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Subgroup: Practice Resource Management

Chapter 26 Water-Dependent Recreation

A Multitude of Recreation Opportunities

With its temperate climate, over 1.3 million acres of water surface, 2,600 miles of waterways, and 3,427 miles of coastline, California offers a variety of water-dependent recreation opportunities in any season. Each year millions of California residents and visitors come to California waterways seeking recreation experiences. In 2006, beach and waterfront activities helped make California the most visited state in the nation.

California residents and visitors can choose from a variety of *water-dependent* recreation activities. They may enjoy recreation activities that are dependent on water, including fishing, swimming, waterfowl hunting and birding, boating, canoeing, and kayaking. They also may participate in recreation activities that can be enhanced by water, such as wildlife viewing, picnicking, camping, and hiking, biking, and riding on trails. While the latter activities do not depend on water, they are frequently enjoyed near water.

California also has a variety of water-dependent recreation facilities with differing levels of public access. Protected status designations for the state's reservoirs, for example, range from prohibiting all public access, prohibiting any body contact with the water, to allowing swimming, fishing and boating.

A number of surveys validate the importance of water in Californians' outdoor recreation activities. For example, the 2007 survey of Public Opinions and Attitudes on Outdoor Recreation in California, conducted by California State Parks every 5 years to better understand residents' recreation habits, found that 59% of California's adults participated in beach activities, 31% swam in freshwater lakes, rivers, and/or streams, and 21% fished in freshwaters. Over 39% of Californian adults used a beach or water recreation area during their most recent park visit. Significant numbers of Californians also enjoyed water-enhanced nature-based activities such as wildlife viewing (47%), hiking on trails (46%), and camping in developed sites (39%).

The same survey also reveals the importance of recreation facilities at lakes, rivers, and reservoirs: about 60% indicated that recreation facilities, such as day-use, picnic, or camping sites are needed at lakes and reservoirs. And 78% felt that the government should place more emphasis on cleaning-up the pollution of the ocean, lakes, rivers, and streams in park and recreation areas. In the 2002 survey, about 79% of the respondents indicated that the availability of lakes, reservoirs, rivers, and wetlands was an important factor in their overall enjoyment of their favorite recreation activity.

Water Managers' Role in Recreation Planning

By incorporating planning for water-dependent recreation activities in water projects, water managers play a critical role in ensuring that Californians today and into the future are able to enjoy such activities. For example, acquiring land for picnic tables and accessible trails near a planned reservoir can provide visitors a relaxing day by the water. If a picnic area and accessible trails were not included in planning, a valuable water-dependent recreation opportunity is missed.

Leisure experiences such as these help improve cultural understanding and strengthen social bonds.

- A young couple observing nature as they walk or bike along a shady path near a river is making a meaningful connection with the natural environment. Such activities encourage an appreciation for water resources and wildlife. In turn, this can lead to an increase in volunteerism and stewardship of natural resources and help strengthen communities.

- Led by an interpretive specialist, a boy and his classmates learn about the importance of watersheds and water-related environments; experiences such as these can supplement a formal education, helping instill life-long positive values and detering negative behavior.

One example of how water-dependent recreation opportunities can provide health, social and environmental benefits is Sacramento's American River Parkway that parallels about 30 miles of the American River. Visitors may participate in a variety of activities – they walk, run, bike, or horseback ride, picnic, fish, swim, and can motor-boat or paddle along a boating trail. The Parkway also provides a rowing facility and a salmon fish hatchery.

Economic Benefits

Water-dependent recreation has a major influence on California's economy. In 2008, the estimated direct and indirect economic benefit of recreational boating alone was more than $19 billion. As one of the most popular recreational pursuits among California travelers, water-dependent recreation helped attract millions of tourists to California in 2006, making it one of the most visited states in the nation. During 2007, travel spending in California directly supported 924,100 jobs with earnings of $30 billion. Travel spending generated the greatest number of jobs in arts, entertainment and recreation (226,500), and accommodation and food services (534,000).

Commercial businesses offering recreation equipment, programs, and services also boost local economies and create jobs. For example, visitors to Sacramento County's American River Parkway frequently combine a trip to the parkway with eating and shopping at local businesses. Such activities generate about $260 million annually for the local economy.

In addition to the many benefits enjoyed by recreationists, water-dependent recreation facilities help preserve open spaces and view sheds, which in turn prompts long-term investments and increases land and property values. Water-dependent recreation also generates significant revenue for the state through fees, permits and licenses:

- In 2007, 964,881 boats were registered in California generating nearly $2 billion for the state.

- Sales of sport fishing and hunting licenses and stamps generated more than $84 million in revenue for the Department of Fish and Game in 2007. Fishing-related expenditures are included in Table 26-1.

- In 2006, 7.4 million residents and nonresidents 16 years and older fished, hunted, or watched wildlife—spending a total of $8 billion.

recharge rates and wastewater filtration opportunities, while also filtering roadway pollution, and increasing carbon sequestration.

- The recent volatility in gasoline prices created a measurable spike in commuters using the American River Parkway as a travel alternative.
- A watershed "makeover" plan has been designed for the Los Angeles basin to expand the basin's permeable surface area and redesign the remaining impermeable surfaces to create urban green spaces. Storm water runoff will be guided into designated systems within the green spaces for reuse and groundwater recharge. The plan estimates that Los Angeles could reduce flooding and cut water imports by 50 percent by 2020.

Potential Costs of Water-Dependent Recreation

Information is not readily available on the statewide costs of water-dependent recreation. Yet there is a need to increase the available recreation facilities and services to accommodate population growth. However, it is difficult to translate this increased need into specific recreation costs. Since the population is estimated to nearly double, costs will likely escalate accordingly. But population growth is not the only concern. As California's climate continues to change, causing the varied impacts mentioned in the climate change section below, the public's demand for water resources will increase, and new facilities will also be necessary to meet that demand. The potentially larger costs due to climate change have also yet to be calculated. The bullets below include some examples of facility development costs:

Sample Costs for Facility Development

- The required FERC re-licensing Protection, Mitigation, and Enhancement (PM&E) measures typically cost $25 per kilowatt (kW) capacity of a hydroelectric project for wildlife, $95/kW for fisheries, and $22/kW for recreation. PM&E measures benefiting wetlands, aesthetics, cultural resources, and water quality cost about $24/kW. Recreation facilities include boat ramps, canoe portages, hiking trails, and fishing access areas as well as operational changes to augment downstream flows to create recreational opportunities, such as whitewater boating, and hydropower education programs.
- Between 2002 and 2004, the Department of Boating and Waterways funded 13 new boating-access projects ranging from $20,000 to $188,000. The department also spent almost $10 million in improvements to 26 projects on numerous bodies of water. Typically, improvements included adding launching ramps, parking lots, boarding floats, restrooms/floating restrooms, lighting, berthing, moorings, boat-in day-use, and camping/RV sites.
- The Tujunga Wash Greenway and Stream Restoration stream channel diversion project mentioned above cost $7 million to complete.
- A Sacramento-San Joaquin Delta Boating Needs Assessment estimated that repairing or replacing the existing facilities in all six Delta zones would cost between $107 million and $159 million, spread over 20 years.
- The 2002 California Boating Facilities Needs Assessment surveyed 646 of California's boating facilities which included marinas, launch ramps, dry storage facilities, resorts, recreational areas, and yacht clubs. Only about 75 percent of the respondents could provide cost estimates for upgrades and new facilities and so the cost figures provided here are low compared to potential needs.

Even though there are opportunities to provide recreation resources through projects like FERC license applications and a percentage of each water project's total costs are generally allocated for development of permanent recreation facilities, we must seek additional, stable sources of funding in order to provide for ongoing operations and maintenance costs. Concession agreements for recreation facility operations can provide additional income while reducing water managers' responsibilities. Revenue generated by recreation facilities and programs can also contribute toward the fiscal sustainability of the associated water facility.

Major Issues Facing Water-Dependent Recreation

Lack of Access

Capacity issues will be created due to the anticipated changes in demographics, population, and types of use. Population growth, accompanied by static recreation resources, will cause capacity issues at existing recreation areas. The Central Valley, for example, is experiencing a dramatic population boom but remains an area with insufficient access to water-dependent recreation opportunities. Changes in recreation preferences due to demographic shifts in California's cultural make-up could also cause capacity issues if the types of recreation resources that serve the preferences of growing ethnic groups are not available.

Table 26-3 CA Youths' top rated activities that they would like to do more often

Activity	Preference
Horseback Riding	47%
Sledding, Ice Skating, Snow Play	45%
Snowboarding	45%
Swimming in a Pool	45%
Jet Skis or Wave Runners	45%
Rock Climbing	44%
Beach Activities, Surf Play (including sunbathing, wading, playing on beach)	44%
Off-road vehicle use	43%
Surfing or Boogie Boarding	43%
Waterskiing or Wakeboarding	42%
Swimming in Ocean, Lakes, Rivers, and Streams	41%

2007 Public Opinions & Attitudes Survey

The economy can have a major impact on the visitor use and availability of recreation facilities. In a down economy, people have less money to spend on activities and vacations and tend to recreate closer to home, creating increased demand on existing facilities. Recreation providers, however, are also operating with reduced budgets; and may need to increase fees to the extent that activity costs become an access barrier for low-income residents at the same time that their demand is increasing.

