



# WALDO MINING DISTRICT

Post Office Box 1574  
Cave Junction, Oregon 97523

TO PRESERVE, PROTECT, & PROMOTE MINING  
On the web at: [www.waldominingdistrict.org](http://www.waldominingdistrict.org)

**IF IT  
CAN'T BE  
GROWN...  
IT MUST  
BE MINED!**

File # WMDNWS07-09

✦ PRESIDENT: TOM KITCHAR ✦ TREASURER: BOB BARTON ✦ SECRETARY: DAVE BARGELT ✦

## JULY 2009 WMD NEWSLETTER

### WMD GENERAL MEETING

THERE WILL BE A GENERAL MEETING OF THE WMD ON  
**WEDNESDAY, JULY 29**  
BEGINNING AT 7 PM, AT THE JOSEPHINE COUNTY BLDG.,  
DOWNTOWN CAVE JUNCTION (The red brick bldg. in the middle of  
Cave Jct. -- The meeting room is around to the back).

## OSMIRIDIUM SAMPLES WANTED

OSMIRIDIUM



ABOVE: SMALL FLAKES AND CHUNKS OF OSMIRIDIUM . . . AND THE TOP OF A PENNY.

Story continued on Page 5

### THE PLIGHT OF SUCTION DREDGE MINING IN CALIFORNIA . . . AND BEYOND

As this Newsletter goes to print, it is uncertain whether or not suction dredge mining will still be permitted in California by the time you receive this newsletter! Senate Bill 670 passed in the Assembly and has been sent to Gov. Schwarzenegger for signing... and as SB 670 declares an emergency, it must be signed or vetoed within something like 10 days . . . . .

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**SUCTION DREDGE MINING IN CALIFORNIA** cont. from Page 1...

As with Assembly Bill 1032 (vetoed) a couple years ago, SB 670, if passed, will prohibit the California Dept. of Fish & Game (CDFG) from issuing any permits for suction dredge mining throughout the state until the CDFG completes the court ordered environmental review of the existing regulations and makes any changes, if deemed necessary. Of course, this process could take years (given that public comments will be taken and the possible appeals, delays, etc.) and; any new permit could be so restrictive as to make most meaningful (i.e. profitable) suction dredge mining impossible.

Unfortunately, it seems as though SB 670 met very little opposition and passed in the Calif. house and the senate overwhelmingly, democrats and republicans alike voting for it (and, quite a few republicans abstained from voting!). SB 670 was introduced by Assemblywoman Wiggins,

and is strongly supported by environmental organizations, the fishing industry, and some Indian tribes (who donated thousands of casino dollars to make sure this bill goes through). It is believed that even if Gov. Schwarzenegger veto's the bill there will be enough votes to override him.

In other words, short of a miracle, SB 670 will probably pass, and suction dredge mining will be prohibited in California for at least 2-3 years (and possibly 4-6 years or more). Without one shred of scientific evidence, the State of California is preparing to cripple an industry that contributes an estimated (conservatively speaking) \$60 Million to mostly economically depressed rural economies annually! (As if California has money to burn...!) In fact, to date, the ONLY even remotely measureable effects from suction dredge mining are beneficial. The Socialist liberals have gained power and appear to

be in control of everything in your life, or soon will be.

... And of course, if this travesty of justice is allowed to go unchallenged, and a mere "state" is allowed to get away with shutting down or denying a Congressionally Granted Right, then the enemies of mining (and this country) will use this tactic to stop all suction dredge mining in all states... and just remember, the Oregon suction dredge mining permit (700-PM issued by DEQ) expires next summer, July 2010.

To date, as far as we are aware, only one mining organization is preparing for the worst... i.e.; SB 670 becomes law and it will take a federal lawsuit against the State of California to stop it. The below message was posted on miners internet forums July 10, 2009, by Jerry Hobbs, President of Public Lands for the People (PLP):

**MORATORIUM ON SUCTION DREDGE PERMITS**

July 10, 2009

Judge Roesch of Alameda County just signed the Hillman Karuk Injunction to stop the issuance of all new suction dredge permits as of today 9th of July 2009. There will be no more new permits issued until the California Department of Fish and Game (DFG) completes and EIR.

