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◆ **The Council Reporter** ◆

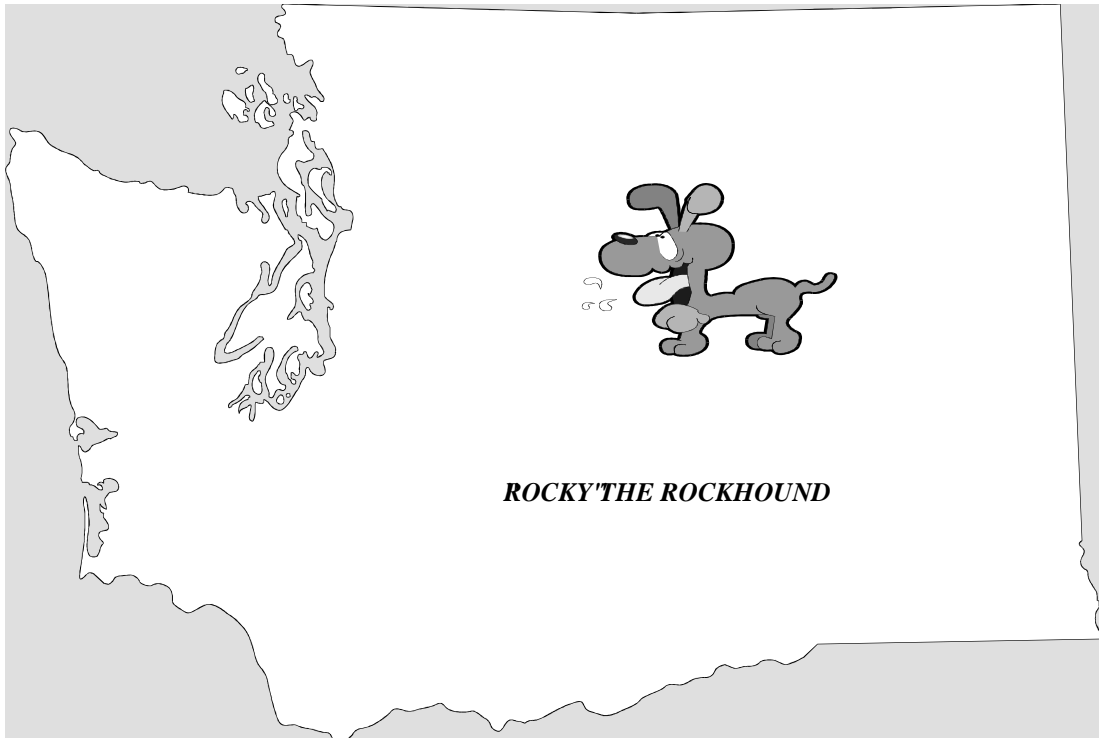
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**Official Publication of the  
Washington State Mineral Council**

**WASHINGTON STATE MINERAL COUNCIL  
2014 OFFICERS**

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Wagonmaster	open		

**The West Side Board meets the third Tuesday of each month between Quarterly meetings, unless a meeting is specially called. Usually no meeting in July and December dependent on Board action.**

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**Combined Meeting Minutes**

04/05/2014

The meeting was called to order at 9:30AM at the Palace Café in Ellensburg, WA by President Perry Gulsvig.

Kathy Earnst gave the treasurer's report

Bob Pattie gave the legislative report. He discussed the Blue Mountain Forest Service Management Plan. He also reported on the progress of House Bill (HB33590), this is regarding access to roads for sportsmen on government lands. There is still no decision on the Whiskey Dick area. The Teanaway Community Forest now has a newsletter available.

Stu Earnst reported on the upcoming Walker Valley lease renewal and other groups coming in and causing problems which are then blamed on the Mineral Council. The result is that the DNR wants to greatly increase the lease fee. Stu suggested that we get a permit to go to Walker Valley rather than a lease as permits are free. A discussion followed, a vote was held and passed to raise the cap on the Walker Valley lease at \$500/year. Bob Pattie suggested that each trip leader to Walker Valley be given a questionnaire to fill out regarding conditions encountered there.

Ed Lehman said that they are working on finding a leader for the Tunk Creek field trip following the passing of Jim Lawson.

Hopefully, Darrington will be accessible via Hwy 530 by the time the field trip and show are held.

