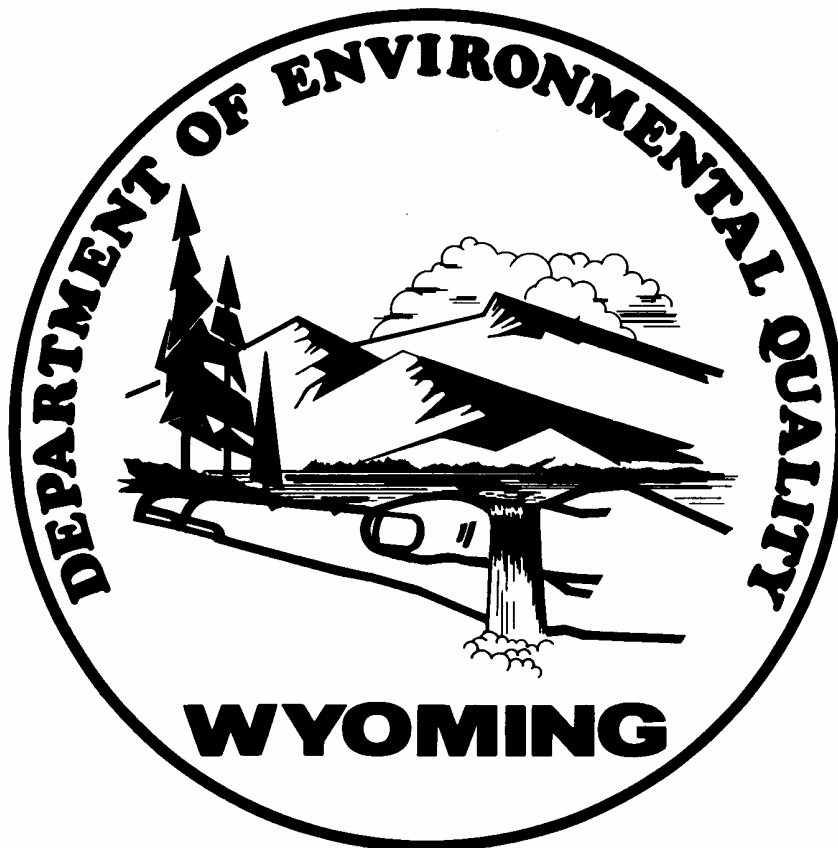


**DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION**



GUIDELINE NO. 19

Noncoal:

**Non-commercial Recreational Panning &
Gold Dredging**

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction	1
II. Application for a Letter of Authorization	1
III. Restrictions & Concerns	3
A. Surface/Mineral Ownership & Management	3
B. Stream Restrictions	3
C. Prospecting Methods & Equipment	4

List of Attachments

A - Application Form.....	A1
B - Map of LQD Districts	B1
C - Addresses for Federal & State Agencies	C1
D - Wyoming Class 1 Waters	D1
E - Contact Information for Wyoming Game & Fish Department	E1

I. Introduction

This document has been prepared primarily in response to questions from people who wish to use recreational hand panning or recreational dredging equipment in non-commercial searches for gold in Wyoming. These activities are regulated by the Land Quality Division (LQD) and, for activities on federal lands, by the appropriate Federal agency (e.g., the Bureau of Land Management (BLM) or the United States Forest Service (USFS)).

The information contained in this guideline may also apply to searches for any precious metal or gem for non-commercial use by recreational hand panning or recreational dredging.

Recreational panning is using non-mechanized equipment such as a pan, sluice box, or pick and shovel without disturbing the earth above the water line of any surface water or outside a dry stream bed.

Recreational suction dredging is using a suction or jet dredge with an intake diameter up to 3 inches and a rating up to 10 horsepower or using hand-operated sluice equipment and related tools. Dredging must occur beneath the existing water surface or upon non-vegetated sand and gravel bars within the active stream channel.