There is no language addressing the fact that those who already have permits would not be able to continue to dredge this year. SB 670 will probably not stop those who already have permits either. However the bill and the DFG regulations give them the ability to close waterways in case of emergency. If this happens you will not be able to get with in 100 Yards from any closed waterway.

PLP has already started working on a Federal Injunction to be filed in Federal Court to enjoin the State of California and the DFG from prohibiting suction dredge mining. The PLP Injunction should be ready to be filed by the middle of August 2009.

Without a doubt PLP will need more funding to carry this and the other cases we have going on, Karuk v DFG, Hillman, Karuk Injunction against DFG, Hillman, Karuk et al taxpayer law suit and Public Lands for the People Inc. v Eldorado National Forest, Travel Management Plan). We ask those of you who suction dredge or just prospect to please assist PLP in raising these funds to carry these case to fruition in particular the Federal Injunction against the State and the DFG on the non issuance of dredging permits.

Keene Engineering started the donation for the Federal Injunction with \$ 5,000.

**Funding can be donated through pay pal at our website (plp2.org)**

**Or, you can mail your donation to:**

**Barrett Whetherby  
3700 Santa Carlotta  
La Crescenta, Ca. 91214**

Thank You

Jerry Hobbs – President  
Public Lands for the People

NOTE: PLP IS A 501c3 Not for Profit organization, and all donations are tax deductible

NOTE: Although the above message says that an injunction has been put in place prohibiting CDFG from issuing any new suction dredge mining permits as of July 9; CA miners have reported that they were still able to obtain a new permit as late as

July 15. And to date, no one knows if those with a 2009 permit will be allowed to work for the rest of 2009 if SB 670 becomes law (and if not, then the State of Calif. will also be guilty of a *breach of contract* by issuing permits supposedly

good for the whole year, taking the miner's money, and then revoking the permit – along with attempting to supersede federal law by prohibiting a Congressionally granted right (to mine)).

**CONTACT GOV. SCHWARZENEGGER**

Those of you wishing to express your concerns over this travesty are urged to call, email, fax, or write to Governor Schwarzenegger at: ,

**Governor's Office:**

**Governor Arnold Schwarzenegger**

**State Capitol Building**

**Sacramento, CA 95814**

**Phone: 916-445-2841**

**Fax: 916-558-3160 ( new number )**

**[governor@governor.ca.gov](mailto:governor@governor.ca.gov)**

**TO DREDGE... OR NOT TO DREDGE...  
WHAT IS THE ANSWER?**

If the environmentalists, Indian tribes, fishing industry, and the State of California manage to prohibit suction dredge mining (by requiring permits and then refusing to issue them), it will set a terrible precedent that the anti-mining types will/may be able to use to stop suction dredge mining in other states. Currently, the Oregon dredging permit (700-PM) is still in litigation having been challenged in late 2005 by environmentalist orgs and by the Eastern Oregon Mining Association (EOMA). Any final decision regarding SB 670 in Calif. could have a direct affect on any new permit in Oregon.

**The ONLY way to stop this is to fight... in court. "States" do NOT have the authority to prohibit something that is a granted "right" under federal law!**

United States Court of Appeals,  
Eighth Circuit.

**SOUTH DAKOTA MINING ASSOCIATION, INC.;et al., Plaintiffs-Appellees,  
v.  
LAWRENCE COUNTY, a Political Subdivision of the State of South Dakota,  
Defendant-Appellee,**

**No. 97-3861.**

Submitted April 20, 1998.  
Decided Sept. 16, 1998.

Holders of mining claims brought suit claiming that federal mining laws preempted ordinance prohibiting issuance of any new or amended permits for surface metal mining within area which included federal lands. Private landowner intervened to defend the ordinance. The United States District Court for the District of South Dakota, Richard H. Battey, Chief Judge, 977 F.Supp. 1396, granted summary judgment for plaintiffs and enjoined the ordinance. Intervenor appealed. The Court of Appeals, Hansen, Circuit Judge, held that: (1) preemption claim was ripe, and (2) Federal Mining Act preempted ordinance. Affirmed.

If Congress evidences intent to occupy given field, any state law or local ordinance falling within that field is preempted. U.S.C.A. Const. Art. 6, cl. 2.

