



UNITED PROSPECTORS INCORPORATED

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July 2004 No. 268, Vol. 50-5
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Several groups of UPI Members power sluicing the high water area of the Twain claim!

**“Acting” District
Ranger Closes
Salmon River to
all Claimants!**

Please see Potpourri!!!

**The next outing is at Genesse! July 31
& August 1. Remember 500 plus acres added.
This should be a good turnout outing!!
The old miner sez: Seez ya der.**

**A GREAT INDEPENDENCE
DAY WEEKEND SPENT
MINING AND VISITING
FRIENDS AND MEMBERS!**

*Put your troubles in a pocket with a hole in it and go
prospecting!*



UNITED PROSPECTORS INC.

MESSAGE FROM THE PRESIDENT

Daniel Short Jr.

July 2004

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Daniel Short Jr.

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WAYS AND MEANS

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Steve Letlow

WEB MASTER

Mark Weber

The outing at Twain was a very good turn out with over fifty guest and attendants. Charlie Brown gave a great summary on Joan's accomplishments while she served on the board as President and treasurer of UPI. She was a Great Lady, that kept her heart in to making UPI prosper, Joan will be missed by all. There is a cobble stone monument with a granite plaque that tells all. The potluck as usual was a great success and so was the raffle.

We are sorry that, Kathy and I couldn't be there. We had a prior commitment with family in Washington. Unfortunately we will not be able to attend the Genesee outing either. Kathy's son is coming home for a short leave from Iraq on July 31.

The outing that is coming up at Genesee on July 31st should have a good turn out with the release of more than five hundred additional acres. There is plenty of camping on the upper claim as well as the old claim. There will be a potluck and raffle but no board meeting. We wish all of you gold in your dredge and in your pockets. I was fortunate last year dredging for 3 days fighting an ear infection with my five-inch dredge I ended up with 3/4 of an ounce of gold. Good Luck to all. Hope to see you at Bull Creek outing.

Your President
Daniel Short Jr.



The old miner sez: Da nashnol heat be on us'en an da tector folks. Ya need ta pay tention an start getting active in pertectin our turf. Ifn ya don't it mite could be gone.

The Twain Outing

Unfortunately it was a short outing for me so I don't have much to say here. I was restricted to a one day outing because of problems at one of the sites with their maintenance program. I didn't want to be out of contact if needed for the entire week-end.

Reports were that there were thunder showers Wednesday and Thursday, maybe it was Thursday and Friday. Oh well that went by-by. Saturday was one of the most pleasant days, weather wise, I have experienced at Twain. It can be really sweltering at times. It was just plain nice. It was a great day for being and it was great for the dedication of the Memorial Plaque.

I was able to get around and talk with a number of members and several that I talked to had found Au. Even got a couple of pictures. Need to say though that things were a bit confusing getting the potluck going. You don't know what you have sometimes until that something is missing. The Prez, and the Vice President were not there and there was only one officer present to sort of run things. Samantha did a great job with some coaching from directors that were present.

I left after the raffle so this is all that I can report other than I was really let down by the lack of interest in members either nominating someone for a board position or not volunteering themselves, when nominations were called for. The Club doesn't just run itself, and officers and directors don't just magically appear.

Ed/Pub

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Partial Outing Schedule

July 31 & Aug. 1: Genesee, this could prove exciting.
Aug. 27, 28 & 29: Cancelled until further notice. Expectations did not come to fruition.
Oct. 9 & 10: Bull Creek. Notice of intent required.
Nov. 6 & 7: Coulterville. Fifth annual pre-Thanksgiving outing/feed.

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Chapters

For Chapter meeting times please contact the representative indicated for your Chapter area. For information or volunteer work on area Chapters listed as open, please contact:

Tom Eastland, Chapters Chairperson. Please see Contra Costa Co. below for contact information.

Alameda County, Chairperson; Steve Kleszyk, (925) 443-4993 or ratled88@aol.com

Meeting held at - - - Prospectors Claim Store

174 S. "K" Street
Livermore, CA

Contra Costa County, Chairperson; Tom Eastland, (925) 932-4288 or tceastland@comcast.net

Meeting held at - - - First Baptist Church Mansion
3033 Bonifacio St.
Concord, CA

Madera County, Chairperson; Open

Sacramento County, Chairperson; Open

San Joaquin County, Chairperson; Steve Letlow, (209) 986-6276 or upiwagonmaster@direcway.com

Call Steve for when and where. It is understood that meetings will be held at Terry Schoens shop.

Santa Clara County, Chairperson; Open

Stanislaus County, Chairperson: Don Siegel, (209) 551-9802 or dps0736@aol.com

Meeting held at - - - Dons home, call for particulars



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NEWSLETTER©

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The UPI Newsletter (ISSN 1544-7774) is published 8-10 issues per year, during the normal mining season, with an annual "Members Guidebook". Membership is \$35.00/year and includes first class mailing of the Newsletter and Members Guidebook in the United States, and use of our claims any time they wish, as limited by local governing agencies. Lifetime Membership is \$350.00 and provides the same. Current Guidebooks are issued at the first of the year for Life Memberships, and upon renewal for annual Memberships. *Non-member, subscription only*, is \$25.00/year and includes first class mailing of the Newsletter and the non-member Guidebook, issued upon renewal, in the United States, a picture guide of our claims with no locations indicated. Foreign Membership is \$45.00/year and foreign Lifetime Membership is \$450.00. Foreign non-member subscription is \$35.00/year. Foreign Memberships are in U.S. dollars. Updated Guidebooks are issued upon renewal of Membership/Subscription. Inserts will be provided as Guidebook information changes. Membership or Non-member Subscribers purchase Membership or Subscriptions understanding that information contained in the UPI publications come from many sources and information used is considered as reliable, however the UPI Officers, Directors and Editors do not guarantee its authenticity, nor do we assume liability for its use or correctness.