Effects of Climate Change

As California's climate changes, so will the management of and demand for recreation resources. Climate change will have numerous potential impacts on water-dependent recreation, in fact, many are already evident. Changes in temperature, rainfall, and water-levels are impacting visitor use and their demands. Rising seas will damage the coast and its beaches, creating a higher need for coastal protection. And these changes are accelerating. As recreation demands shift to accommodate the new climatic conditions, more strain will be put on the other management strategies such as ecosystem restoration and water treatment. All of the above will increase costs for maintenance, restoration, and development and will impact the quality and availability of the recreation experience.

The table here shows some possible—and dramatic—effects of climate change on water-dependent recreation.

Table 26-4 Climate Change Impact

Impact	Effect on Water-Dependent Recreation Facilities and Amenities	Effect on Recreationists
Increased sea levels	Erosion and damage to coastal beaches, reefs, wetlands, archaeological and cultural sites	Coastal areas unavailable for recreation activities; coastal recreationists forced inland
Irregular seasonal precipitation	Less water available for natural groundwater and surface water systems	Less ability to swim, boat, fish or enjoy other water-dependent recreation
Higher temperatures	Warmer rivers and streams	Fewer coldwater fish (such as salmon, trout) available for anglers
Worse ozone air pollution	Worse ozone air pollution in public lands	Reduced outdoor recreation; health threats
Increased seasonal flooding	Amenities more likely to be flooded seasonally	Less ability to enjoy outdoor activities such as picknicking, camping, or trails
Less snow and more rain in winter	Less snow at winter recreation areas	Less ability to ski, snowboard, play in the snow or enjoy other winter recreation
Decreased river flows	Decreased water quality in rivers and streams	Less ability to boat, swim, fish or enjoy other river recreation
Increased fire danger	Possible closures of recreation areas	Inability to enjoy closed recreation areas

Source:

Solutions to Address These Issues

- Create facilities to accommodate environmental changes, including moveable facilities such as floating campsites and restrooms. Conduct systematic assessments of potential impacts of climate change on recreation resources and identify suggested adaptations.
- As coastal recreation areas become submerged due to rising sea levels, recreationists will be forced inland, creating an increased demand for inland water facilities. As reservoir levels drop, there may be a need to emphasize river recreation, such as through implementing California State Parks Central Valley Vision for increased river access and water trails for rafters and boaters.

Greatly reduced and sustained low reservoir water levels are exposing archaeological and cultural sites, thereby jeopardizing the cultural resources as well as requiring restrictions to public access in those areas. Some recreation activities are being curtailed to protect the cultural resources.

Solutions to Address These Issues

- Implementing the recommendations in the National Research Council's study findings that fair and science-based flow levels that provide for fish recovery can be part of a broader solution for the fish-kill problems in the Klamath Basin. Their suggested long term solution includes removal of the lower four Klamath River dams, a voluntary program to buy back water rights from Klamath irrigation interests and return these flows to rivers and streams, and a large-scale wetlands restoration program, starting with an end to commercial agricultural development on Tule Lake National Wildlife Refuge.
- To ensure that the Chumash Indians have access to the resources necessary to preserve and celebrate their heritage, the Wishtoyo Foundation helped fund a stream habitat restoration project at Nicholas Canyon Creek near a reconstructed Chumash village. Since water and plants play a central role in Chumash culture, teachings about creek and riparian ecosystems are incorporated into the Chumash village interpretive program.

Degradation of Natural Resources

Natural resource values often define the character and aesthetic appeal of a water-dependent recreation, making it desirable and interesting to visitors. Poor natural resource management can impact recreational experiences. Pollution of surface waters and groundwater can impair the natural functioning of aquatic and terrestrial ecosystems and diminish visitor use and enjoyment of park waters. Dams and other flood management measures can also impact recreation through decreasing the sediment supply to the coast, narrowing beaches and diminishing coastal access and recreation opportunities. Exceeding the use limits of what a natural environment can handle leads to recreation resource closures.

Without proper resource management, increasing numbers of outdoor recreation visitors can also threaten ecosystem functions, disrupt and displace wildlife, or degrade the natural, environmental, and aesthetic quality of an area. Visitor impacts are only going to increase due to population growth and climate change, Visitors unfamiliar with ecological processes or environmental ethics are often unaware of the consequences of their actions.

Solutions to Address These Issues

- River naturalization or de-channelization can provide urban open-space along the river or canal for recreation. The Guadalupe River Flood Control Project creates a linear urban park along the Guadalupe River that utilizes designs and materials to accommodate flood control without restricting human access.
- Creating flood control, water transfer and storage facilities that are closer to natural ecological systems could help mitigate some of the impacts of public-use. By building programs with natural processes and recreating water recreation facilities to better mimic a natural system, the local ecosystem will also be able to recover faster from the impacts of over-use.
- To help users better understand and accept why they are unable to access recreation resources, they need to be educated in environmental processes, and preservation and

Water Quality Impacts

Water quality can both affect and be affected by water-dependent recreation. Untreated sewage released into the ocean has led to highly publicized closures of public beaches. Fertilizers and chemicals from agricultural runoff also contribute to poor water quality in recreation areas. Contaminated lakes, rivers, and streams not only present health risks to those participating in water-contact recreation, but can significantly diminish the recreation experience. Conversely, water-dependent recreation can affect water quality. Human-source contamination, such as body contact, untreated sewage, and petroleum products discharged from houseboats and other pleasure craft can be a significant problem to reservoirs storing drinking water.

The condition of the water is not the only concern, but also the amount available. Low water levels and stream flows can significantly impact water quality, natural resources and the recreation experience. The amount or timing of streamflow is often regulated through water transfer schedules. These may have a good or bad effect on recreation. Inadequate stream flows affect rafting and other water sports as well as fish and waterfowl populations, impacting recreational fishing and hunting. Low flow releases from dams can also increase downstream water temperatures and fish densities, leading to increased aquatic pathogens. Early summer season water transfers can cause extremely low water levels at reservoirs later, impacting the water quality and availability of recreation opportunities.

Solutions to Address These Issues

- To improve poor water quality conditions, The Delta Vision proposes water management improvements that include gates with boat locks in order to avoid potential adverse effects on boaters.
- The State Water Resources Control Board is currently proposing a statewide policy for bacterial standards for water contact recreation in the fresh waters of California. Elements of the final policy may include a revised indicator organism (such as *E. coli*), risk protection level, and expansion and standardization of bacteria control implementation.
- Coordination with water transfer management is necessary to ensure adequate water supply is available for recreation users. This coordination could also help address issues with recreation users affecting water quality and natural resources.

Inadequate Agency Coordination

Funding and impacts to natural and associated recreation resources are exacerbated by the lack of coordination among agencies, both those who manage water resources and those who provide recreational services. Agencies are too often limited in scope and effectiveness in recognizing and mitigating trends affecting resource conditions, particularly those outside their immediate jurisdiction. While partnerships and cooperation among agencies, organizations and individuals have grown, efforts at the watershed or landscape level are often fragmented, and opportunities are missed to achieve broader goals, placing both resources and the public at risk. Poorly coordinated hydroelectric and flood management practices at reservoirs can impact upstream and downstream recreation opportunities. A lack of coordination between the managing agencies and the recreation providers can result in unreliable water recreation resources and missed partnerships that could provide expanded recreation opportunities.

Funding

- Coordinate with the Department of Fish and Game in exploring the use of funding from the Bay-Delta Sport Fishing Enhancement Stamp to integrate new and improved public angling opportunities.
- Pursue mitigation and environmental enhancement funding for recreation facilities through grant programs, such as those associated with the FloodSAFE program.
- Quantify how reduced water-dependent recreation opportunities can impact local economies, such as low lake/reservoir levels occurring during peak visitation periods affecting visitor spending.

Cultural Resources

- Research, identify and mitigate theimpact of low water levels and stream flows to fish habitat from dams and water transfer diversions that prevent Native Americans from participating in their traditional cultural activities.
- Continue inventories of archaeological and cultural resources associated with water facilities to identify and mitigate those in danger of exposure due to reduced and sustained low reservoir water levels.

Natural Resources

- Evaluate, and periodically reexamine, scientifically valid studies of the carrying capacity of proposed and existing sites for water-dependent recreation to help prevent degradation of water quality and wildlife habitat. Examine and utilize data collected by other agencies, such as the U.S. Bureau of Reclamation, U.S. Army Corps of Engineers, and the Federal Energy Regulatory Commission, such as the results of FERC Relicensing studies.
- Conduct flow assessments on the major river systems to analyze the impacts of flow levels on wildlife, habitats and recreation opportunities.

Invasive Species

- Inventory water facilities and measure their vulnerability to specific invasive species, prioritizing and developing preventive measures and response strategies for the most at-risk facilities.

Water Quality

- Develop a strategy to reduce impacts to water quality and recommend improvements in water recreation vehicles – such as stricter regulation outputs on gasoline driven engines on waterways.
- Enter into agreements with other agencies and governing bodies, as appropriate, to secure their cooperation in maintaining or restoring the quality of water resources.

Agency Coordination

- Develop closer working relationships among water managing agencies such as DWR, DFG, Cal-Boating, CSP, State Lands Commissions, and Ocean Protection Council so that recreation planning is incorporated appropriately into the Delta Vision program planning.

From: "Skipper Phagan" <den7cubs@hargray.com>
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Date: 11/27/2009 8:43 AM
Subject: EIR Study

Mark Stopher
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Nov. 27, 2009

California Department of Fish and Game
Suction Dredge Mining and Rule Making Process

Dear Mr. Stopher,

GENERAL COMMENT # 1

DFG has no legal mandate or statutory authority to perform a statewide CEQA study

SB 670 statewide suction dredge prohibition is in effect until;

(1) The department has completed the environmental review of its existing suction dredge mining regulations, as ordered by the court in the case of Karuk Tribe of California et al. v. California Department of Fish and Game et al., Alameda County Superior Court Case No. RG 05211597.