...If Congress has not entirely displaced state regulation over matter in question, state law is still preempted to extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, or where state law stands as obstacle to accomplishment of full purposes and objectives of Congress. U.S.C.A. Const. Art. 6, cl. 2. Federal Mining Act preempted ordinance prohibiting issuance of any new or amended permits for surface metal mining within area which included federal lands; **ordinance stood as obstacle to accomplishment of full purposes and objectives of Congress of encouraging exploration and mining of valuable mineral deposits located on federal land.** U.S.C.A. Const. Art. 6, cl. 2; 30 U.S.C.A. §§ 21-26.

In this case, **we must determine whether the Lawrence County ordinance is preempted because it conflicts with federal law. Specifically, we address whether the**

**ordinance conflicts with the Federal Mining Act because it "stands as an obstacle to the accomplishment of the full purposes and objectives of Congress" embodied in the Act. Granite Rock, 480 U.S. at 581, 107 S.Ct. 1419 (internal quotation omitted). Thus, in analyzing whether the ordinance is preempted, we must first determine the purposes and objectives of Congress that are embodied in the Mining Act. Second, we must determine whether the ordinance stands as an obstacle to the accomplishment of these Congressional purposes and objectives.**

[6] To determine the purposes and objectives that are embodied in the Mining Act, \*1010 we first look to the text and structure of statute itself. *Peters v. Union Pac. R.R. Co.*, 80 F.3d 257, 261 (8th Cir.1996). **Congress has codified its declaration of the federal government's policy towards mining:**

**The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral**

**resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.**

**30 U.S.C. § 21a.**

The Mining Act provides for the free and open exploration of public lands for valuable mineral deposits. Specifically, the statute states:

**Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.**

30 U.S.C. § 22. The Supreme Court has stated that the Congressional intent underlying this section is to reward and encourage the discovery of economically valuable minerals located on public lands. *United States v. Coleman*, 390 U.S. 599, 602, 88 S.Ct. 1327, 20 L.Ed.2d 170 (1968). Congress has further provided that the "locators" of mineral deposits on federal lands under § 22 shall have the exclusive right to extract those

minerals if they comply with federal law and state and local laws that do not conflict with federal law. See 30 U.S.C. § 26. The Mining Act establishes a system whereby a prospector can "go out into the public domain, search for minerals and upon discovery establish a claim to the lands upon which the discovery was made." *United States v. Curtis Nevada Mines, Inc.*, 611 F.2d 1277, 1281 (9th Cir.1980).

Thus, as shown in the text and structure of the statute, Congress has set out several purposes and objectives in the Mining Act. These include the encouragement of exploration for and mining of valuable minerals located on federal lands, providing federal regulation of mining to protect the physical environment while allowing the efficient and economical extraction and use of minerals, and allowing state and local regulation of mining so long as such regulation is consistent with federal mining law. Having determined the purposes and objectives of the Mining Act, we next examine the second step of the preemption analysis--whether the Lawrence County ordinance stands as an obstacle to these purposes and objectives.

Both parties cite the Supreme Court's decision in *Granite Rock* to support their positions, and an examination of the case would aid us in applying the second step of our preemption analysis. In *Granite Rock*, a mining company brought a "purely facial" challenge to a California state law making it unlawful to mine on federal lands without first obtaining a permit from the state Coastal Commission. 480 U.S. at 580, 107 S.Ct. 1419. The mining company claimed that the state permit requirement was preempted by federal mining laws. Because the company had not applied for a permit, and it was unclear what requirements the company would have to meet to obtain a permit, the issue faced by the Supreme Court was relatively narrow: "whether Congress has enacted legislation respecting this federal land that would pre-empt any requirement that [the company] obtain a California Coastal Commission permit." Id. at 581, 107 S.Ct. \*1011 1419. Significant to this

