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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: March 9, 2009

MEMORANDUM TO THE DIRECTOR

INFORMATION: Natural Resources Commission

SUBJECT: Order to Regulate the Use of Lands in the State of Michigan
Recreational Panning/Sluicing of Gold and Other Minerals
Land Use Order of the Director Amendment No. 2 of 2009

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

This amendment to the Land Use Orders of the Director is submitted to provide for recreational panning and sluicing for the collecting of gold on state-owned mineral and surface lands and riparian rights along rivers and streams.

It is proposed that searching for and collecting small amounts of gold from state-owned surface lands and streams as a recreational-type hobby, be allowed on state-owned mineral and surface land (fee lands) locations under the following conditions:

- (1) Excavation, digging, or otherwise disturbing the banks of a stream or river is not allowed.
- (2) Gold panning and sluicing is not allowed in any stream or river segment if stream mussel beds are known to occur or are encountered while panning or sluicing.
- (3) Gold panning or sluicing is not allowed in designated trout streams, natural rivers, or natural areas.
- (4) A hand-operated sluice used on state riparian rights along all streams and rivers may be no greater than 52 inches long, 12 inches wide, and 6.5 inches deep
- (5) No power sluices or dredging are allowed under this Land Use Order.

NATURAL RESOURCES COMMISSION
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- (6) The approved cumulative limit on the amount of gold found, removed, and kept under this activity, shall be one-half (1/2) Troy ounce, or 15.55 grams, per person per year.
- (7) All other applicable laws, rules and requirements must be observed.

Recommendation:

We recommend that this amendment to the Land Use Orders of the Director be signed and implemented immediately to allow recreational-type gold panning on State-owned lands.

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

Ronald A. Olson, Chief
Parks and Recreation Division

Russ Mason, Chief
Wildlife Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

David Freed, Chief
Office of Land and Facilities

Armindia S. Koch
Resource Management Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 2 of 2009

By authority conferred on the Director of the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

8.4 Recreational gold panning and sluicing on state owned lands (state-owned mineral and surface lands); prohibited conduct.

Order 8.4 (1) Recreational gold panning and sluicing activities are allowed adjacent to and within rivers and streams on state-owned mineral and surface lands except for the following:

- (a) Excavating, digging, or otherwise disturbing banks of a stream or river.
- (b) Gold panning or sluicing in any stream or river segment if stream mussel beds are known to occur or are encountered while panning or sluicing.
- (c) Gold panning or sluicing in designated trout streams, natural rivers, or natural areas.
- (d) Use of a hand-operated sluice box larger than 52 inches long, 12 inches wide, and 6.5 inches deep, or any type of power sluice box or dredge.
- (e) Removing gold in excess of one-half (1/2) troy ounce, or 15.55 grams, per year, per person, from state-owned mineral and surface lands and streams and rivers

This amended order shall be posted on or after April 3, 2009.

Issued on this 2nd day of April, 2009.

Rebecca A. Humphries
Director