That court order in pertinent part reads; "THEREFORE, the Department is hereby ORDERED to conduct a further environmental review pursuant to CEQA of it's suction dredge mining regulations and to implement, if necessary, via rulemaking, mitigation measures to protect the Coho salmon and or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR.".

The court order SB 670 relies on specifically covers only the three distinct watersheds, of the Klamath, Scott, and Salmon Rivers.

As such, DFG has no legislative mandate, nor statutory, or regulatory authority, to perform a statewide CEQA study of it's suction dredge mining regulations. Therefore, I "Protest" DFG illegal actions in implementing, and performing a statewide CEQA study of it's suction dredge mining regulations. And, as a "taxpayer" in the state of California, I demand DFG stop these illegal, wasteful actions. Otherwise, I have no recourse but to bring an appropriate action in law, to have it stopped.

GENERAL COMMENT #2

Enforces an unconstitutional "taking" of private property, without first paying compensation.

Almost all small scale suction dredge gold mining statewide in California occurs on valid unpatented, and patented (fee simple) mining claims spread statewide on federal public domain. Near forty five percent (45%) of California is federally owned public domain lands. Primarily managed by the U.S. forest Service (USFS), and Bureau of Land Management (BLM). Federal public domain lands, and all unpatented mining claims on it, are under express federal statutory jurisdiction of the U.S. Forest Service (USFS), or Bureau of Land Management (BLM).

Thus, express federal policy, jurisdiction, dominant governing law, land planning, mining law, and regulation are manifestly applicable to all small scale suction dredge gold mining on federal public domain lands in California. DGF as a CEQA "lead agency", if acting in "good faith" cannot arbitrarily ignore, or omit that paramount federal presence, physical circumstance, or legal fact. Unless, SB 670's intent is to foolishly cause a direct collision between dominant federal law, and subservient state law?

"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." (See, US Const, Art IV, § 3, cl. 2 (the "Property Clause"). This provision, combined with the Supremacy Clause of the United States Constitution (Art 6, cl 2), gives the federal government extremely broad authority to preempt the application of state laws to federal property when those state laws conflict with a federal mandate.

The General Mining Law (30 U.S.C. § 21 et seq.), in fact owes its origin to the discovery of gold in California, in 1848. The bulk of it's statutory construction resulted from local miners rules originating in California during the gold rush era. 30 U.S.C. § 21 et seq., is a direct federal mandate to all western states where federal mining claims may be initiated, worked, and held. California accepted that federal mandate, upon admission as state by legislative implementation of what is now Public Resource Code § 3900 et seq. Which, with very minor differences (not in conflict with federal law) mirrors the discovery, posting, recording, and annual work requirements for the maintenance of title of all mining claims existing in California.

The Supremacy clause of the U.S. Constitution (Art. VI, paragraph 2) mandates federal law "preempts" state law, where direct conflicts arise. No matter how meritorious the intent of CEQA is. It simply cannot preempt overriding federal law. Framers of SB 670, and CEQA obviously never contemplated direct collision, or preemption by dominant federal law. The winner in direct collision of state, and federal law is overwhelmingly obvious. Federal law is supreme.

If Congress has not entirely displaced state regulation over the matter in question, state law is still preempted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress, (See: California Coastal Comm'n v. Granite Rock Co., 480 U.S. 572, 581 (1987).

"Any state legislation which frustrates the full effectiveness of federal law is rendered invalid by the Supremacy Clause" regardless of the underlying purpose of its enactors." (See; Perez v. Campbell, 402 U.S. 637, 651-52, 91 S.Ct. 1704, 29 L.Ed.2d 233 (1971).

A conflict exists if a party cannot comply with both state law and federal law. In addition, even in the absence of a direct conflict between state and federal law, a conflict exists if the state law is an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. Crosby v. Nat'l Foreign Trade Council, 530 U.S. 363, 372-73 (2000).

It has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. (See; Edgar v. Mite Corp., 457 U.S. 624, 631 (1982), et al.).

As long as the Federal government retains title, the federal interest in providing free access to its own land in order to promote mining is sufficient to preempt any state law that fundamentally bans such use. Thus under standard preemption analysis any state legislation, or regulation that conflicts with this overriding federal purpose, must fail.

To anyone knowledgeable, it is utterly clear that, "State and local regulations which render a mine commercially impracticable cannot be enforced". (See; California Coastal Commission et al., v. Granite Rock Co., 480 U.S. 572, 592, 107 S.Ct.1419, 1425(1987).

South Dakota Mining Association Inc v. Lawrence County, 155 F.3d 1005 sets the precedent here, and reads as follows. "The ordinance's de facto ban on mining on federal land acts as a clear obstacle to the accomplishment of the Congressional purposes and objectives embodied in the Mining Act. Congress has encouraged exploration and mining of valuable mineral deposits located on federal land and has granted certain rights to those who discover such minerals. Federal law also encourages the economical extraction and use of these minerals.

The Lawrence County ordinance completely frustrates the accomplishment of these federally encouraged activities. A local government cannot prohibit a lawful use of the sovereign's land that the superior sovereign itself permits and encourages. To do so offends both the Property Clause and the Supremacy Clause of the federal Constitution. The ordinance is prohibitory, not regulatory, in its fundamental character. The district court correctly ruled that the ordinance was preempted. Accordingly, we affirm the judgment of the district court."

The California Statehood Admission Act (Sec. 3) expressly provides; ".said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.".

Indisputably, the state of California, it's legislature, and all state regulatory agencies are expressly barred from impairing, or even questioning federal mining claim owners vested right to mine, and their private property rights held under federal law. Certainly, the state can "reasonably" "regulate" small scale suction dredge gold mining. But cannot make that regulation so onerous as to arbitrarily prohibit mining, even temporarily, without incurring monumental financial liability.

The U.S. Supreme Court has unwaveringly held that valid mining claims are a form of "private & real property" In ordinary English, a "claim" is merely a demand for something, or an assertion of a right where the right has not been established. The phrase "mining claim" therefore probably connotes to most laymen an unsupported assertion or demand from which no legal rights can be inferred. But that is emphatically not so.

"In law, the word "claim" in connection with the phrase "mining claim" represents a federally recognized right in real property. The Supreme Court has established that a mining "claim" is not a claim in the ordinary sense of the word--a mere assertion of a right--but rather is a property interest, which is itself real property in every sense, and not merely an assertion of a right to property." (See; Benson Mining & Smelting Co. v. Alta Mining & Smelting Co., 145 U.S.428 (1892)

Valid placer mining claims situated over California waterways grant the owners "vested" riparian water rights. The riparian owner is subject to the doctrine of reasonable use, which limits all rights to the use of water to, that quantity reasonably required for beneficial use and prohibits waste or unreasonable use or unreasonable methods of use or diversion. (See; Sec. 3, Art. XIV, Const. of Cal.; Peabody v. City of Vallejo, 2 Cal. 2d 351, 40 Pac. 2d 486; Tulare Irr. Dist. et al v. Lindsay Strathmore Irr. Dist., 3 Cal. 2d 489, 45 Pac. 2d 972; Rancho Santa Marqarita v. Vail, 11 Cal. 2d 501, 81 P. 2d 533).

Vested rights are fully protected from "taking" by the government under the fifth amendment to the Constitution. See Solicitor's Opinion M-36910 (Supp.), 88 Interior Dec. 909, 912 (Oct 5, 1981); Wyoming v. United States, 255 U.S. 489, 501-02 (1921); Appeal

of Eklutna, 83 Interior Dec. 619 (Dec. 10, 1976).

Section 104(B) of the California Revenue and Taxation Code defines real property in part as "All mines, minerals, and quarries in the land, and all rights and privileges appertaining thereto." The term "land" is defined in Property Tax Rule 121 in relevant part as "the possession of, claim to, ownership of, or right to possession of land; mines, quarries, and unextracted mineral products. All real property not exempt or immune from taxation is subject to property tax.

The terms "mineral rights" and "mining rights" as described in Section 607.5 include the right to enter in or upon the land for the exploration, development, and production of minerals. The taxability of unpatented mining claims was established more than a century ago by the California Supreme Court, in the case of the State of California v. Moore 12 Cal. 56 (1859), which stated in part: "The interest of the occupant of a mining claim is property, and, under the Constitution, it is in the power of the Legislature to tax such property."

This private property right entitles the owner to "the right to extract all minerals from the claim without paying royalties to the United States." (See; Swanson v. Babbitt, 3 F.3d 1348, 1350 (9th Cir. 1990). As such, the owners vested "right" to mine, as well as the mining claim, being "real property" itself is fully protected from uncompensated "taking" by provisions of the U.S. Constitution (Amend. 5). No one can rationally refute, ownership of a mining claim, containing a valuable mineral deposit, does not include the right to mine it. As one is absolutely premised upon the other. Otherwise, all private property protections provided by the U.S Constitution would be meaningless.