There is one complete box of display rocks now available that can be kept in Eastern Washington so that a trip across the mountains won't be necessary to have them displayed there. A search for a storage site in Eastern Washington is underway. The site will likely be in Ellensburg or Yakima. Ed will bring the rocks to the new guardian at the next meeting.

Ed said he has maps with directions to get to different field trip site meeting areas in a PDF that can be sent to all trip leaders upon request.

Old business: Election of officers.

The following were elected:

President—Lisa Bishop

VP—Perry Gulsvig

2nd VP—Vesta Bettinger

Secretary—Diane Myers

Treasurer—Kathy Earnst

Past Pres.—Perry Gulsvig

East side trustees—Steve Townsend, Dale Geer, Dave Mastin, Jim Landon, Aaron Wigant

West side trustees—Gordon Lyons, Tony Shackman, Stu Earnst, Bob Pattie, Glenn Morita, Ed Lehman.

Stu Earnst and Jackie Pattie had birthdays and were served cake.

**May 3, 2014**  
**Combined Board Meeting**  
**AGENDA**

Pres. Opening of Meeting

Treasurer's Report

◇ Kathy Earnst

Committee Reports

◇ Wagonmaster

Old Business

New Business

Open Comments

Adjourn

**Tentative Meeting Calendar for 2014**

West side board meetings:

1/21, 2/18, 4/15, 6/17, 10/21

At 7:30PM at the

Maplewood Clubhouse

8802 196th St SW, Edmonds

General meetings :

4/5, 5/3, 9/20, 11/1

All general meetings will be held at:

Palace Café

4th & Main

Ellensburg

Meeting @ 9:30 AM

There were 18 in attendance representing 8 clubs.

Respectfully submitted,

Diane Myers, Secretary

**RS 2477 Roads , Rights-of-Way,  
and Our Public Lands**

Federal and State Public Lands Management Agencies are moving forward with their plans to update, revise and chart the course of Public Land Management policy on our lands for the next 15 to 20 years. We all need to be reminded and aware of some simple facts as this process plays out on Public Lands within Washington State and elsewhere in our nation. There are some fundamental truths regarding the "RS 2477" law which I would like to share with you in hopes they might not be forgotten and lost in this process of change.

What is RS 2477 you ask! It is a simply worded and straight forward law. The entire text of RS 2477 reads as follows, "The

*(Continued on page 4)*

*(Continued from page 3)*

right-of-way for the construction of Highways across public lands not reserved for public purpose is hereby granted.”

In 1976 Congress specifically and clearly reaffirmed the validity and intent of RS 2477. Having become a law in 1866 there are those with a mindset now, who argue that RS 2477 is not relevant and consistent with modern public land management policy. But when Congress repealed RS 2477 twenty-two plus years ago and replaced it with many other laws found within the Federal Land Policy and Management Act (FLMPA) they also specifically and explicitly reaffirmed all RS 2477 grants previously made. RS 2477 was a self-executing law. When the conditions were met, the right-of-way was made. No further action by the grantee or by Congress was necessary to validate it.

Congress specifically by-passed the Executive Branch of the Federal Government in making RS 2477 grants. Under our Constitution, Congress has the exclusive power to manage and dispose of public lands and property (Article IV, Section 3: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other property belonging to the United States;"). In 1976 when Congress reaffirmed the RS 2477 right-of-way granting process as original established, it had the total power to do so. The Federal land management agencies really then have no authority over public lands beyond what Congress delegates to them.

This RS 2477 right-of-way grant is a property right. Therefore, it enjoys the same constitutional and legal protections as any other property. Legally, when the grant was made, the federal government's interest in the land underlying the right-of-way became the "servient estate" and the interest of the right-of-way grantee became the "dominant estate". That means that while the federal government is protected against unnecessary or undue damage to the land underlying the right-of-way, it cannot interfere with the grantee's exercise of its rights.

The RS 2477 grant also conveyed a bundle of associated rights. These include the right to maintain the road and even upgrade the road. This federal law also is different because state law plays a major role. It can partially determine the scope of these associated rights, how the requirements of the grant offer were met, as well as the width of the right-of-way granted.

It is legally incorrect to call RS 2477 assertions "claims." The term "claim" suggests that there is some process which must still be followed before the RS 2477 right-of-way is fully granted and valid. In reality, the grant was either validly made before RS 2477 was repealed in 1976 or it was not. If it was, then it is not a claim but a valid grant, and the grantee asserts its validity. If it was not, then it cannot be asserted under a repealed law. The anti-access activists and some federal bureaucrats like to talk about "claims" to confuse the issue. When someone talks about RS 2477 "claims," they are either con-

fused or deceptive.