case, the Court stressed that the Coastal Commission did not argue that it had the authority to ban all mining. Id. at 586, 107 S.Ct. 1419 ("[T]he Coastal Commission has consistently maintained that it does not seek to prohibit mining of the unpatented claim on national forest land."). Instead, the Coastal Commission merely claimed that it could require the company to comply with certain reasonable regulatory requirements designed to protect the environment prior to obtaining a permit. Id. at 586-87, 107 S.Ct. 1419. In rejecting the company's argument that the permit requirement was preempted because it was an impermissible land use regulation, the Court first assumed without deciding that state land use regulations, which it defined as laws that "in essence choose[ ] particular uses for the land," were preempted. Id. at 587, 107 S.Ct. 1419. Second, the Court held that state environmental regulations, laws that "do[ ] not mandate particular uses of land but require[ ] only that, however the land is used, damage to the environment is kept within prescribed limits," would not always be preempted. Id. Because the Coastal Commission had identified "a possible set of permit conditions not pre-empted by federal law," conditions which would not prohibit the company from mining on federal land, the Court rejected the company's facial challenge and upheld the state permit law. Id. at 589, 107 S.Ct. 1419.

We initially note that, as in *Granite Rock*, the plaintiffs in this case bring a facial challenge to a local permit law. However, unlike *Granite Rock*, we are not confronted with uncertainty regarding what conditions must be met to obtain a permit for surface metal mining in the Spearfish Canyon area. **The Lawrence County ordinance is a per se ban on all new or amended permits for surface metal mining within the area. Because the record shows that surface metal mining is the only practical way any of the plaintiffs can actually mine the valuable mineral deposits located on federal land in the area, the ordinance's effect is a de facto ban on mining in the area.** Thus, unlike *Granite Rock*, we are not

faced with a local permit law that sets out reasonable environmental regulations governing mining activities on federal lands.

The ordinance's de facto ban on mining on federal land acts as a clear obstacle to the accomplishment of the Congressional purposes and objectives embodied in the Mining Act. Congress has encouraged exploration and mining of valuable mineral deposits located on federal land and has granted certain rights to those who discover such minerals. Federal law also encourages the economical extraction and use of these minerals. **The Lawrence County ordinance completely frustrates the accomplishment of these federally encouraged activities.** A local government cannot prohibit a lawful use of the sovereign's land that the superior sovereign itself permits and encourages. To do so offends both the Property Clause and the Supremacy Clause of the federal Constitution. **The ordinance is prohibitory, not regulatory, in its fundamental character.** The district court correctly ruled that the ordinance was preempted.

[7] Finally, we note that in his reply brief, Cole points out that the Spearfish Canyon Area defined in the ordinance includes privately owned land that is outside the purview of the Federal Mining Act. Cole contends that the district court "erred in failing to separately analyze the ordinance's effect on the privately owned land." (Appellant's Reply Br. at 4.) Because Cole did not raise this argument in his initial brief, he has not preserved this error, and we do not address the claim. See *United States v. Darden*, 70 F.3d 1507, 1549 n. 18 (8th Cir.1995) ("Appellants generally must raise and brief all issues in their opening brief."), cert. denied, 517 U.S. 1149, 116 S.Ct. 1449, 134 L.Ed.2d 569 (1996).

III. Conclusion

Accordingly, we affirm the judgment of the district court.

END OF DOCUMENT

**EDITORS NOTE:** As can be seen in the above (*SDMA v. Lawrence Co.*), counties and other local governments, including "states", can NOT ban or prohibit mining on federal lands under the U.S. Mining Laws. With SB 670, the State of California is setting itself up for several lawsuits, first being the pre-emption of federal laws, and then probable "*Takings*" suits as suction dredge mining is, in many cases, the ONLY method available to recover placer gold from active stream beds. If California doesn't want to issue permits, then it should not require them!

Taking the State of California to federal court is not going to be cheap. At a guess, the cost could easily go over \$100,000.00... and it is uncertain even if miners win that legal fees will be granted. NOW is the time for the suction dredge mining community to dig deep in its pockets and donate to this more than worthy cause!

**PLEASE SEND A DONATION TO PLP TODAY!!!!**

**SEND TO: Barrett Whetherby, 3700 Santa Carlotta, La Crescenta, Ca. 91214**

## OSMIRIDIUM SAMPLES NEEDED (cont. from page 1)

About one year ago, I was contacted by a professor from Brown University who was looking for samples of the platinum group metals (PGMs) alloy "Osmiridium" which is found in placer form in only a very few places in the world... and the Siskiyou Mts. is one of those rare places. I was able to supply him with samples taken from Althouse Ck.; but he returned this year asking me if I could possibly find samples from other areas in SW OR and NW CA.