Presently, the Wyoming Environmental Quality Act allows for an exemption from permitting and bonding requirements for mining operations that involve *only minor surface disturbances and are infrequent in nature* (W.S. § 35-11-401 (e)(v)). On federal lands, this level of activity corresponds to the "casual use" category under BLM 43 CFR 3809 regulations. Therefore, non-commercial, recreational searches for gold which involve only hand panning or limited use of a small mechanized suction dredge can often be covered by a simple application for a Letter of Authorization, as outlined in Section II of this Guideline. There are specific concerns and restrictions for protection of human health and the environment, and these are outlined in Section III of this Guideline.

II. Application for a Letter of Authorization

Any person planning to search for gold (or any precious metal or gem), *by any method other than recreational hand panning*, must confirm that the proposed activities and location(s) can be approved through a Letter of Authorization. In general, this application process is applicable for searches that:

- ▶ use small portable suction dredges with a suction hose intake of **3** inches or less in diameter; and
- ▶ use small portable suction dredges powered by **10** horsepower or less engine; and
- ▶ use no other machinery other than a small portable suction dredge; and
- ▶ are on drainages which are not designated as environmentally sensitive in accordance with established criteria (see Section III).

No activities using tracked or wheeled mechanized equipment (e.g., backhoe, dozer, bobcat, power rock saw, or trencher) or explosives can be authorized through this application process. These activities must be authorized through LQD's permitting process, which includes applications for exploration licenses or mining permits and reclamation performance bonds.

To apply for a Letter of Authorization for non-commercial, recreational panning or dredging, complete the Application Form (**Attachment A**) and submit it to the address shown on the form. Include a map of the proposed locations and include Township, Range, and Section numbers on this map. For example, a copy of part of a topographic map from the U.S. Geological Survey (USGS), with the Township and Range numbers handwritten on the map, with a scale of 1 inch to 24,000 inches or 1 inch to 2,000 feet is acceptable. Maps are available at no cost from a variety websites (e.g., <http://wgiac2.state.wy.us/html/aboutDRG.asp> or <http://topozone.com>) and, for a nominal fee, from organizations, including the Wyoming State Geological Survey in Laramie, Wyoming ((307) 766-2286) or the United States Geological Survey at <http://www.usgs.gov/pubprod/>.

Upon receipt of an Application Form (Attachment A), the LQD reviews the information provided to ensure the proposed activities and locations are acceptable. After review, the LQD sends a letter to the applicant acknowledging receipt of the application and information as to whether the proposed activities and locations are acceptable. **If the application is acceptable, a Letter of Authorization (LOA) will be issued.** *Please allow sufficient time, usually a few weeks, for LQD's review and approval prior to commencing the planned activities.* Please note that the number of requests generally increases dramatically just before July 1, which is also a very busy time for other mining activities.

For the LQD to continue use of this application process for non-commercial, recreational panning or dredging, applicants must be aware of the restrictions and concerns listed in Section III. In particular, ***permission from all surface and mineral owners and land management agencies must be obtained prior to any activity to avoid trespass disagreements; and restrictions on specific stream segments must be followed.*** Please note that the application process only addresses LQD requirements and ***does not*** constitute permission for the proposed activities by the surface owner(s) or the land management agency. The Letter of Authorization does not waive obligations to obtain other permissions that may be required (e.g., USFS, BLM, and United States Army Corps. of Engineers (USACE)).

A Letter of Authorization for non-commercial, recreational panning or dredging is valid for a maximum of one field season, which along most stream segments is between July 1 and September 10 to avoid disruption of fish spawning. A copy of the LOA must be kept on site at the panning or dredging location(s) for inspection. The LOA may be renewed annually by contacting the LQD after September 10 and receiving a renewal for the next field season. However, if a new location(s) is part of the renewal request, a map(s) of the new location(s) must be submitted.

The Application Form must be filed with the LQD Office in Cheyenne, which is LQD's official record keeping office. Copies of the form will be forwarded to the LQD District Office(s) in which the proposed activities will occur. The LQD District Offices can provide assistance on access, restrictions, and related information (Attachment B). At the present time, the LQD is not charging a fee.

III. Restrictions & Concerns

The following restrictions and concerns relate to a variety of topics and are intended to help ensure compliance with applicable statutes and regulations and protection of human health and the environment. Failure to comply with specific restrictions could result in a Notice of Violation and a fine of up to \$10,000.00 per day as long as the conditions resulting in the violation persist (W.S. §35-11-901(a)).