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BOARD NOTES

No meeting held

Outing Report

Bill, Carol, Tucker, Christa, Howard, and myself pulled into Genesee Thursday just before lunch. We had the camp to ourselves, no one! Later Jim, and Reese arrived.

The weather was perfect. That day we set up our dredges and worked a little gravel. I walked down stream a ways on our new claim. It is very steep, with rocks as big as cars. You are not going to float your dredge down there. Maybe a small backpack dredge.

The next morning we dredged and found flow gold nothing that went "clunk" on your pan. Bill brought his Quad, so we drove up the road upstream. We ran into Jim & his son, and another member from Placerville. They were camping in a very nice place, where at least 4 campers or motor homes would not be too crowded.

The creek at that location looked like no one had dredged there before. We then drove further upstream to a place called "The Crossing". This is a great place, an ideal place for a outing. There was plenty of space for motor Homes, and trailers to park. I think our new claims are great! There are miles of places to mine, and new camping places!

Saturday we packed up and went to Twain. The memorial was well done; the pot Luck dinner was as always great! Don did a great job with the raffle. Good show I think the head count was 50!

Tom, Christa & Howard

Sponsor Mindy, help others

On page 6 of last months issue, #267, there was a picture of a really nice half-ounce gold nugget. It was indicated that more would appear in this issue of the newsletter about the nugget. OK here you go: First off this nugget was donated by Mike Bowers as one prize of many prizes that are being offered in conjunction with sponsoring a rider in a 150 mile bicycle trek through the Mother Lode Country. This trek is called the "2004 Emigrant Trails Bike Trek." It is an American Lung Association; of Sacramento-Emigrant Trails Chapter fund raising event. To find out more about the Association, the goals and purposes go to, www.saclung.org. All proceeds from the event stay in the area. Other prizes are: a seven-day mining access on private property on the South Yuba River, a Camel Wheel, and a kayak trip for five down Cache Creek.

Mindy Sullivan, Frank and Mindy, Pioneer Mining Supplies in Auburn, CA, a long time advertiser or sponsor of our newsletter/ Club is a participant in the Trek. Please support Mindy in her personal trek for all of ours health. More information is available by contacting Mindy at (530) 885-1801. Or you can go directly to the website and sponsor Mindy by following this path:

Go to www.saclung.org

Click on the "ETBT icon"

Click on, "On line services"

Click on "Fundraising status"

Click on "Mindy Sullivan" and follow the directions for your contribution.

Should you not have Internet access please contact Mindy at the number above for more information on how to participate in this event. Thank you. Ed/Pub



Above: Tom and Phyllis Malicki, both raffle winners. They were also donors to the raffle. They donated antique steel pans and classifiers they received from the Joe Burns

RAFFLE WINNERS

estate. Joe was the club president for a number of years. Bobby Whitworth was one of the lucky ones to win a couple of them. Several other members lucked out too.



From: Ed Ozga

Subject: RE: Outing

Subject: Outing

I got home from mining last night and the wife asked me to take her out to someplace expensive.

I said sure and took her to the gas station.

UPI Claim Jumpers!

The Sierra Camping & Prospecting Club, SCPC, had an outing at Bull Creek on the weekend of June 12 & 13. This was following the weekend of the UPI outing of June 5 & 6, in the same area on our claims in the area. Between the two outings, June 7-11, at least four UPI members bragged to a group of quad-runners camping under the large oak tree at the upper end of the campground, about finding gold on the SCPC claim. I did not observe the dredging so I can't give you names, nor were quad-runners able to supply me with names. They could only say that the people involved were UPI members.

The infractions reported as occurring, occurred at the upper end of our Mountain Meadow claims. The report received from the quad runners, is that the UPI members were dredging downstream from the old Blue & Gold tree marker near the campground area. Although this is not a specific location, lets put it this way: If you are more than a couple hundred feet downstream of the point of the small creek that flows under the bridge of the only road into the area, and where the stream enters Bull creek you may well be on a non-UPI claim. Look for the claim markers, for both claimants before you start mining. If there is any doubt, don't mine/prospect/ sample. A word on this subject in your next newsletter might help resolve the problem for members of both clubs. We will also do our part and try to get the SCPC claim boundaries marked more clearly using GPS location and signs.

Thanks for your help in this matter.

Also, I gave out a UPI application to a prospective new member last weekend. His name is Adam Pfler and he said he would be contacting your organization.

Roy A. Dunston
SCPC President

NEW MEMBERS AND RENEWING MEMBERSHIPS

This section is devoted to acknowledging and welcoming all members new and those renewing!

Welcome aboard for a year of fun.

Information is from 06/10/04 to 07/11/04

New Members

<u>Name</u>	<u>City/State</u>
Bruce Chapman	Carson City, NV
David Cherry	Fresno, CA
Dean Fogh	Mariposa, CA
Breck Fry	Old Station, CA
Curtis Gibson	Susanville, CA
Bob Huddleston	West, CA
William Medlock	Twain, CA
Chuck Morris	Carson City, NV
Miklos Nemeth	Placerville, CA
James Pruden	Coarsegold, CA
Richard Soderquist	Ukiah, CA
Larry Varnado	Vallejo, CA

Renewing Members

<u>Name</u>	<u>City/State</u>
Dan Blake	Brentwood, CA
John Caldwell	Oakdale, CA
Mark Chambers	Sparks, NV
Russell Dunn	Burbank, CA
James Ferguson	N. Highlands, CA
Karl Fierling	Oakdale, CA

