the process upside down. Keith Walker, a miner from Sonora California, has challenged the law under which Rinehart was convicted as unconstitutional. Walker claims AB120 was passed illegally as part of a much larger omnibus trailer bill and the California Constitution prohibits a bill from containing more than one subject.

The legislature and the State's attorneys claim the bill was an appropriations bill and they could lawfully do this. Walker disagrees and points to the fact no money was ever appropriated through AB 120 to fund anything. Its sole purpose was to change a statute, not funding.

Why is this important?

To understand the importance of this you must have a grasp of the timing, and the laws leading to his citation. Senate Bill 670 was passed in August 2009 as an emergency measure, meaning it took effect immediately, not on January 1<sup>st</sup>.

SB 670 (Wiggins) suspended the issuance of suction dredge permits subject to CDFW completing the court ordered environmental review, and also requiring updated regulations be issued. Once these requirements had been met CDFW could begin issuing permits again.

The conditions of SB670 were met on Mar 16<sup>th</sup>, 2012 when CDFW filed the new EIR and the new regulations.

# The San Bernardino Decision: What's it Mean?

Rinehart was cited on June 16<sup>th</sup>, 2012 a full three months after the conditions of SB 670 were met by CDFW. This meant the dredging moratorium should have been, by operation of law, over on March 16<sup>th</sup>, 2012.

AB 120, which Walker challenges as unconstitutional, was signed into law on July 26, 2011, almost a year before Rinehart was cited.

If AB 120 is unconstitutional, which we've asked the court to rule on, then Rinehart could never have been cited because the SB 670 imposed moratorium was over.

Before a case should be heard in the Supreme Court, the constitutionality of the law which he was convicted under should rightfully be considered. If AB 120 was not passed by the California Constitution, and Walker has a solid argument for this, then Rinehart's conviction would likely also be moot.

In our view we should answer the fundamental question of whether Rinehart was convicted under a

law which should have been struck down in the first place and there never should have been an extension to the dredging moratorium.

The trouble with this case going straight to the Supreme Court is there will be an assumption AB 120 was lawfully passed. If the Supreme Court rules against Rinehart then it would appear by default the laws being challenged become approved, without the ability of the miners to continue their challenge to these laws.

To simplify this argument it becomes a chicken and the egg issue. If the law was unconstitutionally passed, then a conviction under that law would as the lawyers say be "fruit of the poisoned tree."

This is merely our opinion, we are not attempting to provide legal advice, merely observing there is a timing issue here which has some merit for consideration by the courts and the outcome of a court's ruling would have significant impacts on the Rinehart case pending before the California Supreme Court.



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## A Potpourri of Canyon Dredging

Rattlesnakes seem to show up at the most inappropriate times. Like when you're clinging to a cliff with the fingertips of your left hand, while your right hand is carrying your brand new Honda engine suspended 30' above the river.

Just another day on the river for those of us who dredge the canyons and ravines of the Motherlode. Not all dredgers are on the Yuba, American, Feather or Klamath – it just seems that way. For over twenty years I've been dredging the deep canyons and don't have a whole lot of advice to offer anyone who's just starting out. I'm always willing to listen to advice, but I rarely take it. I prefer to learn the hard way.

I think for most folks sticking with the bigger rivers is the way to go. Go buy one of them big dredges with beer can holders in the pontoons, put up a little sun shade and have at it.

In the canyons you learn your own lessons so there's no point trying to make a list of where to go, or what to do. When I'm not dredging in the canyons, I'm looking for new canyons to dredge in which takes me a lot of places, almost all of them I regret trying to get into and end up cursing the Forest Service and their idiotic way of managing forests. A lit match would do a better job of managing forests than these people who are paid to do it, but you only come to this conclusion when you're in the woods, not when you're just looking at them.

One trip into a canyon, which forty years ago had a nice trail which has since been overtaken by buck brush, I was fighting my way through acres of thorny shrubs and broke out into a little opening with a seasonal creek running through it. There was the telltale evidence of an old mining camp, probably from the 1930s based on the bottles so I decided to see if I could find the mine. In the camp I could see bits of quartz so it was obvious they were quartz mining, but I set out to find the source of the quartz.

