

Metal Detecting Hobby Talk

Serving The Metal Detecting Community

MDHTALK News Brief



World Wide Hobby News



August 2021

Metal Detecting Hobby Talk News Brief

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Support The Hobby

I would like to point out to the News Brief readers that there are a number of organizations taking on the challenge against various types of legislation dealing with metal detecting and gold prospecting. MDHTALK's recommendation is to visit their website and give strong consideration to joining the fight. In some cases your support may be to send emails and / or write a letter to specific legislators or to provide funds to help with the fight. Here are the organizations and a link to their website.

[Go to the Join The Fight MDHTALK Webpage to read more about each of these organizations](#)

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What is a News Brief? The news brief provides a brief look into any news event. The intent of the news brief is to provide you, the reader, with news clips on what was taking place in the hobby last month. To read the whole story select the Article Link or go to [MDHTALK.org](#). There are more news stories placed on the MDHTALK website for July the news stories listed in the MDHTALK News Brief are just a portion of all the hobby related news reported the past month. **The news Brief is now available in Adobe PDF format, there is a link at the top of this webpage.** The news brief is no longer emailed; it is only available on the MDHTALK website and can be downloaded.

The Website's featured article for this month is: Metal Detecting Etiquette

Recreational Metal Detecting is becoming a very popular pastime as more people enter retirement. Due to some great finds in England the hobby is getting greater publicity through the news media, internet forums, individual websites and of course YouTube videos. Many recreational metal detectorist developed their skills and ethics as the hobby developed and matured, however, over the past few years many new retirees have or are about to enter the hobby. These new hobbyist have no prior experience or knowledge as to how to legally or actually practice metal detecting in the field. This article will focus on just one aspect of the hobby - metal detecting etiquette.

So what might be the definition of metal detecting etiquette?

Etiquette for metal detecting can be defined as a form of ethical behavior regarding metal detectorist responsibility, the actions of detectorist in their dealings with each other, the use of land, abiding by the law, practicing correct and acceptable social behavior in the field and by adhering to the Metal Detecting Code of Ethics.

Metal Detectorist Responsibility.

The term Responsible Metal Detecting in the U.S. is rarely used or defined. I have used the term in a number of articles but have never really thought about what this term encompasses. Here is a link to a short article that will provide some definition. [MDHTALK Link to Responsible Metal Detecting](#) article.

The article highlights are:

- *Know and Follow the Law*
- *Gain Permission*
- *Always Apply the Metal Detecting Code of Ethics*
- *Join a Metal Detecting Club*
- *Understand the Potential Cultural Value of Your Find*
- *Volunteer Your Services to the Hobby*

Detectorist actions and dealings with each other.

Recreational Metal Detecting is a hobby that can either be practice alone, with a partner or with a group of fellow hobbyist. While metal detecting alone and especially on beaches there can be occasions where another detectorist may be detecting in the same area as yourself. In these situations there are some etiquette standards that should be considered: [Read and View the Complete Article](#)

MDHTALK

[Event Calendar](#)

[August](#)

General U.S. and World Wide Hobby News

- KEY WEST TREASURE DIVERS STRIKE GOLD — AND SILVER — ON FAMOUS SHIPWRECK. [Article Link](#)
- VIDEO: Pro ring finder recovers 2 lost wedding rings from Mission lakes, reunites with happy owners. [Article Link](#)
- In search of buried treasure: More people discovering metal detecting as a hobby. [Article Link](#)
- TSA returns lost diamond to owner after it fell off woman's engagement ring. [Article Link](#)
- Former students race to find time capsule before abandoned school is torn down. [Article Link](#)
- Lost dog tag of Wareham's 'Thermometer Man' pulled from sand and returned to family. [Article Link](#)
- Inca breakthrough after 'greatest treasure ring ever found in America' uncovered on beach. [Article Link](#)
- Metal detecting club helping Central Texas find artifacts, friendship. [Article Link](#)
- DESTIN — Joseph Miron is a modern day treasure hunter. [Article Link](#)
- Metal Detectorist Helps Beachgoers Find Lost Rings. [Article Link](#)
- \$10,000 Utah hidden treasure found: 'Overwhelming and humbling'. [Article Link](#)
- 5 Reasons Metal Detecting Is A Great Hobby For Seniors. [Article Link](#)
- Op-Ed: The Hoax of Oak Island. [Article Link](#)
- 7 Reasons to Try Metal Detecting as a Hobby. [Article Link](#)
- Gun shop owner continues search for Civil War-era artifacts in Marion County. [Article Link](#)
- Man metal detecting drowns at Lake Tahoe beach. [Article Link](#)