A. Surface/Mineral Ownership & Management

Permission from all surface and mineral owners must be obtained prior to any activity to avoid trespass. In some areas, the ownership is a split estate (i.e., different surface and mineral owners). The increasing number of users and variety of uses, particularly on federal lands, has brought more attention to ownership and management issues.

- ▶ Owners and land management agencies who must be contacted for permission may include: private individuals; the USFS; the BLM; and/or the Wyoming Office of State Lands and Investments. Surface and mineral ownership maps are available from the various BLM offices (**Attachment C**). Land records at the County Courthouse should also be checked to verify the current ownership of a particular tract of land. Claim markers are required to be present on existing claims and must be posted on new claims.
- ▶ Operations on private lands and/or on a mining claim require permission from the landowner and/or claim owner. *In Wyoming, the stream bottom belongs to the landowner.*
- ▶ The LQD does *not* process requests for mining claims. The BLM in Cheyenne ((307) 775-6256) can provide information on whether there are any existing claims on the location of interest and can provide instructions on filing a claim.

B. Stream Restrictions

Surface waters in Wyoming are classified by the Wyoming Department of Environmental Quality (WDEQ) Water Quality Division (WQD) according to a variety of criteria, including water quality, fish populations, unique characteristics, and similar factors. A copy of the current classification list for the majority of streams in Wyoming is available on the WQD website (<http://deq.state.wy.us/wqd/watershed/surfacestandards/Downloads/Standards/2-3648-doc.pdf>). In general, Class 1 Waters are of the highest quality and greatest concern and, as a result, the most restricted. A list of the Class 1 Waters is included in **Attachment D**. Surface waters that support fisheries are generally Class 2, and activities are restricted at certain times of year to allow for fish spawning. Other restrictions are site specific.

- ▶ **No activities, except *hand panning*, are allowed in any *Class 1 Water*.**
- ▶ **Due to mercury in the stream sediments from historic mining operations, *no activities are allowed in Rock and Willow Creeks in the upper Sweetwater River***

drainage.

- ▶ Activities in Class 2 Waters are limited to the period of July 1 to September 10, annually. (Note: Almost all of the 'popular' panning and dredging areas are on Class 2 Waters.)
- ▶ Activities in or disturbance of streambanks, shore line vegetation, wetlands, beaver ponds, or in silt or clay material is prohibited due to the impacts to fisheries, wildlife habitat, increased erosion, and stream re-routing.
- ▶ Contact information for the Wyoming Game and Fish Department (WGFD) is provided in **Attachment E**. Anyone conducting panning or dredging activities should contact the appropriate WGFD office for current stream information and site specific restrictions.

C. Prospecting Methods & Equipment

The best areas to search for gold are in gravel deposits, around boulders near the upstream end of pools where the current first starts to slow, in cracks and pockets in exposed bedrock, and around midstream boulders on the inside of a streambed at or near the head of a gravel bar where the larger materials have accumulated. These are also the areas where activities will result in the least damage to aquatic life and create the least instability in the stream channel.

- ▶ **All panning and dredging activities, including hand panning, must be confined to stream bottom gravels or areas well back from the streambanks to avoid undercutting or erosion of the stream bank or any disturbance of shoreline vegetation, and soils.**
- ▶ All small portable suction dredges must have a suction hose intake of **3** inches or less in diameter and powered by a **10** horsepower or less engine.
- ▶ Only materials removed from the stream may be placed back into the stream. Sluicing of materials originating outside of the specific stream is prohibited.
- ▶ ***All fueling and dredge servicing shall be done away from streams in order to prevent spills of fuels or lubricants in the streams.*** A petroleum sheen shall not be visible on the surface of the water during dredging activities. Storage areas for tools, refuse and fuel shall be as far away from streams and drainages as possible. Dredging and camping sites shall be left clear of litter and refuse. All refuse shall be disposed of away from the site in an approved waste disposal facility.
- ▶ Any increase in water turbidity caused by panning or dredging activities must settle or dissipate within *fifty (50) feet* downstream of the discharge point. If increased water turbidity is visible beyond fifty feet then the operation is likely in violation of WQD water quality standards and must be modified or discontinued.