One piece of advice I can safely provide is quartz doesn't travel uphill, so the source had to be above the camp. I followed the chunks of quartz through the trees

up a steep slope, and it kept going. I reached the top of the slope and found...nothing. No quartz mine, no ledge, no gold, and no sign the quartz was still bleeding out of anywhere.

I began following it downhill again, and once again it just littered the ground, but there was no obvious source, unless it was buried.

Now, if you're dredging the big rivers it's unlikely you carry a pack and throw quartz rocks in it, but I do. So I grabbed a few of the rocks and decided I'd take a closer look later. Nothing like 30lbs of rocks in your pack to make your original mission a little harder.

After covering a total of a half mile in just over three hours it became apparent I wasn't going to reach the canyon I was aiming for. I knew from people who'd been in there before (in the 1950's) you could walk the entire trail into the canyon, a distance of about 3 miles, in about 2 hours. That's when there was still a trail.

The further into the canyon I went the thicker the brush got until I was finally deadlocked. You ever have one of those days when you want to head due west, but every deadfall and brush pile keeps turning you due north? That was one of those days. For every two steps west, I was diverted one step north.

I finally had to quit, deciding I'd come in from a different direction another day and toted my quartz back to the truck.

A few weeks later I was back at it again, except this time heading into a canyon to find an old quartz mine I knew was there. I found the mine, and the tailings and once again took some samples and headed back to the truck – mission accomplished. I was certain this old mine, which had some pretty huge quartz chunks laying on the ground was going to show some pretty good gold.

## A Potpourri of Canyon Dredging

So I sent off three samples for assay and the quartz from the old mine showed just about zip. The quartz in the buck brush? An ounce a ton, just laying on the ground.

That sounds great, until you realize you have no idea where the vein is. Without the lode you're nothing but a rock hound. It's there somewhere, and it's on my list of things to do when the snow melts. Well, that and about ten other places.

I've been diverted from my objective a lot of times out in those canyons. It's not necessarily ADD but when you're packing in a dredge and you see tailings from a quartz mine it would require an iron will to not drop the pack and head up hill.

It's never a short trip. To me it's like putting together a puzzle. You see something like an old timber with a spike in it near the creek and wonder where it came from. The next thing you know you're twenty feet above the creek following some quartz tailings. A couple hours later you're 800 feet above the creek trying to figure out where that old track came from. As the sun's going down you remember you've got a dredge down there on the river somewhere, but it's a whole lot easier to just head uphill to the road and move the dredge another day.



*Why go into the canyons? That's where the gold is.*

Working the canyons I have a list longer than my expected life span of places to sample. I just never get around to doing it.

That's why I'd be one of the worst people to ask advice from. My experience has always been gold isn't where it should be, and it seems to collect where it shouldn't be. My only analogy, for those of you who hunt mushrooms, is gold reminds me of mushrooms. When you find a nugget, there's always going to be more of them. Damned if I know why, but it's always been true for me. I can't remember a time where I only found one nugget.

Some days you can sit and ponder why the gold ended up there, but it's merely a way to kill time because there's so many factors which change the dynamics of a canyon.

I once found a seam of nuggets in a bedrock crack well above the creek. I spent the rest of the day sampling the creek and didn't find so much as a flake. Not enough gold to make me want to go back.

Quite frankly the gold shouldn't have been there. There was no source for it and I wish gold would behave more like what the books say. On this particular day you would have done as well prospecting by following leprechauns as trying to follow where gold should be.

Now, if we could get the gold to read the books on how it should behave I think we'd all get along much better. It's the days you find gold in those unlikely places that drives you nuts.

You study maps all winters, plot the inside bends, chart the tertiary channels and plan your first spring trip. Poison Oak in the spring time can be especially virulent – that's another piece of advice I can provide with some certainty. Gold seems to collect near Poison Oak.

I'm not sure if that's in the books, but my experience is gold collects in places you just don't want to be.

## A Potpourri of Canyon Dredging

One day I was dredging a small creek which had riffles too small to put a foot valve in but had a series of small pools where you could float a little dredge. I dropped a dredge in and started following a really nice impacted bedrock crack up towards the bank and was picking up some nice, but ugly, nuggets along the way. I could see the crack kept running into the bank and was covered by some nice sized boulders.