Osmiridium, in placer form, has been reportedly found in the Sucker/Althouse Ck. area, in the Illinois River, possibly Josephine/Canyon Ck., and Briggs Ck., among others. It is also found in some streams in northern CA and maybe in the Klamath River. It usually is found as small to very small flat flakes, chrome/silver in color, and usually no more than 1 piece osmiridium to 1,000 pieces of gold. (In Althouse, it occurs usually as small flakes down to mere specks, but has also been found as nuggets up to near 1 dwt (pea or bean size). The nuggets appear to be comprised of many flat flakes layered together with very little, if any, weathering or smoothing.

Osmiridium is a PGM alloy comprised of the two elements "Osmium" (Os), which is the densest of the known elements with a specific gravity of 22.57; and "Iridium" (Ir), with a specific gravity of 22.4. Osmiridium is the hardest metal at 7 on the Mohs scale and has a very high melting point. (If you put a flake of osmiridium on an anvil and hit it with a hammer, you will dent the anvil!).

Osmiridium, if present, is usually found in black-sand concentrates from panning or sluicing (including suction dredging) or other placer gold operations. [NOTE: In a normal clean-up, I usually get 4-10 flakes just larger than 18 mesh (kitchen strainer), several dozen or more flakes -18m +30m, and 100+ minus 30 mesh "specks". (Unfortunately, osmiridium does not amalgamate with mercury, so recovering the -30m osmiridium is difficult and very time consuming.)]

Osmiridium will look like a faceted flake (i.e.; not rounded or smooth on the edges), or chunks and has a very bright chromish silvery look, similar to fresh clean mercury on a flake of gold. When panning, you might notice it as very small silvery specks glittering in your cons, and notice that it drags behind even better than gold (Sp. Gr

19.3). If you placer mine in the SW OR and NW CA area, you may be getting some (usually small) quantities of osmiridium in your cons.... And if so, we would like a sample.

**WHAT'S NEEDED:** We need samples of osmiridium from as many areas possible covering the largest area possible. Small flakes and specks are best. Clean & dry samples would be ideal, but they can even use samples of your classified placer cons (no larger than 18 mesh and minus 30 mesh is OK). Anywhere from a cup to a quart of cons would be great. **IMPORTANT:** To be useful, we need to know where, as close as possible, the osmiridium or cons was found... at least down to the Township, Range, and Section No.. If you can locate the source even closer, great, and the name of the stream would be helpful too.

Feel free to remove all the gold, or any things else from your cons, as all that's needed is the osmiridium. If you are not sure you are getting any osmiridium, but see some bright silver particles in your minus cons, and they don't turn to gold if heated; you might have some osmiridium (or other PGM). [NOTE: When working your minus cons, it's easy to mistake osmiridium for gold with mercury on it. At some point in your cleanup process, you remove any mercury that might be on your gold. If, after removing the mercury (with heat or acid) you still see silver flakes or specks, and if they behave like they are at least as heavy as gold, it might be osmiridium. If you suction dredge and use a gold wheel or other concentrating device, you will probably work a gallon of black sand down to a cup or so of super concentrated black sands (& gold, lead, other heavy particles, and maybe some osmiridium or other PGM)... and then amalgamate to get the gold out. Once you've removed the amalgam, try carefully heating your left-over cons (do outside and stay upwind of your retort as the fumes may be toxic) or wash the cons in mild nitric acid to remove all traces of any mercury. Then put the cons in a clean pan and check to see if you have any heavy silvery particles... if so, they may be osmiridium.]

**PLEASE SEND YOUR SAMPLES** in a safe container (plastic jar with screw-on lid placed inside a heavy baggie or plastic bag inside a padded box. Please dry

the samples. Please mark or label each sample if from a different location. Please send to: Waldo Mining District, P.O. Box 1574, Cave Junction, OR 97523.