- ▶ “High-banking” is a frequently used term which may have different meanings. Some people think of “high-banking” as just moving the “processing” location (i.e., instead of the water going through a dredge in the stream, the water goes through a sluice box set up outside the stream). Others think of “high banking” as excavating material from streambanks or other locations outside of a stream or its tributaries to process that material for its gold content. The latter type of activity is prohibited. In addition as outlined below, care needs to be taken with respect to “high banking” in which the sluice box is set up outside the stream.

There are three primary concerns related to “high banking.” One concern is that the discharged material may not settle within 50 feet of the discharge point. The second concern, related to the first, is that the discharge may cause erosion of the stream bank or land surface. These two concerns are often addressed by digging a small settling hole or series of check dams to slow the discharge and allow settling of solids. However, these holes and dams can be relatively large and, unless reclaimed, remain long after the activity is completed.

As mentioned previously, the Wyoming Environmental Quality Act allows for an exemption from permitting and bonding requirements for mining operations that involve only *minor* surface disturbances and are *infrequent* in nature (W.S. § 35-11-401 (e)(v)). These limitations must be kept in mind in relation to the disturbance created by high banking. In particular, settling holes or check dams should be as small as possible and reclaimed after use to minimize land disturbance and potential safety hazards. Those interested in high banking should check with the surface and mineral owners and land management agencies to determine site-specific restrictions and concerns.

- ▶ Use of metal detectors for removal of mineral specimens, with the same restrictions as for panning and dredging (e.g., within the high water line) may be allowed under “Non-commercial Recreational Panning & Dredging”. However, removal of artifacts or other uses of metal detectors unrelated to non-commercial, recreational searches for precious metals or gems are not allowed under “Non-commercial Recreational Panning & Dredging”. Those interested in using metal detectors must check with the surface and mineral owners and land management agencies to determine site-specific restrictions and concerns.
- ▶ Machines or explosives shall not be used to move in-stream boulders, logs, and other natural obstructions which are too large to move by hand.
- ▶ No tracked or wheel equipment shall be used in-stream.
- ▶ No damming or diversions of streams are allowed.
- ▶ All dredging and camping sites shall be accessed by existing roads and trails.

- ▶ Vehicle access to sites which involve ford crossings of Class I and Class II streams are not allowed.
- ▶ Panning and dredging sites shall not be within 500 feet of a developed campground. In a few instances, campground boundaries and mining claims may overlap. In these cases, the land management agency should be contacted.
- ▶ Dredging sites shall not be located within 100 feet of a bridge support, nor should the dredging interfere with any existing habitat improvement structure, stream channel improvements, gauging stations or diversions.
- ▶ Mercury or other processing extractive chemicals shall **not** be used.

ATTACHMENT A

Application Form for Noncommercial Recreational Panning and Dredging

MAIL TO:

Wyoming Department of Environmental Quality
Land Quality Division
122 West 25th St., Herschler 3W
Cheyenne, WY 82002

Dear WDEQ, LQD Staffer:

1. I understand the Wyoming Environmental Quality Act allows the Wyoming Department of Environmental Quality (WDEQ) Land Quality Division (LQD) to grant an exemption from permitting and bonding requirements for mining operations that involve only minor surface disturbances and are infrequent in nature (W.S. § 35-11-401(e)(v)). I have read Guideline No. 19, which provides information about LQD's concerns and restrictions related to Noncommercial Recreational Panning and Dredging, and I believe that I qualify for an exemption because my activities will cause minor disturbance and will be infrequent in nature. I hereby agree to comply with all of the conditions in Guideline 19 and submit this application for the current field season (i.e. July 1 to September 10).

2. My activities will be conducted with the following type(s) of panning or dredging equipment which I have identified:

Type:

_____ Dredge intake nozzle diameter (in) _____ Engine (hp)
_____ Schedule (dates) from _____ to _____ Average hours
worked/week

3. My activities will be conducted at the following location(s): List claim names , Township, Range, Section, and County here. Maps showing legal location shall be attached as additional pages.

4. I agree to get permission from all surface and mineral owners and land management agencies as required prior to conducting any gold seeking activities.