If you've done this before you know the excitement, especially when you're working alone and talking to yourself saying things like, "C'mon rock, just move for me." I started getting into the root mass and that ended the day for me. I popped my head up to find a floating, rotten mouse with a grease slick covering the water, and me. Gnarly.

There was the day I followed a paystreak up to an overhanging bank in really shallow water. The excitement of picking up good gold kept my head down as I worked the bedrock. When I finally popped my head up it was into a hornet nest in the overhanging bank. Not the paper kind, but the sneaky single hole kind you never see till it's too late.

I suppose I might like just throwing a dredge in the water and listening to the hum of the engine. There are days I really envy the guys who can pull up a truck, back a trailer and dredge and end the day with a couple of ounces.

I'm not sure I'd have the patience for it. Yeah, it's good gold, on a big river, running a big dredge, but I think even if I found the mother lode itself, I'd likely throw it back and hope I caught something bigger on the next trip.

My plan for this year is to go where the gold isn't. That's the surest way for me to find it. When I do, I won't write a book on it because no one else would be fool enough to follow my advice.

Rattlesnakes? As I said they just pop up at the most inopportune times. For me it seems to be when I'm in an uncontrolled slide down a steep bank I thought I could cross. One last piece of advice if I may – they seem to collect where the gold is, or the gold follows them, I'm not sure yet.

## Where the Dredging Claims Are

In every newsletter we try to provide you with a shred of information you can use. The below chart provides the number of placer claims, by county, where you could possibly use a suction dredge. The chart was created by taking all California placer claims and eliminating those not on streams, gulches or rivers.

Priority	County	# Dredging Claims	Priority	County	# Dredging Claims
1	SIERRA	858	13	CALAVERAS	83
2	PLUMAS	694	14	KERN	79
3	SISKIYOU	667	15	SHASTA	67
4	PLACER	418	16	SAN LUIS OBISPO	24
5	NEVADA	357	17	AMADOR	19
6	TRINITY	306	18	MADERA	18
7	EL DORADO	254	19	FRESNO	17
8	TUOLUMNE	206	20	HUMBOLDT	13
9	LASSEN	197	21	ALPINE	7
10	MARIPOSA	104	22	DEL NORTE	7
11	YUBA	102			
12	BUTTE	96			

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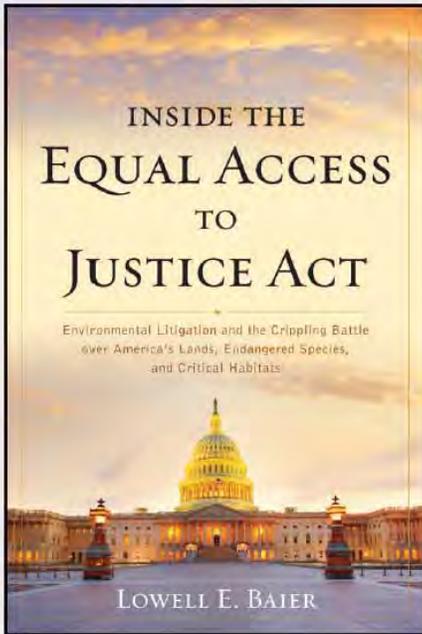
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# Inside the Equal Access to Justice Act

Environmental Litigation and the Crippling Battle over America's  
Lands, Endangered Species, and Critical Habitats

By Lowell E. Baier



Lowell E. Baier, one of America's preeminent experts on environmental litigation, chronicles the century-long story of America's natural resources management, focusing on litigation, citizen suit provisions, and attorneys' fees. *Inside the Equal Access to Justice Act* will be a valuable resource for the environmental legal community, environmentalists, practitioners at all levels of government, and all readers interested in environmental policy and the rise of the administrative state.

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"Lowell E. Baier's *Inside the Equal Access to Justice Act* is an important history of how American land conservation battles have played out in courts. All environmentalists should read this well written book. Highly recommended!"