The California Constitution. (Art. I, § 19 (a), provides, ". Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner.". That also, would be meaningless. United States Court of Appeals, Ninth Circuit (1980). ".prospecting, locating and developing of mineral resources in the national forests may not be prohibited nor so unreasonably circumscribed as to amount to a prohibition."(See; Weiss, 642 F.2d at 299)

"Under our form of government, the legislature is not supreme. It is only one of the organs of that absolute sovereignty which resides in the whole body of the People. And like other bodies of government, it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts are utterly void." (See; Billings v. Hall, 7 California 1.). Furthermore, "An act altering, or destroying the nature, or tenure of estates is void". (See; Dewey v. Lambier 7 Cal. 347)

SB 670 immediately inflicted an illegal compensable private property taking the day it became law. By arbitrarily prohibiting all placer mining claim owners in California, all beneficial use of their mineral estate for an indeterminate period of time. In effect "taking" everything they own. The monetary magnitude of which, is as of yet unascertainable. But, with assurance, annually could amount to fifty (50) times the 1.5 million dollar cost of funding this very CEQA.

Absurdly, the state legislature negligently failed to contemplate the compensable private property takings, SB 670 would arbitrarily inflict statewide. DFG is wrong to assume only three thousand two hundred (3,200) individuals are involved. That being the number of dredging permits, DFG usually issues annually. When, in fact SB 670, DFG, and CEQA actions here have, and continue to punitively destroy every fundamental attribute of ownership of near one hundred fifty thousand (150,000) mining claim owners statewide have.

Anyone thinking all mining claim owners in California will stand idly by, doing nothing, while SB 670 illegally deprives them of all use, utility, benefit, value, and profit derived from their private property is wrong. As doing so is a constitutionally forbidden de facto taking without compensation. Which, all mining claim owners throughout California will certainly never allow. That silent majority will in the foreseeable future, step forward in court, en mass to demand just compensation due them. Plus interest compounding from August 6th 2009, the day SB 670 caused this compensable "taking".

Skipper Phagan

From: "Skipper Phagan" <den7cubs@hargray.com>
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Nov. 27, 2009

California Department of Fish and Game
Suction Dredge Mining and Rule Making Process

ACTUAL & CONSTRUCTIVE NOTICE OF MATERIAL FACTS

Dear Mr. Stopher,

This is to give you "Actual" and "Constructive Notice" of the existence of approximately twenty four thousand (24,000) unpatented mining claims, as well as near four times that number of "patented" (fee simple) mining claims situated throughout California. All held, maintained or patented under provisions of General Mining Law (30 U.S.C. §§ 21 et seq.).

SB 670 irrationally ignores these material facts, as though they do not exist. But, DGF as the "Lead Agency" in this CEQA process cannot. As numerous CEQA provisions mandate these material facts, ramifications, and legal consequences of their existence, as well as their constitutional, and statutory protections must be included throughout this CEQA process.

The presence of federal mining claims situated statewide throughout California, and the constitutionally protected private property rights associated with them. As well as the Congressional policy, law and regulation to encourage, foster and provide for mining on applicable federal public domain lands nation wide, severely constrain the DFG, and CEQA regulatory jurisdiction, and actions here.

Skipper Phagan

Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

December 1, 2009

Subject: Suction Dredge Mining Ban per SB 670 and Scoping Study for SEIR Purposes

I am writing to provide my observations of the effects of suction dredge mining on trout populations based on my personal observations. I do not own a dredge or a claim.

During the past two summers of 2008 and 2009, in July, I was invited to go to a gold mining claim in the Sierra Mountains near Downieville, California. On the first day of the 2008 visit, I was shown two pools that the claim holders/dredgers has made that year. In both cases, each pool contained 8-10 trout about 4 inches to 9 inches in size. I noticed small trout populations in the one-inch to three inch size swimming in smaller pools and near the banks of the creek.

Later in the day we went upstream to the next dredgers claim. As we walked along the creek bank I notices a pool that this dredger had made earlier in the season, it contained about 6-8 trout in the four to eight inch size category. Farther up stream we came to the dredger's current spot and pool that he was working in. The dredge was not in operation and I noted again 6 –8 trout in the four-inch to eight-inch category. Smaller trout in the one-three inch size category were again seen in the smaller pools and along the side of the stream bank. I asked both sets of dredgers if the dredging had any effect on the trout. They both replied that the dredging did not have any negative effect. Both sets of dredgers have had claims on this creek for over 10 years. The types of trout observed were Brook trout and Rainbow trout and the populations looked very healthy and active. Some members of this group also legally fished and caught trout out of the dredge pools.

In July 2009, as I was again invited to the gold camp, I went down to the creek and looked at the pool area where my hosts had dredged the year before. I observed 8 to 10 trout in the four to nine inch category swimming and looking very healthy. Later that evening we went again upstream to visit the next camp of dredgers. Again, I saw two pools where this dredger had been working. Again, in both cases, I observed about eight trout swimming in these pools in the four to eight inch size category and appearing healthy. Smaller trout were again observed along the stream bank.

The next day I was asked to assist my hosts with their dredging operation in a new pool location that they had started. Upon arriving at the pool I noticed the usual eight to ten trout about four to eight inches swimming in this pool. Again I asked if the trout would be disturbed and was told, "No, they do not appear to be" by my host. After placing the legally permitted dredge in operation for about 45 minutes, the host dredger stopped to clear a rock obstruction from his suction line. I looked at the end of the dredge where the gravel was being displaced and noticed trout eating the hellgramites and other insects that the dredge had vacuumed up. After another hour of dredging it was time to quit and

quit and put the dredge away for the weekend. About 20 minutes later, as we were leaving, I noticed eight to ten trout swimming in the pool we had just finished dredging in. They looked very healthy and active. It appeared that they stayed in the pool while the dredging operation was on –going. From first hand observation, the trout were not harmed in any way. I again observed smaller trout populations along side of the creek.

During my college years I worked two summers and one winter at Coleman National Fish Hatchery near Anderson engaged in raising salmon. As such, I can recognize sick and unhealthy fish when observed. The trout on this dredging stream, which I observed during the summer of 2008 and 2009, were healthy and were not impacted in any negative way by the activities of the two dredgers.

From direct observation, the dredging action loosed up the gravel to assist the trout in spawning and it certainly provided pools for the trout to congregate in during warmer weather and during storms. This is empirical evidence that dredging is not negatively impacting on trout populations in California's streams. Discussions with other dredgers From Shasta and Trinity Counties indicate that my observations also apply to salmon populations as well.

The issue at hand here is declining salmon populations experienced in California's fishery waters. Yes, some habitat along the Sacramento River can be brought back close to its native state. However, in all of this, the two major negative effects on salmon populations declining and not returning to our waterways are not being emphasized. The first is cyclical effect of ocean currents, in all likelihood caused by El Nino and other weather related causes. The second cause that the Department of Fish and Game and the State of California truly needs to address is the taking of native US salmon populations by Russian, Chinese, Japanese, and Korean fishing vessels with their 30 mile long drag nets. The aforementioned Countries have determined where the migration routes of our US salmon populations are while in the Pacific Ocean and simply wait for that specific run of salmon to appear. This is why the number of salmon per run is way down. Seek Federal assistance to set a 200-mile fishing limit for foreign fishing vessels.
A third factor not usually addressed is the encroachment of sea lions harvesting salmon in the Sacramento River as far inland as Rio Vista. Sea lions are also taking large numbers of salmon on other California tributaries also. Again, coordination with Federal hunters is needed to reduce sea lion populations that are impacting salmon populations on our inland waterways.

The Department of Fish and Game's definition of "Fish" needs to be changed to reflect aquatic life with gills and fins. Including other aquatic life causes confusion and mal assigns cause and effect.

The numerous litigations over the past decade filed by the Kurak Tribe in conjunction with several environmental entities and allies are truly the root cause of the California DFG conducting this Scoping Study to prepare a SEIR for the Suction Dredge Permitting Program. Northern California citizens recognize that this tribe is a vehicle for the "Soup de Jour"of the California Environmental movement. Is science and biology really the

issue here, or is it control over a stretch of the Klamath River? Have Kurak Tribe members been engaged in dredging on the Klamath River since August 2009? If so, they need to abide by the ban like the rest of the citizens of California.

Is there a bigger issue at work on the part of Environmentalists to shut down the use of natural resources by US citizens? I would request that the California DFG relay on science and previous studies conducted by the Army Corps of Engineers and not Political Correctness.