Name

James and Agnes Forshey
 Marvin Gaydosh
 Bill and Judy Gimple
 Vic and Esther Griffith
 Johnathon Griggsby
 Gerald and Cheri Hurt
 Duel Jones
 Don and Bev Kalmbach
 Keith Kemp
 Darrel Kitchen
 Steven and Marie Kleszyk
 Thomas Lee
 Brenda Marsh
 Bill McCallister
 Mike and Gail McCann
 Mike Murray
 Rod O'Conner
 Joe Owens
 CeCe and Dale Pierce
 Lance Schmidt
 Donald Siegel
 Philip Smith
 Ted Stolting
 Chuck Ucker
 Jesus Venegas
 Mark E. Weber
 Richard and Carol Worthington

(Cont. on page 6)

City/State

Placerville, CA
 Sacramento, CA
 Greenville, CA
 Greenville, CA
 Modesto, CA
 Hanford, CA
 Patterson, CA
 Concord, CA
 Kanab, UT
 Congress, AZ
 Livermore, CA
 Vallejo, CA
 Sacramento, CA
 Livermore, CA
 Paradise, CA
 Moonpark, CA
 Rosemond, CA
 Maricopa, CA
 Folsom, CA
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(Cont. from page 5) Membership

Members up for Renewal in August

<u>Name</u>	<u>Name</u>
John and Nanette Barone	Vic Belloli
Darrell Billups	James D. Blake
William Carlson	Joshua Godwin
Gary and Lora Grutkowski	Jim Haggard
John Hazard	Ron Hess
Gene Hurn	Geo. & Mary Malone
Tim Obole	Dave Olson
Ivan and Diane Perkins	Greg Pickens
Louie Requejo	Al Reynolds
Mario Robles	Rudi Rodriguez
Paul Rupp	Richard & Sharon Sanchez
William & Mary Shannep	Derald H. Smith
Allen Sorenson	Dianna Stewart
Chris & Louise Weitz	Keith White
Milton H. Wood	



Welcome aboard to all new and renewing members. Join us in another year of fun with UPI. There is now and additional 530 acres in our claims inventory. That's correct 530 more acres at Genesee. Those up for renewal better get their checkbook out and start writing.



RAFFLE WINNERS



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Bruce & Mary Hampton
Owners

Ace Smithart
Manager





UPI ROLL CALL Twain UPI Outing

List of members and guests present at the Outing,
Potluck, and Raffle including the raffle results.

July 3rd, 4th and 5th, 2004

Samantha Wait, Treasurer, was the only Officer able to attend this outing, so she stepped up to the roll normally performed by the President and conducted the opening remarks for the potluck gathering. She made an announcement soliciting nominations for Officer and Director positions to be voted upon this fall, but none were offered.

Don Siegel, Ways and Means Director, conducted the raffle, and the entire event went as well as ever! All together, there were 50 members and guests at the potluck and raffle, along with 7 of their four legged friends (denoted with an *). The raffle winners and roll call were as follows:

MEMBERS & GUESTS

1. Don Siegel. Don was the lucky winner of the first place large gold nugget, a nice set of UPI coasters, and a Sacagawea dollar.
2. Bill and Carol Eastland, with *Tucker. Carol took home the second place amethyst crystal specimen with a prospector on it. Bill won the 12" pry bar.
3. Chuck Ucker. Chuck was the third place winner with the 1900 Morgan dollar, and the 18" pry bar.
4. Don Ivers and Marianna Mejia. Marianna won the 7-piece heart shaped coaster set, and a 4lb. sledgehammer.
5. Jim Blake. Jim won a nice large quartz crystal specimen.
6. Jerry Randall with *?. Jerry collected a nice vanadinite rock specimen.
7. Terry Moore and Debbie Peck. Terry held the ticket for two very nice jewelry pieces, a large serpentine necklace, and the amethyst cluster with chain. He also won the Delta Ranger knife. Debbie won the rose quartz with gold chain and the 1967 Kennedy half-dollar.
8. Bob and Jeanne Williams. Bob won the 1971 Eisenhower dollar, and the amethyst with chain.
9. Gerald and Cheri Hurt. Cheri won the Grizzly gold kit.
10. Dan and Audrey Coffman. Dan won the small serpentine necklace, and a set of pruning shears.
11. Don and Bev Kalmbach. Don won the gold bearing quartz with gold chain necklace and a very special sand dollar shaped mineral specimen found only in Illinois. He also won a carabineer clip. Bev won a 12" antique steel gold pan.
12. John and Lisa Ljuba. Lisa won a portable black light and John won the Vulture knife.
13. Christa Northland. Note: there was no one with this name on the roll call list, but the prizewinner list indicated she won a large folding knife. Could this actually be Christa Eastland?
14. Brenda Marsh with *Bootsie. Brenda won the screen classifier.
15. Aaron, Denise, Jennifer and Alex Matula. Alex won the arrowhead.
16. Tom and Phyllis Malicki. Phyllis won the "got warmer" and Tom won the poison oak prevention wipes.
17. Bobby and Lisa Whitworth. Bobby won the 8" sharpening stone and a 16" antique steel gold pan with matching steel classifier.
18. Mark, Lisa and Troy Weber. Troy won a River Run bandanna.
19. Bill Reboin with *Samantha. Bill won the screw extractor set.
20. Reese Hair. Reese won a River Run bandanna.
21. Beverly Paul. Beverly won a 16" antique steel gold pan with matching steel classifier and an insulated Pepsi lunch bag.
22. Don Scalise.
23. Bill Johnson.
24. Dan and Samantha Wait with *Sonny.
25. Charlie and Barbara Brown with *?.
26. Tom and Christa Eastland with *Howard.
27. Ruben Sandoval.
28. Mauricio, Laura, and Martha Mendoza.
29. Vick Belloli.
30. Al and Denise Downey.