—**Dr. Douglas Brinkley, Rice University, Author of *Rightful Heritage: Franklin D. Roosevelt and the Land of America* and *Wilderness Warrior: Theodore Roosevelt and the Crusade for America***

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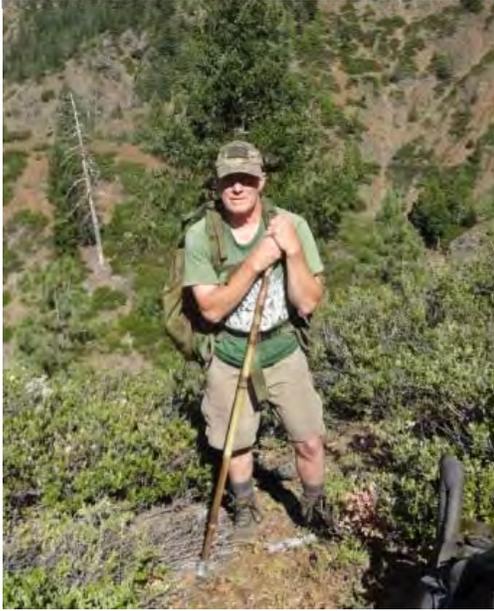
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# THE WMA PRESIDENT



Over the past month we've done an awful lot of research on mining claims, and who owns mining claims in California. At the end of the day we concluded there are actually damned few dredgers out there working mining claims. We concluded on any given weekday there may be no more than 50 total dredgers operating across a geographic area of 640,000 square miles.

Missed by most people was a small graph we printed last month which provided the size of dredge used by people. Although the State repeatedly claims that the 4" dredge is far and away the most widely used size, it's a deceptive statement.

Nearly 20% of all suction dredgers use a 6" dredge or bigger. 400 dredgers in 2009 used a 8" dredge and nearly 800 dredgers used a 2" dredge.

While a little over 1,000 people used a 4" dredge, the 5" dredge wasn't far behind with about 800 people choosing the 5".

This is another example of the State selectively using information, since they control the information who can challenge them? How many of us know the entire statistics for the permit database? Well, we do, but who else?

To put this another way, the State has repeatedly claimed the vast majority of suction dredgers use a 4" dredge which proves we are all a bunch of "recreationalists." This conveniently ignores that nearly 1,600 people used larger than 4" dredges – nearly 60% more people than used a 4" dredge.

The true statement is the majority of suction dredgers use a 5" or larger dredge.

While the State and environmentalists attempt to minimize the amount of work we do, and further attempt to show we recover scant amounts of gold, based on their suction dredger survey, it's simply not true.

For one, who is idiot enough to tell the State the amount of gold they recover? Secondly, who would respond to their survey anyways.

As we continue this fight, and we will continue, it's important we all stand together. Whether you belong to the New 49ers, PLP, AMRA, the WMA or no organization at all, the important thing is we stand together.

Let's not leave the guys running 8" dredges out because some may be willing to concede to a 4" dredge. If we do that then the next time this comes up – and it will, the 4" dredge now becomes the "large" dredge and we'll be conceding to a 2" dredge once we drive out the professional dredgers.

We all want to be professional dredgers so it's all our responsibility to protect the professional.

Let's not sell anybody out, and let's not sell each other out. Whoever you back, don't let the environmentalists split us.

Let's fight this together as one group. When we win we can go back to taking shots at each other (like we always do) but now is the time to order up a beer for anyone who operates any size dredge and tell them you've got their back.

## Micro Sluice 2.5" Dredge

At less than 50lbs, this ultra-portable, one piece poly float with integrated recovery tray is tough, light weight and compact enough to allow you to pack into the remote spots. This dredge is powered by the trusted Honda GXH-50 mini 4 stroke engine and features the DP75 jetting pump with cam-coupler, single nozzle venturi barrel with twist lock, suction nozzle, 10 feet of dredge hose and the famous Dahlke dove-tail riffles.



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## New Millennium 6" Dredge

Powered by a 9-13HP engine featuring the DP500 jetting pump, Dahlke compressor, 20' hose kit, heavy duty swivel suction nozzle and a 24" x 75" recovery tray. The complete 6" package is included in the price.