Respectfully,

Stan Neutze, BSc, MA, MBA
P.O. Box 1392
Anderson, California, 96007

From: Stan Ritchie <summagic@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/10/2009 11:00 PM
Subject: Talking the politics out of dredging

Dear Mr. Stopher,
Although I won't be able to attend any of the meetings I want to thank you and the DFG for the chance to express my opinion. I listened to the SB670 hearings and it was obvious to me that Senator Wiggins and others either do not know why the fish are depleted or they do (or think they do) and dredging is the most obvious target, so lets explore this a little more and see if there is a positive or negative impact.
1) Dredging season before spawning season.
Fish eggs are more easily hidden in loose gravels then in impacted gravels.
Dredging breaks apart impacted gravels giving eggs a better survival chance.
Impact; Positive
2) Dredgers don't fill in the holes that are dug getting to the bedrock as the gold is at the very bottom bedrock. Although some holes are filled in most are not because a large hole is safer to work in so rocks and the walls of the hole don't fall in on you so a large hole is preferred to a small straight down shaft. Five and six inch and larger dredges can accomplish this task in a safe way. Restrict the dredge size and hobby dredgers will have to make shaft style holes because they will want to get to the bottom quicker risking hole collapse. The holes provide deeper cooler pools for fish to congregate in during the summer months.
Impact; Positive
3) I saw the report on Mercury reclamation done by the DFG and in my opinion the test and the conclusions drawn from it were erroneous. First the Mercury used in the test was uncontaminated whereas the Mercury in the rivers and stream-beds is amalgamated. Gold is absorbed by Mercury and after years of being in the water this Gold Mercury combination doesn't exhibit the same dispersal characteristics as virgin Mercury would. The miners know this and therefore it is coveted. Because the Mercury is Gold laden allot more of it will stay in the sluice-box and be much less likely to become a parts per million contaminate to the degree that the test demonstrated. Much of the Mercury in the rivers has been removed by past dredging and it is becoming difficult to find it at all.
Impact; Positive
Utube has some great underwater dredging videos http://www.youtube.com/watch?v=2lPYg5U4P6s showing fish swarming around dredging operations. There are many types of small aquatic species that make up the food chain that are released from the gravels while dredging and the fish swarm to eat them.
Impact; Positive
Keeping gasoline out of the water is the biggest threat to fish not the actual dredging. Propane fueled engines, better portable tank to engine tank transfer systems, battery driven electrics ,or some type of inspection fee to make dredges compliant would be more prudent then shortening the season or reducing hose size.
Impact;Negative
Thank You,
Stan Ritchie

From: "Dan@Servpro9484" <Dan@Servpro9484.com>
To: Mark Stopher <dfgsuctiondredge@dfg.ca.gov>
Date: 11/17/2009 9:03 AM
Subject: Suction Drede Permit Program
Attachments: Dan.vcf

From: Stephen Fong <audiver@sbcglobal.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/4/2009 12:00 AM
Subject: DREDGING EIR

Hi Mark,
According to the Draft Subsequent Environmental Impact Report there is an average of approximately 3500 dredging permits issued each year. In my opinion that number should not be used as an indicator of the number of dredges on the water during the year. In my situation we run a six inch nozzle that may involve anywhere from 2 or more people. We typically have at least two people present for safety reasons, assist with relocating rocks larger than the nozzle intake, and/or oversight of dredge operations topside. Remember only one person can operate the nozzle at a time and the requirement states any person handling the nozzle must have a dredging permit to do so. Within our operation there are four of us who have permits in case we run the nozzle. Some of us can only make it on weekends as we also have full time jobs. In my view the number of dredges operating throughout a mining season is far less than the 3500, while the number of people
involved with dredging operations is far greater than 3500. This affects everyone from the miners to the rural communities that rely on this form of tourism.

From: Steve Collins <3dogfarm@wildblue.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/23/2009 1:32 PM
Subject: Fwd: Returned mail: see transcript for details

---------- Forwarded message ----------
From: Mail Delivery Subsystem <MAILER-DAEMON@dfg.ca.gov>
Date: Mon, Nov 23, 2009 at 9:46 AM
Subject: Returned mail: see transcript for details
To: 3dogfarm@wildblue.net

The original message was received at Mon, 23 Nov 2009 09:46:16 -0800
from mail-yx0-f175.google.com [209.85.210.175]

----- The following addresses had permanent fatal errors -----
<dfg.ca.gov/suctiondredge@dfg.ca.gov>
(reason: 550 No such recipient)

----- Transcript of session follows -----
... while talking to [205.225.241.60]:
>>> RCPT To:<dfg.ca.gov/suctiondredge@dfg.ca.gov>
<<< 550 No such recipient
550 5.1.1 <dfg.ca.gov/suctiondredge@dfg.ca.gov>... User unknown
>>> DATA
<<< 503 Bad command sequence

Final-Recipient: RFC822; dfg.ca.gov/suctiondredge@dfg.ca.gov
Action: failed
Status: 5.1.1
Remote-MTA: DNS; [205.225.241.60]
Diagnostic-Code: SMTP; 550 No such recipient
Last-Attempt-Date: Mon, 23 Nov 2009 09:46:16 -0800

---------- Forwarded message ----------
From: Steve Collins <3dogfarm@wildblue.net>
To: dfg.ca.gov/suctiondredge@dfg.ca.gov
Date: Mon, 23 Nov 2009 09:46:14 -0800
Subject: dredging
Mark:

My partner and I have 2 1/2" and 4" dredge. We are 70 & 65
respectively. We generally dredge a small portion of the Moke river
near Jackson. We only started dredging a couple of years ago. We are
"recreational" miners in that this activity is not part of our
livelihood. I am a member of GPAA, LDMA, Central Sierra Mining Assoc,
and The Delta Golddiggers out of Stockton. The other dredgers we have
encountered (6-7) at our location are very respectful of the river.
My partner an I make every effort to leave the river cleaner than we
find it by picking up beer cans and trash left by other (non-dredge)
users of the river.

While dredging, we suck up small amounts of mercury, large amounts of
leadshot and lead fishing weights and a very small amount of GOLD.
Believe me, this hobby costs us a lot more money than we make in

gold. In our case, the act of dredging, being in the river, and enjoying nature are more important than having the gold.

I personally have a lot more luck at finding gold by digging in pot holes and crevices in dry creeks.

In my opinion, the EIR will show that dredging has no significant impact on the environment.

Like other communities, the dredge community needs to monitor its own to see that DFG regulations are followed.

We can only hope that in the end the DFG will have as much common sense as technical sense. I feel confident that they do.

Thanks for listening!

Steve Collins
7301 Middle Bar Rd.
Jackson, Ca. 95642
(209)-765-9051
3dogfarm@wildblue.net

SUCTION DREDGE PERMITTING PROGRAM
Subsequent EIR - CEQA Scoping Comment Form

Name:	STEVE COLLINS
Mailing Address:	7301 MIDDLE BAR RD. JACKSON, CA. 95642
Telephone No. (optional):	209-765-9051
Email (optional):	3DOGFARM@WILDBLUE.NET

Comments/Issues:

See ATTACHED

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY 12/03/09) TO:

Mail: Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Email: dfgsuctiondredge@dfg.ca.gov

Website: www.dfg.ca.gov/suctiondredge

Questions? Please call us at (530) 225-2275

Mark:

My partner and I have 2 1/2" and 4" dredge. We are 70 & 65 respectively. We generally dredge a small portion of the Moke river near Jackson. We only started dredging a couple of years ago. We are "recreational" miners in that this activity is not part of our livelihood. I am a member of GPAA, LDMA, Central Sierra Mining Assoc, and The Delta Golddiggers out of Stockton. The other dredgers we have encountered (6-7) at our location are very respectful of the river. My partner an I make every effort to leave the river cleaner than we find it by picking up beer cans and trash left by other (non-dredge) users of the river.

While dredging, we suck up small amounts of mercury, large amounts of leadshot and lead fishing weights and a very small amount of GOLD. Believe me, this hobby costs us a lot more money than we make in gold. In our case, the act of dredging, being in the river, and enjoying nature are more important than having the gold.

I personally have a lot more luck at finding gold by digging in pot holes and crevices in dry creeks.

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Like other communities, the dredge community needs to monitor its own to see that DFG regulations are followed.

We can only hope that in the end the DFG will have as much common sense as technical sense. I feel confident that they do.

Thanks for listening!

Steve Collins
7301 Middle Bar Rd.
Jackson, Ca. 95642
(209)-765-9051
3dogfarm@wildblue.net

November 24, 2009

Mark Stopher
California Dept. of Fish and Game
601 Locust Street
Redding CA. 96001

Mark Stopher:

I am submitting this document per your request for economic impacts of the ban of suction dredging in Calif. I have been making 30% to 70% of my income from the production of gold by using a suction dredge since 1979, 30 years ago. I have personally recovered hundreds and hundreds of ounces of placer gold during that time to help support my family in El Dorado County. I have logbooks going back to 1984 and have income tax records dating back to 1987 verifying this production. This illegal ban on mining in California has cost my family and my partners no less than $32,500 considering the present price of gold in this year alone. This can be verified from reasonable estimates based on current financial statements, log book entries for 2009, testing logs and production logs from the mining of adjacent river gravels in recent years. Not included in this estimate are the weeks of extra labor that will be required next year, to remove the many yards of gravel that will inevitably infill and erase our work from this year. This infilling will most certainly occur during the first few major storm events of the coming winter. What do you think a months extra work for two professional divers and one other experienced miner is worth these days? I would say something on the order of $9,000 is a very conservative estimate. **WE ARE NOT** recreational gold miners. Any delay in the restoration of Federally and Constitutionally protected private property and mining rights will only add to an ever-increasing debt owed to gold miners in California by those obstructing this valuable work. Your efforts to restore these rights as soon as possible and produce an accurate, unbiased, factual EIR based on indisputable peer reviewed studies would be appreciated.