The old miner sez: Therz moren one way ta katch Au at a UPI claim but ya gotter be der ta do it. Ya gotter be at da outins!

Another fine outing and we hope to see you at the next one! As always, I apologize if we missed anybody, or butchered any names. – Mark ☺



Left: Don Siegel, winner of the top prize, a gold nugget.
Right: A better picture of the nugget.



A New Webmaster for UPI

Hello fellow members! As some of you may already be aware, Rod Earnest has retired from the position of Webmaster for United Prospectors Inc. The Board of Directors gave me the nod as the new Webmaster at the meeting held at the Bull Creek outing, and I am honored by their vote of confidence.

As I understand it, our current Vice President, Ray Hughes, first created the web site in about July of 1999. Then about a year later the hat was passed to Rod Earnest. Rod hung in there for four years, and I am just learning how much work both of them put into the design, creation, and maintenance of our site. I think we should heartily applaud them both for their efforts!

As your new Webmaster, I hope to carry on their tradition of trying to make the Website work for the Club and serve it's members. I have a few ideas of my own, but what I really want is to hear from you.

My goal is to make the website work for all the members as a resource of information to supplement the Member's Guidebook and the Member's Newsletters, and maybe find new ways to use the website that haven't been done before. In order to get the most out of the website, I think it is very important to have input from you, the members.

Please feel free to share your thoughts and ideas with me anytime by sending your e-mail's to Webmaster@unitedprospectors.com. Please include the word "UPI" in the subject line of your e-mail to help filter out the spam.

When I say I want to hear from you, I do mean it.

- 1 If you like the site, tell me why.
- 2 If you don't like the site, tell my why.
- 3 If you have ideas that you think would be a benefit to the site or to our members in general, tell me about them.
- 4 If you are having trouble with the site, tell me about it.

I am looking forward to hearing from you, and hope to meet some of you on the claims.

Mark Weber
UPI Webmaster



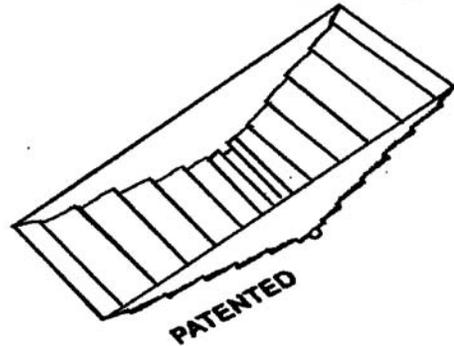
Everybody Loses

The House Resource Committee staff is working on legislation that would make permanent Rep. Ralph Regula's (R-OH) 1996 "Fee Demo" bill. HR 3283, "America the Beautiful," would require Americans to purchase an \$85 pass before they can access any part of public lands that they already support with tax dollars. All public lands would be affected including Bureau of Land Management, Bureau of Reclamation, all Forest Service lands and lakes and U. S Fish and Wildlife managed national refuge areas. Additional fees would be required for campgrounds and boat launches and special recreation permit fees for motorized recreation and for group activities.

HR 3283 would scrap the Golden Age Pass that allows senior citizens lifetime access to the national parks for a one-time fee of \$10. If one is caught on federal land without a pass he could end up in jail for six months and be fined \$5,000.

There is more than one way to keep the public lands free from human invasion. Rep. Scott McInnis (R-CO) has introduced legislation to "fully fund" the federal government's Payment in Lieu of Taxes (PILT) program that is supposed to ease the financial burden incurred by local governments when the feds take land off tax rolls. The federal government currently reimburses states less than \$1 per acre for lost revenue.

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Rep. McInnis is missing the point, however. It is not up to taxpayers to support the government's land grab program. The federal government has already demonstrated it cannot take care of the land it controls, hence the public lands fee bill, and it certainly has no business acquiring more to the detriment of local governments.

Courtesy of Keith Wills



Left: Leland Brown and his power sluicing operation. If you notice Samantha is helping Lee by sniffing for gold. Actually she caught a whiff of his lunch.



POTPOURRI

MISCELLANEOUS ITEMS OF INTEREST ©

Views and opinions expressed in this column are the personal viewpoint of the Editor/Publisher, and have no bearing on, nor do they have any relationship toward, the goals, purposes, policies, programs of United Prospectors Inc. though they may play a part as indicated by your responses. This is my playground!

Some may like it, some may not. I hope it starts you thinking, taking responsibility, and enjoying life and livingness.

No Mining Allowed on the Salmon River Claim!



Bill Reboin, Ed/Pub and his pooch Samantha.

The following e-mail was received from Chet Chastain the UPI Claims Manager. The Editor-in-Chief edited out certain parts of the e-mail, as they were non-related to the intent of the announcement. Other editions in the mail for emphasis are in bold italics.

From: chetc@inreach.com
 Sent: Thursday, July 01, 2004 10:34 AM
 Subject: Salmon UPI Claim

All articles in this column were written prior to the puzzle starting to come together on receipt of Dan's and others mail. The Salmon article was edited to reflect the solving of the puzzle.

Dear UPI Board:

We did not receive explicit approval for the special assembly permit at Twain.

I got a response from Orleans Ranger District c/o Joyce E. Thompson Acting District Ranger of Six Rivers National Forest - the home on our Salmon River UPI Claim.