### WHAT YOUR SAMPLE WILL BE USED FOR:

Scientists have a theory that osmiridium forms during periods of volcanism (although they were unsure as to what the host rock is that osmiridium forms in). As mentioned, the SW OR & NW CA areas (i.e.; Siskiyou Mts.) is one of the few places on the face of the planet where placer osmiridium can be found. The way it was explained to me is; picture the crust of the Earth like the skin on an apple... the "skin", just like the Earth's crust, is vastly different from what's inside... and the Siskiyou Mts. is one of the few places on Earth where someone took a bite out of the apple, exposing the insides on the surface. The scientists are looking for a correlation between times or periods of volcanic events and such things as global warming or cooling, extermination of species, etc.. One of the problems is dating when volcanic events occurred... which brings us to the osmiridium. "IF" they are correct and osmiridium only forms during periods of volcanism, and "IF" a way could be found to tell how old a particle of osmiridium is, then they would know when there was active volcanism in the area.

And, as it just so happens, they have a way to date the osmiridium. They drill a very small hole through a small piece of osmiridium using a laser, and by analyzing the atoms given off during the drilling they can tell how old the osmiridium is. [NOTE: They told me the osmiridium I gave them from Althouse Ck. was over 2 BILLION years old!]

"IF" they can obtain enough samples of osmiridium from many different locations, they can determine if there was more than one volcanic event, and maybe even plot the occurrences on a map giving them some idea of the scale or size of the volcanic event... and then they can compare that information to the timing of periods of global warming or cooling, etc..

This is important work, and we placer gold miners are in a unique position to really help... as we are the very few that ever recover samples of the osmiridium. [NOTE: According to the Intl. Calif. Mining Journal, both osmium and iridium

<p>are worth about half the price of gold. If you have a fair amount of clean osmiridium, especially from more than one location (and you know where it came from), and if you would like to sell it</p>	<p>(rather than donate it), please contact the WMD at our Cave Jct. address.] Here's a chance to show that the small-scale miners of today can do good things</p>	<p>for society! Please help and donate some samples or cons if you think they contain osmiridium.</p>
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## HELP WANTED AT THE JOSEPHINE COUNTY FAIR !

The WMD is once again running the Sourdough Gulch Gold Panning exhibit at the 2009 Josephine County Fair. The Fair will be held from **Tuesday, Aug. 18 through Saturday, Aug. 22, 2009**. Hours are 10:00 a.m. to 11:00 p.m.. The booth requires at least three (3) people at all times, and when busy (i.e.; late afternoon & early evenings), 4-6 people would be nice!

For years now the WMD has been running the Sourdough Gulch panning booth at the JoCo Fair . . . and over those years, the WMD has taught hundreds of individuals (mostly children & kids) how to pan for gold. Everyone that buys a pan at the booth goes home with their own gold in a glass vial – and most go home with a huge smile on their face! (In fact, we have many return customers!)

And for many of the people new to S.W. Oregon, the Sourdough Gulch panning booth is their first exposure to the rich history of gold mining in this area. (To this day it amazes me as to how many people have no idea gold was found around here).

Unfortunately, for the most part, over the years it has always been the same "few" that give up their valuable time to help out at the booth. This year in particular we need some NEW HELP, as several of those that have been able to help in the past are busy or are no longer with us. We urge those of you (WMD members) that live in or near Cave Junction, Grants Pass, and even Medford to come to our meeting this coming Wednesday, July 29 in Cave Junction and sign-up to help man the booth! Those of you unable to attend the June meeting may sign-up at the July meeting, or by calling Don Young at (541) 592-3792 (weekday evenings).

### WMD ELECTIONS TO BE HELD AT JULY MEETING

Providing enough members show up at the General Meeting on July 29, we plan to hold elections for Officers and Board Members for the first time in several years (last year at the June election meeting, we had all of 7 people show up – not good!). ANY member in good standing (i.e.; dues paid up) can run for any office or any board position; and self nominations will be accepted.

#### THE CURRENT OFFICERS ARE:

**PRESIDENT:** Tom Kitchar

**TREASURER:** Bob Barton

**SECRETARY:** Dave Bargelt

Note that we currently do not have a Vice President.

#### THE CURRENT BOARD MEMBERS ARE:

Tom Kitchar, Bob Barton, Dave Bargelt, Don Young, Mark Wagnell, Dave McAllister, Frank Serroni, Kat Alley, Mac Shay, and Mike Higbee.