Congress granted a right-of-way, not a road. In fact, RS 2477 rights-of-way can host a number of things besides roads. The legal definition of "highway" in the law means not only the frequently-traveled, periodically-maintained roads commonly associated with it, but also other kinds of public ways, including carriage-ways, bridle-ways, foot ways, trails, bridges, and even railroads, canals, ferries and navigable rivers. The essential element in defining "highway" is that whatever the means of transport, the public has the right to come and go at will.

The present physical condition of a road is totally irrelevant to whether a valid RS 2477 right-of-way exists. This should be obvious, but this is the point on which the anti-access folks are spreading the most misinformation. Whether a road is barely visible on the ground or even has been obliterated for any other reason, the legal status of the right-of-way is not affected. The grantee can legally re-establish the road even if it has totally disappeared. It follows, then, that it is also impossible to determine whether a valid right-of-way exists simply by looking at it. A right-of-way can only be relinquished or abandoned in accordance with state law.

A valid RS 2477 road can be established merely by the passage of vehicles. The case law and federal policy for over a century are clear: construction by machinery is not required to do so. Anti-access forces are frantically trying to convince the public otherwise. Don't be misled.

No federal land management agency can determine the validity of an RS 2477 assertion. The agency can only determine for its own administrative purposes whether or not it will recognize the assertion as valid. Constitutionally, only a court can determine the validity.

No federal agency has the authority to close an RS 2477 road for any reason, period. This follows logically, but many federal bureaucrats think they have this authority and try to act accordingly. When next you run into one, outline the points listed here and ask them to cite the legal authority by which they claim they can close an RS 2477 road. Ties them in knots.

Source: Western Counties' Resources Policy Institute

Submitted by Andrew Johnson

## Westside Board Meeting Minutes

04/15/2014

The meeting was called to order by President Lisa Bishop Waters. There were 11 members and one guest present.

Kathy Earnst gave the treasurer's report

*(Continued on page 5)*

*(Continued from page 4)*

**Old business:**

Stu Earnst met with the DNR regarding the pit at Walker Valley. They went to the pit and discussed the gate, trash, and other conditions. It was agreed that there will be no more locks on the gate for 6 months. DNR is to inform the WSMC about conditions at the pit and when ORV'ers are having poker runs. We are also to be informed when there is blasting for new rock removal.

It was also decided that we could continue with last years lease fee. A motion was m/s/p to renew the lease at that rate, \$615.84 for 5 years, the same as the previous lease. The WSMC also has a \$1000 bond for Walker Valley.

There is parking for only one or two vehicles at the gate. The rest will have to park at the ORV park. Be sure not to block the "go around" for jeeps. When any problems arise, including the discharge of firearms, you are advised to call 911, NOT the local DNR office.

**New business:**

There was a discussion of the insurance policy coverage and it was determined that we need to look into updating the coverage. Also, please remember that the policy only covers the WSMC's liability, NOT any personal injury. The liability coverage is for \$2 million and \$1 million per incident.

We need to get a fresh copy of the insurance policy to the DNR Ed Lehman said we should make a copy of the policy for our records before submitting it to the DNR.

Bill Cook of the Cascade Mineralogical Society recently passed away. He was a long time member going back many years.

With the passing of Jim Lawson, the Tunk Creek Thulite trip has been canceled.

Access to the Darrington rock show will probably not be via Highway 530 due to the severity of the landslide. However, the Mountain Loop Highway will be open.

Stu and Bob Pattie said they will go to Olympia when they can to talk to the DNR and other people about new legislation and other issues important to rockhounds.

The date for the Madras-Prineville show/trip is on a different weekend this year. Be sure to check that your reservations are for the right weekend.

Meeting Adjourned at 8:45pm  
Respectfully submitted,  
Diane Myers, Secretary

## WALKER VALLEY UPDATE

Stu Earnst wants to make sure that he knows about any group planning a field trip to Walker Valley after June 1. Trip leaders are advised to call Stu at least one week and preferably two weeks before the trip. This way Stu can make sure that there is a lock on the gate. This is to ensure that the collectors can get into the pit.