U.K. News

- 3,000-year-old Bronze Age tools found in Shropshire are declared treasure. [Article Link](#)
- Amateur Metal-Detectorist Finds Viking 'Piggy Bank' Filled With 1,000-Year-Old Silver Coins. [Article Link](#)
- Hoard of coins declared treasure. [Article Link](#)
- Pictures show shotgun stock and cartridges pulled from Union Canal by Edinburgh magnet fishers. [Article Link](#)
- Costain HS2 archaeologists uncover 300-coin Iron Age hoard. [Article Link](#)
- Digging up Cornwall's forgotten past. [Article Link](#)
- Mystery North Norfolk treasure 'could be sword-related'. [Article Link](#)
- Metal detector: Has this treasure hunter struck it lucky and dug up a fortune? [Article Link](#)
- Man discovers 19th century 'witch bottle' containing hair, urine and a human tooth. [Article link](#)
- Archaeologists to recover lost World War II US bomber crew in West Sussex field. [Article Link](#)
- Gold ring from 17th century found by Helensburgh metal detectorist. [Article Link](#)

NNorth America Archaeology News

- Scattered pieces of history: Historians piece together evidence of Gov. Walker home, grave sites. [Article Link](#)
- Ball State's Applied Anthropology Laboratories Digging Into Muncie's History. [Article Link](#)
- UNF archaeology students unearth artifacts from almost 500-year-old Native American village. [Article Link](#)
- Items found by archaeologists at future Remembrance Park point to past memorial site. [Article Link](#)
- Harvard returning Standing Bear's tomahawk to Ponca Tribe in Nebraska. [Article Link](#)
- Chickasaws repurposed objects from fleeing Spanish conquistadors. [Article Link](#)

Other News Sources

- **American Digger Relic Roundup.** For diggers and collectors of history. An hour long program every Monday Night at 9:00 PM eastern standard time. Join your hosts Butch Holcombe, Jeff Lubbert and Heath Jones as they explore the past. Learn more about Metal Detecting, Treasure hunting in all it's forms, and the preservation of history. [July Pod Cast Link](#)
- **Archaeology and Metal Detecting Magazine** present the BIG metal detecting podcast. A weekly show bringing all areas of history together with our guests, news and much more. [July Pod Cast Link](#)
- **Coin World** - Numismatic and Coin Collecting [July News](#)
- **Garrett Searcher July-August Searcher**
- **Gold Prospectors Assn of America (GPAA)** - News on legal issues for the gold prospecting community [July News](#)
- **Mel Fisher Salvage Update**
- **PLP Grand Raffle Press Release**
- **Prospecting and Mining Journal (IMCJ)** [July News](#)
- **The Archaeology and Metal Detecting Magazine** The Archaeology and Metal detecting magazine are one of the lead online sites in their genre. Offering multiple platforms for Archaeological, Historical and metal detecting news, articles, research areas and much more. [July News](#)
- **1715 Fleet Society** [August Newsletter](#)

Jewelry Returns

- Engagement ring lost to the sea by Kilkenny resident has been located. [Article Link](#)
- Class ring lost in Florida Keys waters found 36 years later. [Article Link](#)
- The Ringfinder: Southernmost Metal Detector Returns Coast Guard Academy Class Ring Lost [Decades Ago](#)
- DESTIN — Joseph Miron is a modern day treasure hunter. [Article Link](#)
- 11 years of meaning nearly gone if not for help of strangers at Bluffer's Beach. [Article Link](#)
- Queensland couple's relief as 'treasure hunter' finds lost engagement ring. [Article Link](#)
- Morris County Man Reunites Woman With Gold Class Ring Found Buried After Nearly 40 Years. [Article Link](#)
- 1963 class ring found in creek, to be returned to original owner. [Article Link](#)
- Engagement Ring lost in England's Biggest Lake Two Days after Proposal Recovered by Freediver. [Article Link](#)
- One in a Million! Good Samaritan Finds Lost Wedding Ring in CNY Strawberry Field. [Article Link](#)

