



## City of Yreka

701 Fourth Street • Yreka, CA 96097



### Gold Panning Information

February 2013

Visitors and residents frequently ask for information about gold panning within the City. The following is a summary of the current available information to help staff answer these questions.

The short answer is that prospecting, including gold panning, can be pursued only with property owner permission.

- The Yreka Municipal Code Section 16.72 governs mining within the City of Yreka.
- Penal Code 602 (e) makes it a trespass to do any “digging, taking, carrying away from land in any city...without the license of the property authorities...”
- The City does not currently allow mining on any of its property, including Greenhorn Park, and property it owns along Yreka Creek.
- The City also owns property adjacent to Greenhorn Park (~ 2 miles upstream) that is outside the City Limit and not officially designated as a part of the park. These areas have been posted “No Trespassing”.
- Yreka Creek and its tributaries are designated critical habitat for the State and Federally listed Coho Salmon.

Some people mistakenly believe that all waterways are public. This may be true in some states (i.e. Oregon), however it is not true in California (with some exceptions). Creeks and any minerals on or under the land are typically part of the “property” of the property owner (again, with exceptions).

There are distinctions in some of the regulations between panning, use of hand tools (i.e. shovels, pickaxe), use of equipment (i.e. sluice box), and use of power equipment (dredges, etc). There are significant limitations on the size and scope of “recreational prospecting” before they are considered to be “commercial operations”.

Because of the potential for adverse environmental impacts, several other agencies and state laws may have relevant requirements, including:

- Siskiyou County - covers mining, mineral extraction, land use, and environmental considerations, among other things.
- California Department of Fish and Wildlife (formerly Fish and Game) –oversees use and changes to riparian areas and wildlife resources, and enforces the California Endangered Species Act.
- US Department of Fish and Wildlife – helps enforce the federal Endangered Species Act.
- North Coast Regional Water Quality Control Board – regulates activities that can cause negative impacts to water quality.
- State Mining and Geology Board - regulates surface mining and reclamation practices.
- US Army Corps of Engineers – regulates activities affecting the bed, bank, and channel of watercourses
- US Bureau of Land Management – oversees claims and extracting mineral resources from public lands.
- US Forest Service - regulates the surface use of public lands through Forest Management Plans.
- California Endangered Species Act – regulates activities affecting state listed endangered species
- California Environmental Quality Act – regulates all activities with the potential to affect the environment
- California Surface Mining and Reclamation Act of 1975 (SMARA) – regulates mining in the state
- There is a complete prohibition on suction dredging in Fish and Game Code 5653.1 (SB 1018)