### KNOW YOUR RIGHTS: PUBLIC SERVANT PRIVACY ACT QUESTIONNAIRE

On the next page, you will find "*PUBLIC SERVANT QUESTIONNAIRE*", as authorized by the Privacy Act. Anytime a public servant requests information from a citizen, the citizen, under the Privacy Act, has a right to require that the public servant fully disclose the answers to the questionnaire *before* giving any information to a public servant or govt. agency.

It is suggested that you make numerous copies of the Questionnaire and keep them with you anytime you may be confronted by a public servant asking you for private or personal information (do not use the Questionnaire frivolously). Give the public servant a copy of the Questionnaire. Be sure to fill in YOUR NAME, and the DATE you are serving the public servant with the Questionnaire.

(NOTE: I was recently visited; unannounced and uninvited I might add, on a Saturday morning by someone from BLM. She said she worked for BLM, and was here to take pictures of my camp . . . and then proceeded to ask personal questions. When presented with a copy of the Questionnaire, she stated: "*I'm not a public servant... I work for the BLM.*" (!!)

# PUBLIC SERVANT QUESTIONNAIRE

Authority-Privacy Act, 5 USC Sec. 552a, 88 Stat. 1896 (1974)

**Pursuant to the Privacy Act of 1974**, American Citizens are authorized to require full, written disclosure from any government official who is seeking information from individuals. Officials representing government agencies must tell individuals what legal authority gives them the right to ask for the information, why they are asking for it, and how it will be used. Officials must also advise individuals what could happen if an individual chooses not to supply said information and whether an individual's response is voluntary or mandatory under the law. *Public Servants representing the U.S. Forest Service and the Bureau of Land Management are not exempt from disclosure requirements.*

\*\*\* \*\*

**TO WHOM IT MAY CONCERN:** I, \_\_\_\_\_, as a citizen of the United States; on \_\_\_\_\_, 20\_\_, (date of service) am requesting that this questionnaire be filled out before responding to your agencies demand for information. Any Public Servant who refuses to comply with this request may face civil and criminal penalties of up to \$5,000. (Please use additional paper if needed)

1. Public Servant's full legal name: \_\_\_\_\_
2. Name of Agency: \_\_\_\_\_
3. Name Supervisor and Office address: \_\_\_\_\_
4. Will public servant uphold the Constitution of the United States? \_\_\_\_\_
5. Did public servant provide individual with identity? \_\_\_\_\_
6. ID Number; \_\_\_\_\_ Badge Number: \_\_\_\_\_
7. Will public servant furnish a copy the law or regulation that authorizes the information request: \_\_\_\_\_
8. Are Citizens answers voluntary or mandatory? \_\_\_\_\_
9. Are the questions being asked based upon a specific law or regulation, or are they a discovery process? \_\_\_\_\_
10. What other uses may be made of this information? \_\_\_\_\_
11. What other agencies may have access to this information? \_\_\_\_\_
12. What will be the effect upon me if I should not choose to answer any or all of these questions? \_\_\_\_\_
13. Name of person in government requesting this information? \_\_\_\_\_
14. Have you consulted, questioned, interviewed or received information from any third party relating to this matter? \_\_\_\_\_
15. If yes, give identity of all such third parties: \_\_\_\_\_
16. Do you reasonably anticipate either a civil or criminal action to be pursued based upon any of the information which you seek? \_\_\_\_\_
17. Is there a file of records, information, or correspondence relating to me being maintained by this agency? \_\_\_\_\_
18. Is this agency using any information on me which was supplied by another agency or government? \_\_\_\_\_
19. Will the public servant guarantee that the information in those files will not be used by any other department other than the one which he is employed? \_\_\_\_\_

COPY AND SAVE

COPY AND SAVE

I hereby sign and affirm under the penalty of perjury that the answers given are true and correct in every particular.

\_\_\_\_\_  
Signature of public servant

\_\_\_\_\_  
Date

Notice: If any request for information relating to me is received by any person or agency, you must advise me in writing before releasing such information. Failure to do so may subject you to possible civil or criminal action as provided by this Act or the law.

## 2009 MINING CLAIM ANNUAL FILINGS DUE SOON

**REMINDER:** Those of you that own unpatented mining claims **MUST** file with the BLM (Portland, OR) by September 1, 2009, the payment of the claim Maintenance Fee for every claim owned; or, file the Fee Waiver (i.e.; Small Miners Exemption) if you own or hold interest in 10 or fewer claims.