W.W. Meteorite News

- 4.6 billion-year-old meteorite found in horseshoe footprint. [Article Link](#)
 - Autonomous drones learn to find 'hidden' meteorite impact sites. [Article Link](#)
 - HELENA — The rockets' red glare wasn't the only spectacle lighting up the Montana sky over the holiday weekend. [Article link](#)
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Event News

Metal Detecting & Gold Prospecting Events.

Now is the time to start planning and getting your club's 2021/22 hunt information on the web. The sooner it is out and available to the metal detecting community the greater the chance for people to see it and give your event some consideration.

- **August 14, 2021** (Two Days)
Duryea, Pennsylvania
37th Annual Black Diamond Treasure Hunt
Black Diamond Treasure Hunters Club
- **August 21, 2021** (Two Days)
New Concord, Ohio
42nd Annual Buckeye Championship
Treasure Hunt
Don & Bill Hayes

- **August 24, 2021** (Five Days)
Athens, Michigan
2021 Diggers Dirt Party at Athens
LDMA-Lost Dutchman Mining Assn

[Select here to View the Complete Event](#)

[Add Your Event Information Here](#)

Check out your event before going it may have been postponed or canceled.

PLP August 2021 Many people have requested we offer our opinion of the June 4th Clean Water Act Federal decision in ICL v. Poe [Press Release](#)

The Idaho Conservation League (ICL) filed a lawsuit against gold miner Shannon Poe three years ago under the citizen suit provision of the Clean Water Act. On June 4, 2021, Idaho district court magistrate Justice Bush ruled that defendant Shannon Poe had violated 42 counts of the Clean Water Act while suction dredging in Idaho in 2014, 2015 and 2018. The maximum each pre-2016 count carries is a \$31,000 per day fine and post-2016 counts carry a \$51,000 per day fine. The penalty or "bifurcated" part of the decision will be handed down sometime after March 2022.

Some quotes from the court documents:

ICL further notes that your past and ongoing violations of the Clean Water Act are willful, knowing, and deliberate.

Indeed, it could reasonably be said that Mr. Poe was intentionally advertising to the world not just the fact of his prior suction dredging activities, but also the fact of his intended future suction dredging activities.

The allegations within ICL's Complaint adequately allege a sufficient injury in fact and, in turn, the allegations sufficiently trace the injury to Mr. Poe's challenged conduct. The alleged injury is redressable by enjoining Mr. Poe from violating the CWA and imposing civil penalties as a deterrent.

Finally, in either enjoining Mr. Poe from future discharges into the South Fork Clearwater River without an NPDES permit or imposing civil penalties on Mr. Poe, ICL has demonstrated that a favorable decision would redress its injuries.

*Defendant Poe establishes that suction dredge mining in general and, certainly recreational suction dredge mining, is a "discharge of dredge or fill material." See: Defendant Shannon Poe's Motion for Summary Judgment Page 2, ¶ 3.
(Emphasis added by PLP)

NOTE: Additional quoted evidence established or admitted in the case which led the judge to his decision are at the end of this letter.

Defendant Poe waived his right to trial and chose the path called motioning for summary judgment. This path is common when both sides of a lawsuit agree to the facts of a case but dispute how the law is interpreted or enforced, and this shortcut is generally favored as a savings of the cost to litigate a controversy. Waiving trial in favor of summary judgment was not a wise choice by defendant Poe. *To his own detriment and our astonishment, defendant Poe established in his own motion for summary judgment that he is (in fact), a discharger of pollutants which concurs with ICL's position. What Poe may not have known is that both 40 CFR 232.2 (EPA) and 33 CFR 323.2 (Army Corps) jointly share the same definition of the term "discharge" of material defined as the addition of such materials to the waters of the U.S. That is why Justice Bush noted in his decision that: "Neither ICL or Poe disputes that the material passing through Mr. Poe's suction dredge and into the South Fork Clearwater River falls within the definition of a pollutant under the CWA." Mr. Poe tried to make a no addition argument but in the eyes of the law he had already legally canceled it out by accepting and setting forth that he was in fact a discharger under the Army Corps regulatory authority. Had defendant Poe not waived his right to trial and gone to trial like the PLP assisted line of cases (Godfrey and Osterbrink), and shifted the burden of proving discharge to the ICL or government, the outcome should have been favorable to defendant Poe. Unfortunately, that did not happen because Mr. Poe did not wish to go to trial and dispute the fact that he was or was not a discharger.