5. If I plan activities in future years in the same area, I will contact the LQD for a renewal. If I plan activities in areas not listed on this form, I will submit an additional application form(s).

Printed Name(s): _____ Signed:

Street Address: _____ Dated:

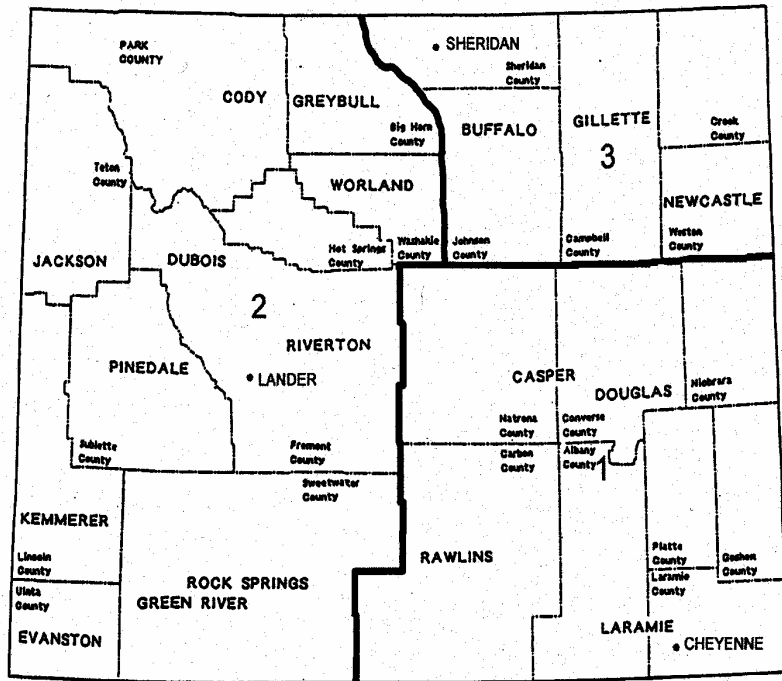
City/State/Zip Code: _____ Vehicle License # & State:

Phone # w/Area Code (home): _____ Phone # w/Area Code (work):

ATTACHMENT B

State of Wyoming Department of Environmental Quality Land Quality Division Districts

<u>LQD Website:</u> http://deq.state.wy.us/lqd.htm
<u>DISTRICT 1 - CHEYENNE</u> 122 West 25th Street, 3rd Floor West Cheyenne, WY 82002 Phone: 307-777-7756
<u>DISTRICT 2 - LANDER</u> 510 Meadowview Drive Lander, WY 82520 Phone: 307-332-3047
<u>DISTRICT 3 - SHERIDAN</u> 1043 Coffeen Avenue, Suite D Sheridan, WY 82801 Phone: 307-672-6488



ATTACHMENT C

Wyoming Offices - Bureau of Land Management, U.S. Forest Service, State Geological Survey