Thanks for your consideration.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado CA. 95623

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzenegger
Jerold Hobbs, PLP

November 25, 2009

Mark Stopher
California Dept. of Fish and Game
601 Locust Street
Redding, CA. 96001

Dear Mr. Stopher:

The following comment on your NOP SEIR is more specific to the South Fork American River, which empties into Folsom Lake. A significant portion of my income supporting my family has been derived from mining gold on the South Fork American River since 1981, 28 years ago. I have produced hundreds of ounces of gold, and have logged over 10,000 hours of dive time working in the streams and rivers of El Dorado County. **I AM NOT** a recreational miner, and have logbooks and tax records to prove it. My knowledge of the geology, hydrology and history of the South Fork American River Basin above Folsom Lake is extensive, much of which cannot be learned from a book. I am a very prudent gold miner and I might add, a true environmentalist. Unfortunately the SFAR has been environmentally compromised by the many dams that provide power-generating facilities. Chili Bar reservoir was wisely constructed to mediate the surging river flows created by these power-generating facilities. Sadly, the mediating purpose of Chili Bar reservoir has been negated for the sole purpose of providing daily surges of high water flows to directly benefit the profit based, rafting industry. Great fun and highly profitable, but tough on the environment! Enclosed is a graphic illustration of how the fluctuating river flows, from 200 cfs to 4000 cfs daily, negatively impact the aquatic habitat and also that of the normal river bank riparian environment, thus creating an abnormal, environmental dead zone in, and adjacent to, the river. I would strongly recommend the Department of Fish and Game to immediately restore year round suction dredge gold mining to the South Fork American River between Folsom Lake and Slab Creek Dam. DFG needs to encourage miners to do their economically beneficial work, and as a by-product to continue to remove in-stream trash that has been lost by other user groups, and at the same time removing toxic lead and mercury from our river. The economy and the environment are being negatively affected by this needless ban of suction dredge mining on the South Fork American River.

Also, I would like to work with some of your staff to help document what I have learned from my thousands of hours of work on 2 sections of private land just above the Gorge on the Vicini Ranch. I have been working the river channel adjacent to this ranch for 22 years. This valuable river work has revealed to me a definite story concerning historic mining activities, river morphology, and hydrological processes. With the owners permission of course, I could do a walk through with some of your staff to document what I have learned before I am gone and this knowledge is lost.

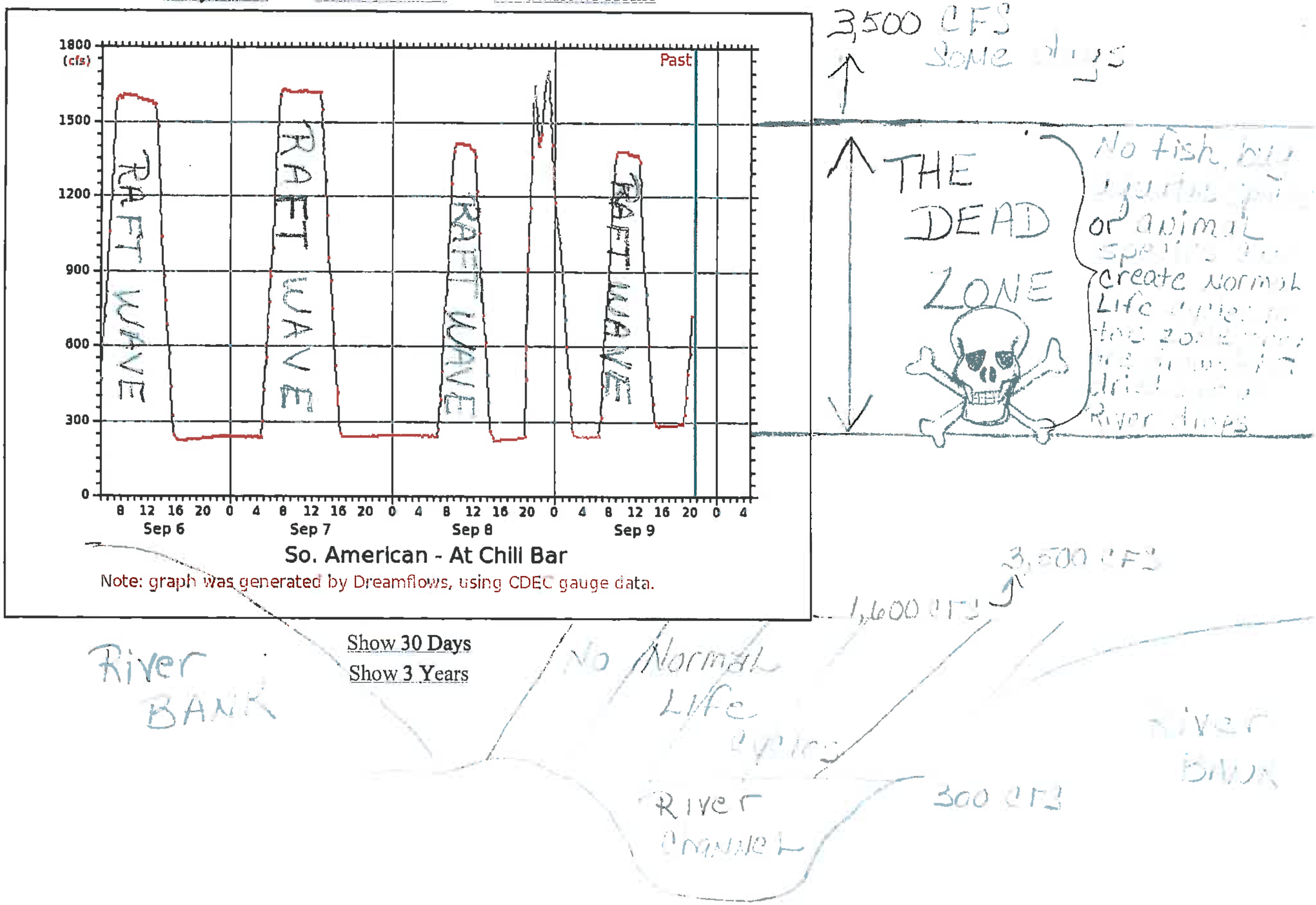
Thanks for your consideration.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado CA. 95623

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzenegger

Daily Flows   Realtime Flows   Dreamflows Home



Show 30 Days
Show 3 Years

November 12, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street
Redding, CA 96001

Dear Mr. Stopher:

My name is Steve Tyler. I was born in Placerville and have spent most of my 59 years in the mountains of El Dorado County, fishing and prospecting for gold. Since 1979, thirty years ago, I have been making 30% to 70% of my income dredging for gold in order to support my wife and two boys. I have income tax returns and log books going back to 1983 to verify this fact! It is not for me just a fun hobby. I have been blessed by God to have been able to make a significant part of my living engaging in such an enjoyably challenging and yet environmentally positive endeavor.

Not only have I been able to reap the rewards of finding hundreds of ounces of gold, but have received a hands-on education in the fields of geology, hydrology, and mining history throughout the local foothill and mountains. I've personally have logged over 10,000 hours of diving in our local streams and rivers, enabling me to have a direct physical knowledge of our in stream fisheries and aquatic habitat that can't be learned from a book. Judging from the number of gold dredgers in this meeting I would conservatively estimate that there are over 200,000 logged hours of diving in the streams and rivers of California in this small gathering alone. The observations made and comments written by these men, who have spent hundreds of thousands of hours in our rivers, need to be used and not be disregarded if an accurate EIR is to be produced by your department.

On a personal level, the unwarranted ban on suction dredging last summer has cost my family over ten thousand dollars of lost income, which can be verified. In addition I had to lay off two other men employed in my seasonal dredging operation. Next season it will take us an additional month just to get to where I left off this season, as all of the work that we did in the river reaching our payoff will be completely erased by the first series of storms hitting the Sierra watershed this winter. That means more wasted labor.

On the South Fork American River on Jan. 1, 1997 there was a flood of nearly epic proportions when over 70,000 cubic feet per second of water flushed millions of cubic yards of sand, gravel and boulders as big as cars down the river canyons and all vegetation growing up a hundred feet on the canyon walls was stripped of leaves and thousands of trees were deposited on the banks of Folsom Reservoir along with many tons of man made debris. From man's point of view, this seemingly destructive high water event was just what the natural environment needed to cleanup and maintain a

healthy fisheries and natural environment. In the several years following this event the fishing on the South Fork American River has never in recent history been better. How can the use of suction dredges possibly be harmful to the environment when it merely duplicates, on a microscopic scale, what God does every winter during any high water event to the benefit of our environment? Numerous scientific, peer reviewed studies support these obvious facts! It is also a known fact that as a by product of our endeavors, those of us in the dredging community remove in stream trash lost by other user groups as well as toxic lead and a modern dredge has been proven by studies to effectively remove 98%+ of the elemental mercury that contaminate certain areas of our river systems. Maybe suction dredges should more appropriately be called river and stream cleanup machines. Please find enclosed pictures of in stream trash collected by several dredgers in past years on the South Fork American River. In one picture, 6 aluminum cans had drifted into our dredge hole just 2 days after the unwarranted dredge ban in August. These are facts! Suction Dredge users ARE good stewards of the environment! Also included are pictures of pounds of lead removed from S.F. American and several ounces of mercury recovered in the last three years of my operation there.

I don't know what has changed since your EIR in 1994 if anything, but this present EIR process cannot, BY LAW, have a predetermined agenda besides establishing facts. It must reflect only facts that have been peer reviewed, scientifically studied and proven. It can't include suppositions, assumptions or biased prejudices. There is NO room in this document for "MAY" or "MIGHT" or "COULD". Suction dredging has been going on for almost 60 years and there have been volumes of studies, which consistently conclude that this activity has little " IF ANY" deleterious effects on fisheries or aquatic habitat. In fact, the only good salmon fishing left in California this year, is on the Klamath and Trinity rivers. It seems ironic to me that these same two rivers have been dredged year, after year, after year, by many large dredges. It does not take much reasoning to figure out that dredging is good for the fisheries after all. I can only pray that those who work on this EIR document will keep one eye on the Constitution of the United States, which they have sworn to uphold, while they endeavor to create an honest, accurate environmental impact report on the effects of suction dredge mining. Thank you for your consideration.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado Calif. 95623

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzenegger


In stream trash and mercury recovered by gold dredgers on South Fork of the American River.
You can see the trash at the bottom of the river.