Here is a paraphrase of the FS response: Our/your Plan of Operations has been approved. "Due to the increased interest in mining on this District I have determined these activities as described in your POO and those described by several Notices of Intent by others (probably New 49'rs), it is necessary for me to conduct an environmental analysis and consult with the appropriate regulatory agencies. **No mining activities can take place during the process, which could take a year or more to complete.**" *We appreciate your patience, etc. etc.*

Chet Chastain
 UPI Claims Manager

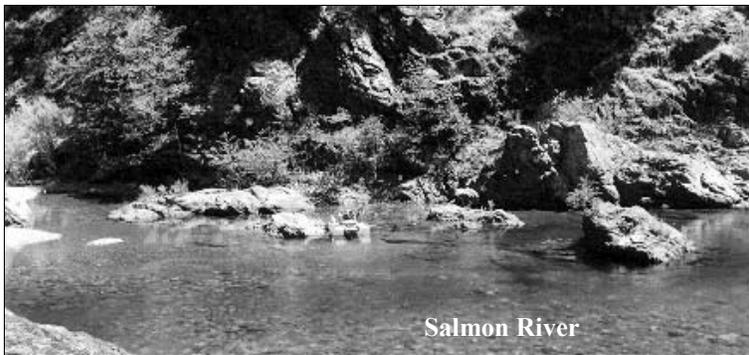
The Editor-in-Chief says this: Too bad if the FS moves like molasses. The request was sent in, in ample time for the regulatory agency to respond. They can take a "flunk" for slowness. This is public land. By what authority, the specific law, can they deny or question my/our friends and associates assembly on public land that is open too use by all? Yes they have their rules, but we also have the right to assemble.

The Salmon River Closure

About the Salmon River closure: **"Acting" as defined by the Random House Dictionary; "serving temporarily, especially as a substitute during another's absence; not permanent: the acting mayor."**

Initially when I received Chet's mail regarding the closure of the our

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Salmon River

tion on any organizational board. Yes hopefully they are qualified for the position as per their credentials, experience and the review of their past performance, and they can perform the duties of the position. However it has proven true that given the qualifications satisfied, regardless of the qualifications, the new kid on the block usually starts the position thinking that they are in the condition of power. They usually start their new position by trying to change everything to the way they think it should be without finding out what is wanted and needed. They usually do not know their lines of communication, nor the goals, purposes and policies of the employer. I was wrong in this assumption.

There was co-existence, though not particularly understanding between us and the FS. What has changed? "A new kid on the block." Does it fit the picture described? This looked to be the case. Or, was the real position holder relieved of their duties because they didn't agree with the upper echelon, the bureaucrats, way of thinking the River should be managed, with help from the environmental extremists? This looked like a good possibility as well. Maybe someone wanted to see the river closed.

On July 15th the club President, Dan Short received an e-mail message from a FS employee of Stanislaus NF informing him of a recent Federal Register publication regarding Notices of Intent (NOI) and Plans of Operation (POO). Very interesting! I received the forward of this message on the 16th. Several other messages from around the US, marked as urgent, were received at the same time, same basic content. Needless to say the FS has sneaked in some rules, July 9, 2004, that may well be detrimental to the health and well being of all miners, clubs and individuals alike. We are not required via our NOI to post bonds nor do we propose moving stream beds or mountainsides. Will we now have to? Where does it start and where does it end? **The real why found, see page 15.**

It Doesn't End Here! California Claimants and Others Alert!

The Red Legged Frog, Coming Back to Life

A few years back there was a lot of commotion about the Red Legged Frog. It just sort of went away. Actually it didn't just go away, it was just hidden by litigation between the government and the environmentalists. Well it is now coming back into existence. An article in the Sacramento Bee prompted this article. On April 14, 2004 Michael Doyle in the Sacramento Bee Washington Bureau had an article published in the publication: "Habitat protection proposed for frog." What really caught my attention was the specific claim, the proclamation by Mr. Doyle, that their demise, the red legged frog, and their area coverage being limited to 10% of their original habitat is related to: "They have been squashed by everything from mining and grazing to bullfrog competition." (Sacramento Bee Wednesday April 14, 2004.) This statement was made one day after the U.S. Fish and Wildlife Service news release of the proposed designation. This statement is full of holes as "everything" is related to nothing. It is a generality, not a fact! It is the statement of someone whom appears to have an agenda or a bone to pick. The statement appears to have target groups in mind. On the positive side however he did quote a F&WS person: "The Service finds that designating critical habitat provides little adds little additional protections for species."

First it was the Yellow Legged Frog that the BLM experts were worried about us, UPI, disturbing. The requirements that BLM threatened us with if we didn't voluntarily restrict dredging, see restrictions in the

(Continued on page 12)

In Memory

UPI Life Member Passing

"I regret to inform you that my uncle Mario Da San Martino is deceased. (2003) Lola Gianelli" Mario was from San Leandro.

It is always sad to hear of the passing of a fellow comrade, club member an acquaintance, a friend.

Lorraine Berry

With sadness it is my duty to announce the passing of Lorraine Berry, beloved wife of Haskell Berry. Lorraine was involved in music for the majority of her life and was also a writer. Lorraine taught piano, wrote music and wrote poetry. Lorraine was also involved in many community associations. She was loved by many. Lorraine passed away in April of this year.



Qenton Kreps

Life member Qenton Kreps, residing in Omaha passed away on June 16th of this year. We hope he finds the Mother Lode in the sky.

The Twain Outing

This Twain outing was dedicated in memory of a loved member Joan Randall. In addition to the outing being dedicated to Joan there was the unveiling of a monument placed on the claim in memory of Joan, the first lady president of UPI.

Charlie Brown opened and ran the dedication and there were a number of other speakers as well. Speakers were of course, Jerry Randall, along with Phyllis Malicki, Barbara Brown, Bill Reboin, and a gentleman whose name escapes me, I'm sorry. A picture will have to do.

The monument is located to the right of the road that goes down the hill to the river. It's close to our claim marker. The cost of the monument was paid through member and club donations, and it is a very nice piece of work. Thank you to all of you that helped make this happen.



The gentleman!



Left: Jerry Randall and Charlie Brown on the right. (Jerry looks good with his beard) Top pic: The assembly at the dedication.