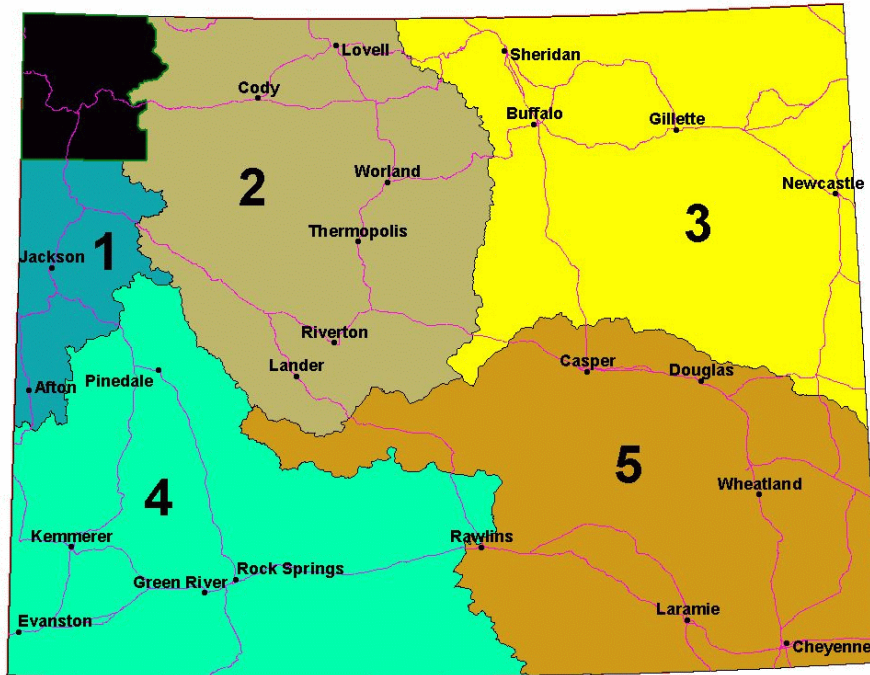
BUREAU OF LAND MANAGEMENT OFFICES	U.S. FOREST SERVICE OFFICES																																																
<p>Wyoming State Office 5353 Yellowstone Rd PO Box 1828 Cheyenne WY 82009-4137 (307) 775-6256</p> <p>Casper District Office 2987 Prospector Drive Casper WY 82604 (307) 261-7600</p> <p>Buffalo Field Office 1425 Fort Street Buffalo WY 82834-2346 (307) 684-1100</p>	<p>Rock Springs Field Office 280 Highway 191 N. Rock Springs WY 82901-3448 (307) 352-0256</p> <p>Cody Field Office 1002 Blackburn PO Box 518 Cody WY 82414-0518 (307) 587-2216</p> <p>Kemmerer Field Office 312 Highway 189 North Kemmerer WY 83101-9710 (307) 828-4500</p>																																																
<p>Newcastle Resource Area 1101 Washington Blvd Newcastle WY 82701-2972 (307) 746-4453</p> <p>Worland Field Office 101 South 23rd PO Box 119 Worland WY 82401-0119 (307) 347-5100</p> <p>Lander Field Office 1335 Main PO Box 589 Lander WY 82520-0589 (307) 332-8400</p>	<p>Big Horn National Forest 2013 Eastside 2nd Street Sheridan WY 82801 (307) 674-2600</p> <p>Bridger-Teton National Forest 340 N. Cache PO Box 1888 Jackson WY 83001 (307) 739-5500</p> <p>Black Hill National Forest RR 2, Box 200 Custer SD 57730-9501 (605) 673-2251</p> <p>Medicine Bow National Forest (incl. Thunder Basin Natl. Grasslands) 2468 Jackson St Laramie WY 82070 (307) 745-2300</p> <p>Shoshone National Forest 808 Meadow Lane Cody WY 82414-4516 (307) 527-6241</p> <p>Wasatch-Cache National Forest 8236 Federal Building 125 S. State Street Salt Lake City UT 84138 (801) 524-3900</p>																																																
<p>WY STATE GEOLOGICAL SURVEY</p> <p>Publications PO Box 3008 Laramie WY 82071 (307) 766-2286 http://www.wgsweb.uwyo.edu/</p>	<p>USFS RANGER DISTRICT OFFICES</p> <table border="0"> <tr> <td>Afton</td> <td>(307) 739-5350</td> <td>Laramie</td> <td>(307) 745-2300</td> </tr> <tr> <td>Big Piney</td> <td>(307) 276-3375</td> <td>Lovell</td> <td>(307) 548-6541</td> </tr> <tr> <td>Buffalo</td> <td>(307) 684-1100</td> <td>Meeteetse</td> <td>(307) 868-2536</td> </tr> <tr> <td>Cody</td> <td>(307) 527-6921</td> <td>Moran</td> <td>(307) 543-2386</td> </tr> <tr> <td>Douglas</td> <td>(307) 358-4690</td> <td>Mountain View</td> <td>(307) 782-6555</td> </tr> <tr> <td>Dubois</td> <td>(307) 455-2466</td> <td>Newcastle</td> <td>(307) 746-2782</td> </tr> <tr> <td>Encampment</td> <td>(307) 327-5481</td> <td>Pinedale</td> <td>(307) 367-4326</td> </tr> <tr> <td>Evanston</td> <td>(307) 789-3194</td> <td>Saratoga</td> <td>(307) 326-5258</td> </tr> <tr> <td>Greybull</td> <td>(307) 765-4435</td> <td>Sheridan</td> <td>(307) 672-0751</td> </tr> <tr> <td>Jackson</td> <td>(307) 739-5400</td> <td>Sundance</td> <td>(307) 382-1361</td> </tr> <tr> <td>Kemmerer</td> <td>(307) 877-4415</td> <td>Worland</td> <td>(307) 347-8291</td> </tr> <tr> <td>Lander</td> <td>(307) 332-5460</td> <td></td> <td></td> </tr> </table> <p>WY OFFICE OF STATE LANDS & INVESTMENTS</p> <p>3rd Floor West - Herschler Bldg. 122 West 25th Street Cheyenne WY 82002 (307) 777-7331 http://lands.state.wy.us/</p>	Afton	(307) 739-5350	Laramie	(307) 745-2300	Big Piney	(307) 276-3375	Lovell	(307) 548-6541	Buffalo	(307) 684-1100	Meeteetse	(307) 868-2536	Cody	(307) 527-6921	Moran	(307) 543-2386	Douglas	(307) 358-4690	Mountain View	(307) 782-6555	Dubois	(307) 455-2466	Newcastle	(307) 746-2782	Encampment	(307) 327-5481	Pinedale	(307) 367-4326	Evanston	(307) 789-3194	Saratoga	(307) 326-5258	Greybull	(307) 765-4435	Sheridan	(307) 672-0751	Jackson	(307) 739-5400	Sundance	(307) 382-1361	Kemmerer	(307) 877-4415	Worland	(307) 347-8291	Lander	(307) 332-5460		
Afton	(307) 739-5350	Laramie	(307) 745-2300																																														
Big Piney	(307) 276-3375	Lovell	(307) 548-6541																																														
Buffalo	(307) 684-1100	Meeteetse	(307) 868-2536																																														
Cody	(307) 527-6921	Moran	(307) 543-2386																																														
Douglas	(307) 358-4690	Mountain View	(307) 782-6555																																														
Dubois	(307) 455-2466	Newcastle	(307) 746-2782																																														
Encampment	(307) 327-5481	Pinedale	(307) 367-4326																																														
Evanston	(307) 789-3194	Saratoga	(307) 326-5258																																														
Greybull	(307) 765-4435	Sheridan	(307) 672-0751																																														
Jackson	(307) 739-5400	Sundance	(307) 382-1361																																														
Kemmerer	(307) 877-4415	Worland	(307) 347-8291																																														
Lander	(307) 332-5460																																																