**IF YOU PAY THE MAINTENANCE FEE:** You **MUST** also file an affidavit in the county recorders office stating that the Maintenance Fee has been paid and that you intend to hold the claims.

**IF YOU FILE THE WAIVER/EXEMPTION:** You **MUST** perform at least \$100 worth of assessment work on or for each claim owned no later than noon, Sept. 1. You **MUST** also file an Affidavit of Annual Labor, in the county recorders office in the county your claim/s are in within 30 days of doing the work; and file a copy of the Affidavit/s with BLM (Portland office if in Oregon) by December 31 (and don't forget to include recording fees).

**WARNING:** FAILURE TO FILE THE PROPER AND COMPLETED DOCUMENT/S, OR PAY/SUBMIT THE CORRECT FEE/S, BY THE DUE DATE/S; MAY BE DEEMED (by BLM) AN AUTOMATIC ABANDONMENT OF YOUR CLAIM/S. Be sure to send all U.S. Mail via *Certified Mail/Return Receipt Requested*.

NOTE: The Obama administration recently announced that mining law reform was a priority issue, and there are similar reform bills in both the House and the Senate. With the Democrats in charge of everything, it doesn't look good for the 1872 Mining Law! About the best we can hope for is grandfathered rights for existing claims. NOW is NOT the time to loose your claim/s due to stupid paperwork mistakes or by filing late! Do it right, do it early, and keep copies of everything and get receipts!!!! If they reform the Mining Law, they will then push to get rid of as many pre-reform claims as they can. **GOOD LUCK..... We'll all need it in the days to come!**

**WALDO MINING DISTRICT**  
**2009 MEETING SCHEDULE**

<del>March 25</del>	<b>July 29</b>
<del>May 27</del>	September 30
<del>June 24</del>	November 18

**NOTE:** All meetings begin at 7PM, on the LAST WEDNESDAY of the month (except Nov.). All meetings held at the Josephine County Bldg. in Cave Junction, OR.

DON'T FORGET TO CHECK YOUR  
WMD DUES DUE DATE (on address label)

THOSE OF YOU THAT WOULD LIKE TO RECEIVE YOUR WALDO NEWSLETTER VIA EMAIL should send your email address to. [waldominingdistrict@hotmail.com](mailto:waldominingdistrict@hotmail.com)

**DISCLAIMER**

All opinions expressed in this publication are those of the author/s, and not necessarily those of the WMD, it's officers, board, or members. The WMD takes no responsibility for the information contained. Please **use all information at your own risk**. The WMD reserves no rights to the contents, which may be copied at will, with due credit.

**WALDO MINING DISTRICT - 2009 MEMBERSHIP, RENEWAL & DONATION FORM**

PLEASE CHECK

<input type="checkbox"/> NEW MEMBERSHIP	<input type="checkbox"/> RENEWAL	<input type="checkbox"/> DONATION
<input type="checkbox"/> INDIVIDUAL ... \$15.00	<input type="checkbox"/> FAMILY ... \$17.50	AMOUNT ... \$ _____

\_\_\_\_\_ name (print) \_\_\_\_\_ date \_\_\_\_\_ phone \_\_\_\_\_

\_\_\_\_\_ address \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip \_\_\_\_\_

\_\_\_\_\_ EMAIL (*PLEASE PRINT CLEARLY!*)  Please check for email Newsletter only.

**TOTAL AMOUNT ENCLOSED: \$** \_\_\_\_\_

PLEASE SEND YOUR DUES AND/OR GENEROUS DONATIONS TO: **WALDO MINING DISTRICT**  
**P.O. BOX 1574,**  
**CAVE JUNCTION, OR 97523**

FOR ADDITIONAL INFORMATION, WRITE THE WMD AT THE ABOVE ADDRESS, OR EMAIL US AT: [waldominingdistrict@hotmail.com](mailto:waldominingdistrict@hotmail.com),  
OR VISIT US ON THE WEB AT [www.waldominingdistrict.org](http://www.waldominingdistrict.org)

*"Never doubt that a small group of thoughtful, committed people can change the world.  
Indeed, it's the only thing that ever has!"* Margaret Mead