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## B Series Micro 4" XD

This tough, one-piece poly float design is compact and portable. It features an integrated recovery tray and will fit on a large pack frame for remote operations. The Micro 4 is powered by a 5.5-6.0HP engine and features the DP150 jetting pump with a cam-coupler. It has a dual jet top-eductor with an auxiliary flusher water port. It comes with 15' of dredge hose and a two stage recovery system with Hungarian primary riffles and dovetail finishing riffles.

**\$3,750**



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# SUPPORT THOSE WHO ARE SUPPORTING THE FIGHT

Thanks to everyone who has stepped up and funded this fight. We appreciate your support. The Western Mining Alliance pays our own legal bills and we're grateful to Dave McCracken and the New 49ers for allowing us to share the legal costs with their own legal challenges. Thanks also to AMRA who has provided significant financial support.

We believe we've done the very best job we can with your hard earned money. We've never paid ourselves a dime and we continue to appreciate every dollar provided. Sometimes, when you're not looking at unpaid legal bills you forget how much even a single contribution is appreciated. You don't have to send a lot of money, even \$5 helps us out, and we appreciate it.

Please continue your support of our efforts to fight the State, and please continue to support the businesses which support the fight. You can also avoid the businesses which are supporting the environmentalists.

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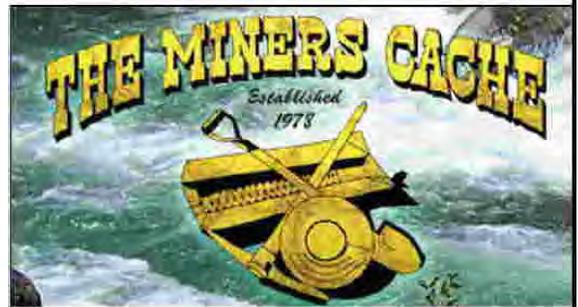
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# Some Parting Shots

Great News! You're invited to a Sierra Fund winter legislative reception (that's not lobbying by the way) where you can come celebrate the loss of mining with the architects of SB 670; AB 120; SB 1018 and now the hero of 2015 for the environmentalists is Senator Ben Allen.

Bring pictures of the rural counties and show them to the people responsible for their destruction. It's the only look they may ever get. Bring your children so these people can explain to them why protecting the environment is more important than Daddy earning a living. It will be a fun filled evening for all.

Plan to spend the evening with the elite. You can sip wine with people from Beverly Hills as you celebrate the destruction of rural communities.



You know some mining companies seem to get along quite well with the Sierra Fund. Ironically, no legislation is ever introduced which would harm their interests. That's odd.

If you support what the Sierra Fund is doing, be sure to support their sponsors. The sponsor names, although barely readable can be found in the lower left hand corner. We're certainly proud to see a mining company supporting the Sierra Fund.

# The WMA Recommended Reading List

It's winter time, so you've got some spare time. Here are some of the books we've read recently which we think you'd find interesting.

***Eco-Fascists*** by Elizabeth Nickson. In this excellent story of the environmentalist movement gone mad. MS Nickson tells her story of moving to an idyllic island in the northwest and attempting to build on her private property as she faced one demand after another asking her to concede her private property rights in exchange for permitting. An excellent and eye opening look at how environmentalism readily slips into fascism.

***The Road to Serfdom*** by F.A. Hayek. Have you ever wondered what the problem with socialism is. In this classic review of planned economies Mr. Hayek describes how planned economies necessarily require "planners." The planners must plan. This arrangement leads to the loss of freedom and rights as the rights of the many displace the rights of the individual. There is perhaps no better treatise on the dangers of socialism than this single book. Beware though, it's a dry read.

***Merchants of Despair*** by Robert Zubrin. In this book Mr. Zubrin provides what we consider to be the closest explanation for the environmental movement (and current global warming frenzy) we've seen. In one (hyphenated word) it's anti-humanism. He describes a philosophy which embraces the idea humans are a plague on the planet and this ideology was born in the 1930s and embraced by Nazi Germany as providing the solution to all social ills. The flaw in anti-humanism is all other cultures and peoples which don't look or think like you are the ones in need of population control. Mr. Zubrin traces the path of the anti-humanism movement to today's global warming alarmists.