Above and below: Some of the members present at the dedication.



In Memory Cont.

Below left to right, speakers at the dedication: Barbara Brown, monument in the background, Bev Kalmbach, Phyllis Malicki, Bill Reboin, Samantha and Charlie Brown.

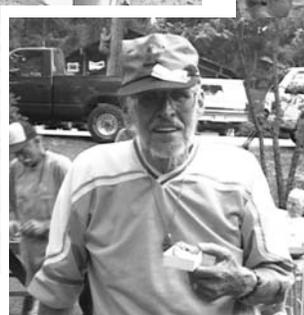


Left: Charlie Brown getting things started at the dedication.

Above: Jerry with the lady that created the monument. The monument was created from the stream bed cobbles on the claim.



Following: More raffle winners!!



This should cover the 26 of 50 members and guests that attended the outing and participated in the raffle and were winners. There were some really nice prizes, like the beautiful amethyst crystal won by Carol Eastland above.

As your Editor-in-Chief and Publisher I want to personally thank those members that contributed to the memorial fund and helped make this happen. I will research this so you can be named. I also want to thank those who contributed pictures, stories and moral support for making this newsletter possible. To name a few: Samantha Wait, Mark Weber, Tom and Christa Eastland, Ed Ozga, James Ervin (a member incognito), Board Members that were not able to attend the outing and others outside of the club .

(Continued from page 9) **Red Legged Frog Cont.**

Guidebook, severely restricted dredging use of our Moccasin Creek claim. Numerous trips to Moccasin Creek have failed to ever produce an observable Yellow Legged Frog let alone a Red Legged Frog. Why the use restriction for saving something that doesn't exist?

Now the Red Legged Frog is re-entering the picture. This being brought about by unending lawsuits against various governmental agencies by various environmental organizations. The Angels Camp based "Jumping Frog Institute" for one. The U.S. Fish and Wildlife Service are proposing designating 4.1 million acres as "critical habitat as protection for the frog. Folks this is a bunch of land.

Areas included that may affect UPI claims are the North Fork of the Feather River. From the Fish and Wildlife Service: Unit 1 North Fork Feather River Unit – "Unit 1 consists of drainages within the North Fork Feather River watershed, some 115,939 acres in Butte and Plumas counties." Twain, Genesee, Spanish, and CLM Gold are in this watershed. They feed the East Branch of the Feather, which feeds the North Fork. This may also affect new claims that are under consideration in this drainage area. The other area that may affect us is Unit 5 Yosemite Unit. "Unit 5 consists of drainages found in the tributaries of the Tuolumne River and Jordan Creek a tributary to the Merced River." This will most likely additionally affect our Moccasin Creek claim. Moccasin Creek is a tributary to the Tuolumne River.

INDEPENDENCE DAY!

JULY 4, 1776 - - -

- - - was when it was. It was on that date that the Colonies declared independence from an oppressive form of rule. A tax and burn, pillage and plunder rule. At that time it was the tyrant King of England. Are there similarities today? Sure looks like it.

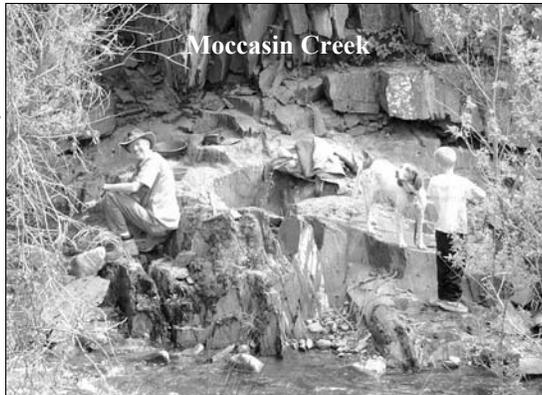
Remember similarities, not identities. Do we get taxed and burned? Yes. Is there pillage and plunder? Yes in a roundabout way. No there is not one tyrannical being that is causing the effects, but the affects sure have the appearance of being the same. Who are the tyrants, the oppressors? Lets see. Is it big business and the money and favors that they supply to both political parties for the special interests of big business? Yes! Is it the environmental extremist groups who do the same thing as big business? You bet. Is it politicians and bureaucrats in position of authority pushing their own agendas? Got it right again. How does all of this come to be?

At this point it is necessary to insert a portion of a piece of information that was received from a concerned UPI member, which lead to a connection that may prove to be valuable in the future. It deals with a situation that detectorists are running into. Though the piece deals with detectorists and law, there are very close parallels in what we are seeing happening to small-scale miners such as ourselves. Many of you are detectorists as well. They just keep chipping away at you until they get you, or you throw up your hands and say, enough I quit.

The insert is not the complete communication to a detecting organization. It has been edited to change certain words considered offensive, or no-no when speaking of pursuing the endeavor of metal detecting or small-scale mining. It deals with a particular case(s) of which this writer is not aware. It deals with how the law can be subverted by bureaucrats, to make it work against "we the people". This is the point. The point is things need to be changed if detectorists and small-scale miners are to survive.

Please don't try to follow the case(s), observe the information being presented for a learning lesson.

The insert: Thank you Don, but few have realized what your club has and that is it is not a case of Bob and Ed anymore, the defendants, but a case for the future of our endeavor. Back when the Billy Shivers case was going on, the government finally dropped the charges, but only after they had established a case file to use as a precedent of "all items found on public lands belong to the government". That has been used in many such cases across the nation in the last 7 years and was used in



Bob and Ed's case as well; only they had no items other than junk for the government to claim as theirs.