ATTACHMENT D
Wyoming Class 1 Waters

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles below Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream of Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above U.S. Forest Service boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake; and
17. Wetlands adjacent to Class 1 waters are also treated as Class 1.

ATTACHMENT E

CONTACT INFORMATION FOR THE WYOMING GAME & FISH DEPARTMENT



Statewide Information

Wyoming Game and Fish Dept.
Information Section
5400 Bishop Blvd.
Cheyenne, WY 82006-0001
1-800-842-1934 (Wyoming)

Drainage Area 1

Regional Fisheries Supervisor
Box 67
Jackson, WY 83001
1-800-423-4113 (Wyoming only)
or 1-307-733-2321

Drainage Area 2

Regional Fisheries Supervisor
260 Buena Vista
Lander, WY 82520
1-800-654-7862 or 1-307-332-2688

Drainage Area 3

Regional Fisheries Supervisor
Box 6249
Sheridan, WY 82801
1-800-331-9834 or 1-307-672-7418

Drainage Area 4

Regional Fisheries Supervisor
351 Astle Ave.
Green River, WY 82935
1-800-843-8096 or 1-307-875-3223

OR, Regional Fisheries Biologist

Box 850
Pinedale, WY 82941
1-800-452-9107 or 1-307-367-4353

Drainage Area 5

Regional Fisheries Supervisor
528 S. Adams
Laramie, WY 82070
1-800-843-2352 or 1-307-745-4046

OR, Regional Fisheries Supervisor

3030 Energy Dr., Suite 100
Casper, WY 82604
1-800-233-8544 or 1-307-473-3400