Removal of trash and mercury from our river beds by the local Gold Dredgers

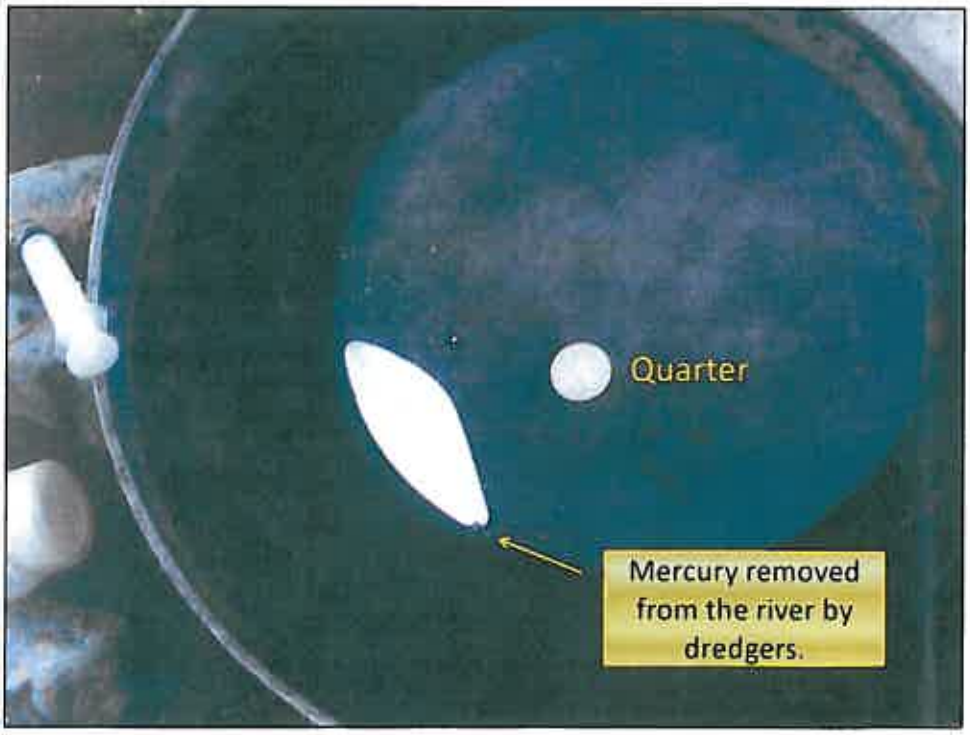

Gold
Removal of lost money and other lost items while suction dredging for gold.


Lead weights and other toxic and dangerous items.


Recycling should not be done within our rivers.


The trash from summers gone by is filling our rivers.


Trash removed.


Quarter
Mercury removed from the river by dredgers.


Who will take this trash out of the rivers with the suction dredgers gone?

November 16, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street
Redding CA 96001

Dear Mr. Stopher

Elemental mercury in our rivers and streams is a subject of concern to all of the population in California today. Although some amount of naturally occurring mercury is present in our waterways, especially in streams originating in the coastal range, mining during the 19th century is the main source of the mercury load contained in our California Rivers at present. Year after year, sediments, sand and gravels containing this mercury are being transported toward the delta. These are known facts. A lesser known but obviously apparent fact is that the same hydrological forces that transport these materials year after year constantly grind and re-suspend floured mercury, not on, but in the gravels above bedrock. Only in certain areas of our streams and rivers, where there is a concentrating hydrological effect, is the mercury re-concentrated into larger droplets. The remaining floured mercury, which is the majority fraction, remains suspended in the gravels as it has a lighter specific gravity than gold and is in a liquid state, which prevents it from being wedged into bedrock unless amalgamated with gold. This is an obvious fact, which has been apparent to the many suction dredge gold miners who have collectively accumulated millions of hours of dredging in our streams and rivers for the last 50 years. The modern suction gold dredge is the perfect concentrator for removing mercury from the gravels of our rivers. The California Water Resources Control Board did a study, finding that a suction dredge removed 98% of the mercury in the gravel it processed and this study did not even employ a modern design gold dredge operated by a professional operator. The CWRCB then concluded that the 2% mercury lost was worse than the 98% recovered. What kind of twisted logic is that? To be a successful gold miner requires a considerable amount of common sense. Apparently that is not a requirement to be a member of the CWRCB.

A more common sense approach would be to work with the mining community and possibly provide periodical collection points where mercury and lead could be disposed of in a proper manner. Suction dredge miners are obviously the best-equipped group to facilitate the removal of metallic mercury in our rivers as an incidental by-product of their economically beneficial activity. At relatively little expense to our California government, a large portion of the mercury in our rivers could be taken care of before it is allowed to migrate on down to the delta. We need to work together to protect our environment and encourage the wise use of our resources.

Enclosed is a three-page challenge by the AD-Hoc Anti-Mercury Committee dated June 2009. Included in their list of possible solutions is the use of suction dredges as a partial answer to the removal of mercury from our environment. In Washington State, a program has already been successful in the collection of over 150 lbs of mercury removed from the waterways of their state in a short amount of time. Let's get it done. Thanks for your consideration of the facts.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado, Calif. 95623

Enclosures
Cc El Dorado County Board of Supervisors
Governor Arnold Schwarzennegger

A Challenge to Remove Mercury from the California Environment

June 2009

The undersigned ad-hoc committee has been following the many research projects about mercury and other toxins in the environment. The scope of the research results have been a source of astonishment at their depth and admiration for the results that have been published.

Summary: The goal of the ad-hoc committee was to learn about the presence and effects of mercury(Hg) in the environment and to identify methods of removing such a health hazard from the environment. After following the published research and learning of advances in Hg removal technology, we have concluded that the possibility for realization of the stated goals is now in sight. Furthermore, the recent economic downturn, rather than decreasing the realization of Hg removal, may actually increase the possibilities of removal. The recent passage of economic stimulus legislation by Congress to provide employment opportunities should allow funding of Hg removal for reasons of providing employment with the added benefit of removal of a health hazard.

Background: The dispersal of Hg in the environment in earlier geologic times occurred only with earth movements such as volcanic eruptions. More recent industrial activities such as burning fossil fuels and mining, especially for use in gold extraction, and the process of gold extraction, have resulted in increased concentrations of HG (Sacramento River Watershed Program: www.sacriver.org/issues/mercury), especially in California, to the extent that environmental Hg is a recognized health hazard. The recent report, presented as an executive summary at the December 2008 meeting of the Delta Tributary Mercury Council, "Mining's Toxic Legacy" (Carrie Monohan, PhD, Sierra Fund: www.sierrafund.org) traces the development of gold mining and its environmental consequences. The report states that 26 million pounds of mercury were brought to the California Gold Country of which about half were never recovered and escaped into the environment. This is the source of the estimated several hundred pounds of Hg that flow into San Francisco Bay annually. The report stated that the gold rush benefitted the entire United States and that the Federal and State governments should be involved in the mitigation of the problems.

The path of mercury into the food chain has been the subject of many studies. The results of these studies have led the Ad-Hoc Committee to conclude that removal of the metallic Hg, which is the source of Methyl-Hg, would result in the significant reduction (not easily quantifiable) of Hg from the food chain. The downstream progress of Hg-containing sediments has been severely reduced by the use of the natural outflow for agricultural, industrial, and urban activities, and, as a result, the flushing action of river transport to the ocean has been prolonged. For that reason, we believe that any removal of Hg from the sources will reduce the time for the concentrations to be lowered to where they are not dangerous to health.

Possible Solutions: The small-scale mining community using suction dredges and sluices in Washington State has provided a partial answer. In the May 2007 issue of the ICMJ Prospecting and Mining Journal, it was reported that the Washington Department of Ecology has received over 150 pounds of Hg from this source. The Hg was accumulated in the sluice boxes alongside the gold. Also, Carrie Monohan in the December 2008 presentation stated that metallic Hg was visible in a creek near her residence and that it was removed by simply using a common turkey baster. These reports have led the Ad-Hoc Committee to conclude that establishment of a state wide program of buying Hg that was removed from

the environment by miners or others, would result in a significant amount of Hg being intercepted before it causes any more damage. The USGS in publication "Fact Sheet 2005-3041 Version 1.1; C. N. Alpers, M. P. Hunerlach, J. T. May, R. L. Hothem (http://pubs.usgs.gov/fs/2005/3014/) states "Today, mercury is recovered as a by-product from small-scale gold dredging operations; also, mercury and gold are recovered as byproducts from some gravel mining operations, especially in areas affected by historical gold mining." These methods of Hg extraction from the environment if encouraged by financial incentives could, as stated previously, result in removal of significant amounts of Hg from the environment.

The Sierra watersheds are the sites of many reservoirs installed for irrigation and/or hydro power electric generation. Over the years, the silt that would otherwise be carried downstream has become trapped, and as a result, the holding capacity of the dams has diminished, thus necessitating removal of the silt. One such project at the Combie Reservoir on the Bear River has recognized this as an opportunity to also remove the Hg (private communication to I. Sturman). The project goals are listed as: renewed storage capacity, Hg removal from the sediment, commercial use of the dredged materials, improved recreation, and public education.

Other possibilities of interception could benefit from the model of the interception ponds installed on Cache Creek. Although not in the gold country, the Coast Range is the site of numerous Hg deposits that were mined for gold extraction use and thus Hg was introduced into the local mine environment.