Way too many folks in our endeavor believe that what happen to Billy Shivers, Bob and Ed and several others will never happen to them. They do not realize that every case the government gets away with they search to set another precedent to use against us from that case. In Bob and Ed's case it is "Intent Of". Imagine what the government could do with that precedent in just a few short years. It may even come to the point that you could be stopped in your car on public lands with a metal detector in the trunk and be charged with

"intent of". Also, what few have realized is that, in Bob and Ed's case, the federal prosecutor claims it was not necessary to prove they were on an archeological or historical site to charge them with an ARPA (Archeological Resource Protection Act of 79) violation. If you read the law, it states it only applies to archeological or historical sites on public or Indian lands, but there are three requirements before the law applies, one of which is that they have to prove by site survey that the guys were on the site. That means not just next to it or a couple hundred yards away from it, but actually on the site itself. What is upsetting is a jury of elderly folks, mostly women that have never heard of APRA before, did not get a good explanation of the law and never heard a defense for our two guys, then judged them guilty. My point is: since the guys were found guilty and the federal prosecutor got away with not having to prove they were on the site, only proving they were on Public Lands, then they will most certainly apply this case to future cases against others. The law is plain, but in Bob and Ed's case it was successfully twisted since they had no defense.

We are wasting our time with most of those in our endeavor today, for they just can't believe the government can and will do such things against us, even when they know it is in writing in the case transcript. It will be too late as usual when those folks wakeup to the reality if they ever do. This is why folks like yourself and your club members support Bob and Ed, but better yet supporting the future of our endeavor are such a great asset to us all. Thank you and tell everyone of your club members a special thanks, not just from Bob and Ed, but from me as well and from those that really do care about this endeavor and it's future. We wish all of you the best year of treasure hunting ever. Thanks again so much....Keith Wills

How do things like this happen? People make them happen. Witness the two examples presented. Things don't just happen. You can actually make things happen if you apply yourself. If enough individuals get together and form a strong coalition one would have to think that reversals of the current trends can be affected. There are hundreds of detecting and mining clubs in California. In numbers that can amount to thousands of individuals. Wake up! Get active before it is too late. **IS IT TIME FOR ANOTHER BOSTON TEA PARTY, TIME FOR ANOTHER INDEPENDENCE DAY FOR THOSE THAT LIKE TO ROMP IN THE HILLS?**

MORE OF THE OUTING

Nominations and Election

Below is the same sample ballot that was printed in issue 267, the last issue of the newsletter, save for the verbiage at the top. At the Twain outing nominations and or volunteers were called for to put on the ballot for the upcoming election process. There were no nominations or volunteers. Nominations have been closed.

As there was no additional members nominated, and there was no volunteers for the positions open, what you see is what you get. There will be no vote held at the Bull Creek outing. The members appearing on the sample ballot below having volunteered to serve the Club in the indicated positions will be sworn in to their respective positions, to serve you the general membership, at the Board Meeting in January of 2005.

VICE-PRESIDENT

Don Siegel

TREASURER

Samantha Wait

DIRECTORS

Brenda Marsh

Steve Letlow

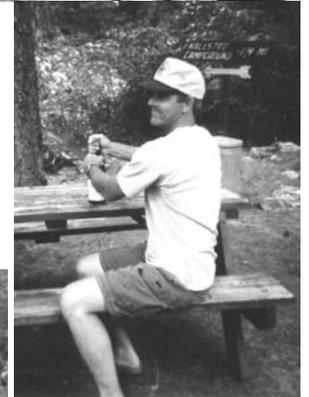


Look at the folks tucked into the woods. The three ladies, left to right, Carol Eastland, Samantha Wait & Christa Eastland. Sam took a number of the pics you see in this publication. Thanks Sam.

MORE OF THE OUTING



The fellow above looks strangely like the Old Miner



Above: Look at the grip on that bottle!



THAT'S ALL FOLKS!!

NEWS FLASH!

This flash was received 07/16/04

(Note: This article was released early by ICMJ due to the urgency of the matter discussed. It will be appearing in our upcoming August 2004 issue)

Lawsuit To Challenge New Forest Service Regulations

The Forest Service has been busy lately, promulgating rules and regulations that will negatively impact small miners and prospectors. Public Lands for the People (PLP) is taking action to put a stop to it.

In "Forest Occupancy Decision Stands—US Forest Service Withdraws Appeal," (January 2004), we reported on the Lex-Waggenger decision (US v. Ronald O. Lex and Ken Waggenger; CR S-01-559 LKK; May 14, 2003).

In this case, Judge Lawrence K. Karlton, US District Court in Sacramento, reversed a lower court decision which wrongfully concluded that the miners were required to file a Notice of Intent for occupying their mining claim for more than 14 days in California's Klamath National Forest.

Judge Karlton said that section 36 of the Code of Federal Regulations (CFR), subsection 261, does not apply to miners who are camping on their claims while engaged in activities related to mining, rather it was meant to cover recreational activities. He stated, "As the regulations are currently structured, so long as no earth moving equipment or tree-cutting is involved, a miner can camp on his claim indefinitely..."

The Forest Service, fearing a loss of control that they never legally possessed, published an interim rule to address the above issue, under 36 CFR 228, in the Federal Register on July 9, 2004. The Federal Register Notice is entitled, "Clarification as to When a Notice of Intent and/or Plan of Operation Is Needed for Locatable Mineral Operations on National Forest System Lands."

According to the Federal Register notice, the emergency rule will be effective August 9, 2004, though comments will be accepted until September 7, 2004.

The Forest Service states they will soon require a Notice of Intent "in any situation in which a mining operation causes a surface disturbance, regardless of whether that disturbance is caused by mechanized earth moving equipment or the removal of timber."

"After a Notice of Intent is submitted, the District Ranger determines whether the proposed operations will likely cause a significant disturbance of surface resources. If the determination is that the proposal will likely cause a significant disturbance of surface resources, the operator is notified that a plan of operations is required."