### Yakima Rockhounds to Help the Ginkgo State Park

Plans for the Yakima Rock and Mineral Club, Inc in conjunction with the Washington State Parks Curator of Collections, Alicia Woods and Steve Excell, State Archivist for the Secretary of State Archives, to move the Frank Bobo Collection from Seattle to the Ginkgo State Park Interpretive Center in Vantage has been scheduled for May 3, 2014. This exciting project will bring this geologically significant historical collection back to its origin.

The petrified wood specimens were collected by Frank Walter Bobo, who was born March 4, 1894 in California. According to Wikipedia, "he became a 'desert rat' digging petrified logs from the arid hills of Kittitas and Yakima counties. He was commissioned to collect, saw, and polish the specimens for the museum." Bobo's rock saw and homemade polishing unit will, also, be moved back to the interpretive center.

Opportunities to restore, paint, and operate the equipment is also in the works.

This project gives the Yakima Rock & Mineral Club, Inc. the perfect opportunity to fulfill its Purpose Statement "To bring about a closer association of those interested in the earth sciences in all its many facets."

And, there is still, opportunity to participate in this exciting project, and another truck is needed. Please contact Dwayne Drake at 509.972.0799 to join this effort. Petrified wood was named the Washington state gem by the state legislature on March 12th of 1975.

from Yakima Rock and Mineral Club News 04/14

## WSMC FIELDTRIPS 2014 ( Will be updated—see mineralcouncil.org )

The Washington State Mineral Council plans guided fieldtrips to collecting sites. Open to member clubs, and the general public. Most trips are free. Included will be Pow Wow trips (must join to go on trips). Host clubs and contact persons will be set up as I gather info. For now, go to mineralcouncil.org for updates, or contact Ed Lehman @ wsmced@hotmail.com , or home (425) 334-6282 cell (425) 760-2786.

Date	Host	Site	Meeting place and time	Material	Tools
01/18	Kit	Beaver Valley	10:30 @ info Center BeaverValley Rd	Chert & Zeolites	Hard rock tools
02/15	Msvl	Cedar Ponds	9:00 @ Monroe Jack n Box	Jasper	Dig & Lt hard rock tools
03/15	Msvl	Cherry Creek	9:00 @ Duval Safeway	Jasper	Dig, Lt hard rock, wading
04/12-13	POW	Saddle Mt Mattawa, WA	8:00 @ boat launch	Petrified wood	Dues required \$7.50/each \$15/family
04/19	MtBkr	Racehorse Creek	9:00 @ IGA @ Nugents Corner	Fossils	Dig & Lt hard rock tools
05/17	Elb	Saddle Mt	9:00 @ Matawa Leprechaun Market	Petrified wood	Dig, Lt hard rock
06/01	<b>Canceled</b>	Tunk Creek, Riverside, WA	9:00 @ store (park)	Thulite -\$1 #	sm sledge hammer
06/14	Spk	Emerald Creek	9:00 @ Emerald Creek Star Garnet Area, Idaho	Star garnet	Tweezers
06/25-29	POW	Madras, OR	8:00 @ Fairgrounds see dues above	Petrified wood, agate, jasper, T-Eggs -\$1 #	
07/13	Spk	Lolo Pass	8:00 @ Lolo Hot Springs	Smokey quartz	Dig, Lt hard rock
07/19	Msvl Darrington	Darrington Rock Show	11:00	Travertine	Hard rock tools
08/02	Shltn	Salmon Creek	I-5 Park & ride in Toledo	Agate, petrified wood, pseudo coprolites	Wading
08/16/	NWOS	Greenwater	9:00 @ Enumclaw Ranger Station	Agate, Jasper	Dig, Lt hard rock
09/6-7	POW	Red Top	8:00 @ camp (W fork M fork jct) Dues, see above	Agate, geodes, jade, jasper	
09/13	NWOS	Little Naches	9:00 @ Enumclaw Ranger Station	Thunder-Eggs	Dig, Lt hard rock
10/04	Msvl	D.P. Mine & H.T. Creek	9:00 @ Money Creek Camp	Ore, picture Jasper	Lt hard rock, light
11/08	MtBkr	Blanchard Mt	9:00 @ I-5 240 exit gas Station	Stilpnomelane & Chert	Hard rock tool

**Host Club Contact Info**

Kit = Kitsap M & G Soc— T B D

Msvl = Marysville R & G Club - Ed Lehman wsmced@hotmail.com (425) 334-6282 or (425) 760-2786

MtBkr = Mount Baker R & G Club—Kris Menger @ (360) 927-0994 kmenger@comcast.net

Elb = Ellensburg R Club—Steve Townsend—(509) 933-2236 srtrocks@aol.com

Spk = Spokane Rock Rollers—Mike Shaw—(509) 244-8542 mikeshawmoose@yahoo.com

NWOS = Northwest Opal Soc—Tony Johnson—(253) 863-9238

This is just a work in process. Participants please respond for corrections and updates.