***1984*** by George Orwell. The all-time classic read. This book and *Animal Farm* go together, but if you're going to read a single book in your lifetime, then *1984* should be it. In this book Orwell paints a dark portrait of a future where the government has taken complete control of society.

***The Great Deformation*** by David Stockman. Upfront caution on this one – it's dry. However, in this exceptional book Mr. Stockman tackles the bank bailouts and lays out the case for a day of reckoning in the future. If you're a "gold bug" this book is for you. Mr. Stockman makes the case no country which ever de-linked its currency from gold managed to maintain the value of their currency for very long. It's a great book to read for the facts on the "too big to fail" banks and their manipulation of the global economy.

## Prospecting Related Books

It shouldn't all be dry reading (or research) so here are some of our favorite reads which are gold rush related:

***Bacon and Beans from a Gold Pan*** by George Hooper. If you haven't read this, you would enjoy it.

***The Shirley Letters by Lois Clappe***. The first hand account of a woman in 1850 California who spent a year in the Rich Bar camp on the Feather River. The rivers truly weren't lined in gold and she describes a wonderful world of speculation, determination, success and failure.

***The Diary of a 49er*** by CL Canfield. Some wonder whether this story is authentic, but it's supposed to be based on the diary of a 49er found in the early 1900s in an old miners cabin. Whether it's authentic or not it's a great read.

# The State vs. Rinehart

*"Fascism is the merger of state and corporate power." Mussolini*

*"Liberty, once lost, is lost forever." John Adams*

## We Need Your Help

- The state of California has relentlessly pursued the prosecution of a young miner for mining his claim
- Despite a state appeals court ruling his conviction was unconstitutional the State has pushed the issue to the California Supreme Court
- We need your financial support to pay the legal bills as Rinehart fights for all miners
- The outcome of this case is of critical importance to the future of mining across the West

### Support Mining

Help us fund the Rinehart case. Despite the State and the Federal government in opposition the miners have continued to win in the courts. The U.S. Constitution is on our side, but only if we can carry the fight through the legal system. Please help Rinehart pay the legal bills and donate today.



### Donate Now!

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For an excellent review of the Rinehart case, and who Brandon Rinehart is visit:

[www.peoplevrinehart.org](http://www.peoplevrinehart.org)

## SAMPLING OF RIVERS IN CALIFORNIA LISTED AS “IMPAIRED”



- Klamath River
- Mad River
- Russian River
- Trinity River
- American River, North Fork
- Lower American River
- Bear Creek
- Bear River
- Butte Creek
- Calaveras River
- Cosumnes River
- Deer Creek
- Feather River Middle Fork
- Feather River North Fork
- Feather River South Fork
- Horse Creek
- Humbug Creek
- Kanaka Creek
- Little Grizzly Creek
- Merced River
- Mokelumne River
- Pit River
- Sacramento River
- San Joaquin River
- Tuolumne River
- Willow Creek
- Yuba River North Fork
- Yuba River Middle Fork
- Yuba River South Fork

**Why do we keep printing this page each month?** To remind you just how serious this is. The environmentalists, and legislators have indicated if a river is considered “impaired” under the Clean Water Act then that river will be closed to dredging.

The above list is only a few of the hundreds of streams and rivers in California currently listed as impaired. If you have a claim on these rivers then you are at risk of losing the complete access to, and the value of, your mining claim.

The only way to ensure we protect our rights to mine our claims is to continue the legal effort. This seemingly endless struggle is an ongoing battle against the environmentalists and the State. Ask yourself what the alternative is? What if no one was standing against this stuff?

It is far cheaper for all of us to kick in a little, than for any one of us to foot the whole bill. There are thousands of dredgers, lets maintain this fight and protect our rights. If you’ve been sitting on the sidelines letting others carry the fight, now would be a good time to do your part.

As opposed to supposed “non-profits” who pay themselves hefty salaries with donated money, we don’t pay ourselves at all. We’re not run on donations. We run on memberships and purchases. We have various levels of memberships you can select from, or if you really want to help – purchase a custom claims report from us and receive the information no one else has.