Mr. Poe has publicly stated that the American Mining Rights Association (AMRA) is prepared to fight the Judge Bush decision against himself as president of AMRA and fight it hard. Unfortunately and technically speaking, the fight is over and the case has entered a "bifurcated" penalty phase (through March of 2022) – which is a fancy way of saying the legal process is now looking in to the defendant's ability to pay the judgment. The scope of this discovery in the penalty phase will go into potential self-dealings to find "the effects Mr. Poe's dredging had on the South Fork of the Clearwater River, the economic benefit he gained (i.e gold), his history of violations (like paying off the Forest Service violation fines in 2018), his efforts or lack of efforts to comply with the applicable requirements and the economic impact of a civil penalty on him." See: Joint status report and stipulated litigation and discovery plan filed June 21st, 2021. The road ahead for Mr. Poe is going to potentially cost in the millions of dollars when one factors in the 42 counts, potential punitive damages, and attorney fees from the ICL. And yes, the Poe and AMRA funding for this bad precedent will go directly into the ICL coffers to put more miners out of business.

What about an appeal?

A do over at the appeals level would not be fruitful; and cannot cure the fact defendant (Poe) admitted and set forth that he was a discharger and polluter under the CWA. Also, appealing the case would inflict damage outside Idaho and set bad precedent for all the western states regarding suction dredge regulation.

On a final note: The June 4th ICL v. Poe decision has seriously maimed, if not killed the efforts on negotiated rule-making for suction dredging regulatory

relief at the Idaho state legislature. PLP researchers in Idaho are hopeful positive engagements can resume.

It has become obvious through the actions that led to, and the course of this lawsuit, that AMRA's path is not compatible with PLP's. There are proper legal and legislative routes for protesting over-regulation that AMRA needs to support – but supporting ICL v. Poe is not one of them. PLP cannot support self-admitting polluters when their purposeful actions hurt the entire mining community.

-Your PLP Board of Directors

The original. No compromise. Standing 31 years strong for Multiple Use on Public Land "RIGHTS"!

Here is additional quoted evidence established or admitted in the case which led the judge's decision:

"14. From July 14, 2014 to August 15, 2014 (the 2014 dredge season), Mr. Poe operated a suction dredge and discharged sediment and/or other pollutants into the South Fork Clearwater River on more than one day. See id. at ¶55. Mr. Poe admitted to dredging on Idaho rivers in 2014, including 13 days on the South Fork Clearwater River in online posts. See id. at ¶57. On August 16, 2014, Mr. Poe wrote an online post, recognizing the necessity of obtaining an NPDES permit and his defiance to do so. See id. at ¶59.

19. In August 2015, Mr. Poe admitted dredging on the South Fork Clearwater River in an online post. See Compl., ¶62 (Dkt. 1). In August and September 2015, Mr. Poe made several online posts discussing standing up to the EPA and the Forest Service while dredging. See id. at ¶¶63-64.

21. Mr. Poe received ICL's letter and responded in a June 14, 2016 letter, stating: "I have no plans, or intent to dredge the SF Clearwater this year, and do not intend to dredge in future years without the appropriate permits." See Compl., PP66 (Dkt. 1); see also Poe Decl., ¶10 (Dkt. 17-2); Ex. C to Oppenheimer Decl. (Dkt. 20-19).

26. In online posts, Mr. Poe admitted to dredging on the South Fork Clearwater River on multiple days during the 2018 season and admitted to purposefully failing to obtain an NPDES permit. See Compl., ¶¶73-82 (Dkt. 1). Mr. Poe also admitted he planned to continue dredging through August 15, 2018, and in future years."