Thanks, Ed

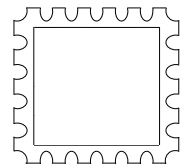
## Local Area Shows for 2014

April 2014 26th 10am - 5pm 27th 10am - 4pm	Grays Harbor Geology and Gem Society	Annual Rock Show	Grays Harbor Fair Grounds 43 Elma-McCleary Road Elma, WA
April 2014 26th 10am - 5pm 27th 10am - 4pm	Lakeside Gem & Mineral Club	Annual Rock & Mineral Show	Benton Franklin County Fairgrounds 1500 S. Oak Kennewick, WA
April 2014 26th 10am - 5pm 27th 10am - 5pm	West Seattle Rock Club	47th Annual Rock Show	Alki Masonic Temple 4736 40th Ave. SW. (W Seattle), WA
May 2014 3rd 9am—5pm 4th 10am—5pm	Everett Rock and Gem Club	61st Annual show	Everett Community College Student Fitness Center, 2206 Tower St Everett, WA
May 2014 3rd 9am—5pm 4th 10am—4pm	Umpqua Gem & Mineral Club	44th Annual Show	Douglas County Fairgrounds I-5 Exit 123 Roseburg, OR
May 2014 10th 10am - 6pm 11th 10am - 4pm	Bozeman Gem & Mineral Club	Annual Rock Show	Gallatin County Fair Grounds 901 N. Black, Bldg. #1 Bozeman, MT
May 2014 17th 10am - 5pm 18th 10am - 4pm	Tall Man Rock Chippers	Annual Rock Show	Lake County Fair Grounds 1900 N. 4th Lakeview. OR
May 2014 17th 10am - 6pm 18th 10am - 4pm	Bitterroot Gem and Mineral Society	Treasures from the Universe	Ravalli County Fairground First Interstate Center 100 Old Corvallis Road Hamilton MT
June 2014 6th 12pm—5pm 7th 10am—5pm 8th 11am—4pm	Puyallup Valley Club	Annual show	Swiss Park 9205 198th Ave. E. Puyallup, WA
June 2014 7th 9am—5pm 8th 10am—4pm	North Idaho Mineral Club	Annual Show \$2 adults, 12 and under free w/ Adult	Kootenai County Expo and Event Center Kathleen and Gov't Way, 1 block off Hwy 95, Coeur d'Alene ID
June 2014 14th 10am—6pm 15th 10am—4:40pm	Oregon Coast Agate Club	51st Annual Gem and Mineral Show \$2 adults, 12 and under free w/ Adult	Yaquina View Elementary School Multipurpose Room 351 SE Harney Street Newport OR 97365
June 2014 14th 10am—5pm 15th 10am—5pm	Butte Mineral and Gem Club	Annual Gem and Mineral Show	Butte Civic Center Annex 1340 Harrison Avenue Butte MT
July 2014 18th 10am—5pm 19th 10am—5pm 20th 10am—4pm	Lower Umpqua Gem & Lapidary Society	Treasures from the Earth Rock and Gem Show	Reedsport Community Building 415 Winchester Avenue Reedsport OR
August 2014 8th 10pm—4pm 9th 10am—4pm 10th 10am—4pm	Far West Lapidary & Gem Society	52nd Annual Gem and Mineral Show	North Bend Community Center 2222 N. Broadway North Bend, OR
August 2014 15th 10pm—6pm 16th 10am—6pm 17th 10am—4pm	Hatrockhounds Gem & Mineral Society	2014 NFMS Show and Conference	Hermiston Conference Center 415 S. Hwy. 395 Hermiston, OR

Combined Board Meeting  
May 3, 2014  
9:30 AM

Palace Café  
4th & Main  
Ellensburg

COUNCIL REPORTER, Monthly publication of The  
Washington State Mineral Council



WASHINGTON STATE MINERAL COUNCIL  
27871 Minkler Road  
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