It is our opinion that the emergency rule would place severe restrictions on small operators if it were allowed to stand. Small miners, at the very least, would be subjected to the time and expense involved with the filing of a Notice of Intent for a minimal disturbance. The Forest Service cannot currently respond to applications in a timely manner, and delays would be inevitable if they receive hundreds or even thousands of Notices. Worse yet, some miners could be subjected to the long delays and excessive costs involved with a Plan of Operation and financial guarantees (bonding) for minimal disturbances, all at the discretion of a District Ranger who may or may not be favorable to mining. Merely bringing camping equipment onto a mining claim could be considered a significant disturbance in the mind of a District Ranger.

We have reviewed the emergency interim rule with Public Lands for the People (PLP). Jerry Hobbs, president of PLP, stated there are numerous avenues open to challenge the interim rule. These include non-compliance with the Administrative Procedures Act, National Environmental Policy Act, Regulatory Flexibility Act, Paperwork Reduction Act, and others. After much discussion, it appears the best course of action is to file suit against the Forest Service to stop the interim rule, and a mining attorney

has already been retained.

This should be a concerted effort on behalf of miners and prospectors, rather than a disjointed effort involving lawsuits filed by small entities with limited funds. Several mining and prospecting companies have already started the fundraising effort, including *ICMJ's Prospecting and Mining Journal*, donating thousands of dollars to PLP to pay for the legal fees that will be incurred in this case.

Special thanks goes to Keene Engineering for starting the ball rolling with a \$5,000 donation.

Much more will be needed. I encourage you to support this effort personally, and by bringing it to the attention of any clubs or associations to which you belong.

I have personally met with the PLP board on several occasions. I have been very impressed with their knowledge of rules and regulations, and the ability of their members to apply this knowledge to successfully litigate government agencies. I encourage all miners and prospectors to support their efforts on behalf of all of us.

Contributions can be sent to: Public Lands for the People, 3700 Santa Carlotta St., La Crescenta, CA 91214.

A direct link to the Federal Register notice can be found on our website (www.icmj.com) under the Pending Rules, Regulations, Projects section. The Federal Register notice can also be located online at www.regulations.gov/freddocs/04-15483.htm

Concerned readers in need of further information can contact Sam Hotchkiss, Minerals and Geology Management Staff, at (703) 605-4852.

Comments can be emailed to:
35cfr228a@fs.fed.us

Comments can be faxed to:
(703) 605-1575

Comments can be mailed to:
Forest Service, USDA
Attn: Director, Minerals & Geology
Management Staff, (2810)
Mail Stop 1126
Washington, DC 20250-1125

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This article was printed in its entirety only the formatting was changed to take up less space in this publication. Ed/Pub

This new rule can have serious consequences toward the continuance of our endeavor as small scale miners. It allows for purely subjective determination by the local Ranger of whether a NOI is sufficient or a POO is needed. As such just using a shovel could be determined as needing a POO. Time consuming and expensive. We have tried to keep you informed. If we don't act now as individuals we will probably be digging our own grave.

At this stage of the game it would appear that if you desire to act the best way to do so would be through a generous donation to PLP, address above at about 1/3 page, to defend our activities. If you don't we could face loosing the use of the claims as in the case of the Salmon River claim until all of this is resolved. No guarantees either way. Regardless, I'm putting my money with PLP.

Secondly you can respond personally. This new FS rule can be viewed and downloaded through links, in its entirety, on the club website so that you can make an informed response as an individual. If you do not have internet access you can get the new rule by phoning the Ed/Pub or mailing him and sending a check in the amount of \$1.00 for a mailed USPS copy.

Final date for response is 09/07/04!!!

ISSUE # 268

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Address: _____ E-mail Address: _____

City: _____ County _____ State: _____ Zip code: _____

I hereby apply for membership/renewal with United Prospectors, Inc. ("United Prospectors"). I understand that United Prospectors and its agents do not provide goods or services for my activities including, for example, mining equipment or supplies, lodging, transportation, food services etc. United prospectors is not liable for any negligent or willful act or failure to act by providers of such goods or services during my activities. I acknowledge that there may be certain risks involved with activities as a member including, but not limited to, rugged or uneven terrain, uncertain or unpredictable river currents, physical exertion for which I am not prepared, other un-known forces of nature, high altitude, accident or illness without access to means of rapid evacuation or availability of medical supplies, the adequacy of medical attention once provided, or negligence on the part of United Prospectors. I HEREBY AGREE TO BE RESPONSIBLE FOR MY OWN WELFARE AND ACCEPT ANY AND ALL RISKS OF UNANTICIPATED EVENTS, ILLNESS, INJURY, EMOTIONAL TRAUMA OR DEATH. I acknowledge that the cost of United Prospectors memberships is based upon participants executing this Release of Liability. Therefore, as lawful consideration for being permitted to participate as a member, I hereby RELEASE AND DISCHARGE FOREVER UNITED PROSPECTORS FROM AND AGAINST ANY AND ALL LIABILITY ARISING FROM MY MEMBERSHIP OR MY ACTIVITIES AS A MEMBER. I agree that this release shall be legally binding upon me personally, all members of my family and all minors traveling with me, my heirs, successors, assigns and legal representatives, it being my intention to fully assume all the risk associated with my activities as a member and to release United Prospectors from any and all liabilities to the maximum extent permitted by law.

I HAVE READ AND FULLY UNDERSTAND THIS RELEASE AND MEMBERSHIP APPLICATION

SIGNATURE _____ DATE _____

Please mail this completed (signed and dated) application along with your check/money order to:

UPI Membership, C/O Linda Doyle
P. O. Box 1480
El Dorado, CA 95623