The interception process in the Gold Country and the Coast Range could be the subject of many site specific research projects that would result in new methods of interception and Hg extraction.

The previously described procedures are specific for remediation of water-borne Hg. It is likely that there are many non-water related sites (Hg mines, industrial facilities, etc.). A 73 page summary of other methods of Hg removal was published by the U.S. Department of Energy in 2001 as "Mercury Contaminated Material Decontamination Methods: Investigation and Assessment" by M.A. Ebadian, PhD; Marshall Allen; Yong Cai, PhD; John F. McGahan (www.hcet.fiu.edu). An eight page article "Extractability and Bioavailability of Mercury from a Mercury Sulfide Contaminated Soil in Oak Ridge, Tennessee, USA" by F. X. Han, S. Shiyab, J. Chen, Y. Su, D. L. Monts, C. A. Waggoner, and F. B. Matta was published in Water Air Soil Pollution (2008) 194:67-75. Also, a detailed description (seven pages) of "...removing contaminants from contaminated soils...", "...using electrokinesis..." is available as a patent description "Process and Apparatus for recovering Heavy Metals from Contaminated Materials" (www.wipo.int).

The previously described methods for Hg removal will reduce the amount of Hg entering San Francisco Bay. However, the bay contains significant amounts of Hg owing to the water flow from both the Sierra Gold Country and the Coast Range deposits that have been mined. The Hg deposits from the Gold Country should be accompanied by deposits of gold (Au) as indicated in previous references (because of their similarity in density). This opens the possibility of locating higher concentrations (concentrated by natural forces, wind, wave, and tidal action), in bay sediments and selectively dredging them to remove the Hg (and Au) bearing layers using techniques such as air lift suction to minimally disturb the sediments. It may be that the concentration of Au in bay sediments is low, but recently developed technology (heap leaching) can extract Au from ores at less than one part per million by weight ("Gold from Panning to High-Tech Mining" Tom Farley, Invention and Technology, Summer 2008, Volume 23, Number 2). At this writing (June 2009) the price of Au is about $900 per troy ounce. The price of Au has risen faster than the cost of extracting it. Any

recovery of Au would help mitigate the cost of Hg removal. The sediments from non-gold country sources, such as the Guadalupe River flowing into the south bay will require different methods for Hg extraction from the sediments, possibly centrifuge processing.

The previously mentioned economic stimulus plan was listed as a possible source of funds in "Cleanup of abandoned mines expected to continue", Joan Lowry (San Francisco Chronicle, February 16, 2009, page A11). "The final bill, approved by the House and Senate on Friday, contains more than $1.5 billion for construction and maintenance projects in the Bureau of Land Management, the National Park Service and the Forest Service. This includes addressing pollution and safety hazards caused by abandoned mines on public lands." "... Senator Dianne Feinstein, D-Calif., (was) one of the lawmakers who sought the money." The article states that projects other than mine cleanups are also eligible for the funds. However, the economic stimulus bill is limited to Federal lands and thus cannot solve the entire problem of Hg contamination in California. But, there already are Superfund projects active in California, at Clear Lake, near Redding, and near Davis, Jane Kay (San Francisco Chronicle, April 16, 2009) so there are precedents.

The Challenge: The Federal, State, and Local Environmental and Water Quality Agencies, volunteer, non-profit environmental organizations local citizens organizations, mining companies, and small-scale miners are the vehicles by which the Hg contamination in California can finally be mitigated. These organizations are challenged to form an umbrella organization with the common goal of removing the Hg from the California environment. The task requires the application of a "Super Fund" clean up effort applied to the entire state, not just to a specific site. The results will not be instantaneous, but applying the methodology selectively to the most contaminated sites first, possibly one or a few at a time, will have the potential of reducing the San Francisco Bay and other California environment concentrations of Hg in tens of years rather than hundreds of years if nothing is done.

As quoted previously, the entire nation benefitted from the Gold Rush, thus it is appropriate that the cost for the clean up come from the federal government.

The Ad-Hoc Anti-Mercury Committee:

Benjamin E. Gordon: BS 1940, MS 1943 Magna Cum Laude, University of Illinois: Shell Oil Company and Shell Development Company, 31 years: Lawrence Berkeley Radiation Laboratory; Analytical Chemist; Supervisor, Analytical and Radio chemistry, 19 years: Netherlands Shell, Supervisor and Radiation Safety Officer, 4 years: 273 research papers.

John Rasmussen: Professor of Chemistry, Emeritus, University of California, Berkeley; Author of Encyclopedia Britannica Article "Radioactivity": Also, Biographical Entries in "Who's Who in America" and "American Men and Women of Science".

Ivan Sturman: BSEE, Carnegie Institute of Technology (now Carnegie-Mellon University) California Registered Professional Engineer: Field Engineer, Quality Control Manager, Earth Sciences Application Engineer, Civil Defense Research Engineer; Marine Mineral Exploration Engineer, Hydrographic Survey Engineer; Nuclear Radiation Instrument Systems Engineer for Nuclear Power Plants, 19 Research Papers: Volunteer Creek Restorer: Volunteer Restorer Historic Victory Ship.

November 15, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street Redding, CA 96001

Dear Mr. Stopher:

The following paragraph, about the great salmon fishing on the Trinity river, was submitted to the El Dorado County Board of Supervisors on Oct. 6, 2009 concerning the obviously discriminatory and illegal ban on suction dredge mining. The EDC Board of Supervisors unanimously passed a resolution containing many statements backed by facts and peer reviewed studies concluding that Suction Dredge mining has minimal, if any, deleterious effects on fisheries or aquatic habitat. In fact, the economic contributions as well as the environmental clean up of toxic lead and mercury and other user trash from our waterways are well established facts. The suction dredge mining community should be encouraged in their endeavors to create real wealth within our economies and as an incidental by-product, remediate the in stream negative environmental effects caused by other past and present user groups.

So, apparently the salmon fishing is great on the Trinity River in spite of it being one of the most heavily gold dredged rivers in Northern California. So, why has suction dredging been banned in the entire state under the guise of protecting salmon when, in fact, salmon runs don't exist on many rivers draining the Sierra Nevada Range and in fact on rivers where salmon runs are still healthy, the salmon seem to co-exist just fine alongside the gold dredging community. Something smells very fishy with this state-wide ban on suction dredging. Incidentally, this article on the great salmon fishing on the Trinity River was published exactly one week after the suction dredge ban was signed into law. The whole thing stinks. NOTE: See accompanying articles from the Sacramento Bee. Also, the Klamath River has been a heavily dredged river and with the Trinity, they are the only two north coast rivers with salmon runs healthy enough to permit fishing, which obviously does kill fish. It doesn't take a very large amount of common sense to conclude that suction dredge mining should be encouraged to help maintain a healthy fisheries. The evidence is staring us in the face! Thank you for considering the facts.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado, Calif. 95634

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzennegger

SALMON SEASON

THURSDAY: Salmon fishing is banned almost everywhere in California except on the Trinity and Klamath rivers, but local anglers will have a limited opportunity to land a salmon on a stretch of the Sacramento River between Red Bluff and Knights Landing, beginning Monday. LIVING HERE: OUTBOUND

A14 The Sacramento Bee | Tuesday, November 10, 2009

SACRAMENTO RIVER SALMON POPULATIONS HAVE COLLAPSED, BUT WAY UP NORTH THE TRINITY IS A GREAT PLACE TO ...

Fish on!

HOLLY A. HEYSER

Guide Jon Harrison rows and Hank Shaw anticipates the next action in the Trinity River during a salmon trip last month. Also aboard is Harrison's dog, also named Trinity.

By Holly A. Heyser
Special to The Bee

Our guide uttered the magic words on the drive home from a lackluster striped-bass fishing trip on the Sacramento River.

For my boyfriend, Hank Shaw – who is obsessed with cooking – the abracadabra moment came with a description of the fish: "They're so fat it's like they come with their own butter."

I was hypnotized by a description of the river: "The water is so clear you can see 20 feet down. Sometimes you can see the fish coming in to take your bait. And some days you don't see anyone else on the water."

"We're in," we told Jon Harrison of Five Rivers Guide Service in Orangevale. We were going salmon fishing on the Trinity River.

Salmon fishing was becoming a distant memory for us with the unexpected collapse of the Sacramento River Chinook salmon run in fall 2007. The fish count inexplicably plunged to barely half of what was needed for a sustainable population. State and federal agencies responded by drastically curtailing salmon fishing in 2008, and again this year.

But salmon runs on the Klamath River and its tributary the Trinity are in better shape, so riches await anyone willing to make the 3½-hour trip north. And for Harrison, nothing compares to the Trinity.

"It's my favorite of the rivers I fish," he said, naming waterways: Sacramento, American, Feather, Yuba and Trinity. "You can get away from people. It reminds me of my childhood fishing in the Sierras, but the fish are much larger."

When we fished the Trinity with Harrison a few weeks ago, we targeted the spring run, the first of two Chinook runs on the river.

The fall salmon run, which is projected to be quite robust this year, is what brings anglers out in droves in September and October.

But the spring run is unusual: Instead of heading upriver and spawning fairly quickly as the fall fish do, spring-run Chinook sprint up the Trinity as early as April and spend the summer lolling in deep holes until they reach sexual maturity. Then they move into spawning beds.

(The spring run begins in mid-June, when water flows drop to manageable levels, and continues through August. Fishers can catch and keep two salmon a day, starting in January. Possession is also limited to no more than two.)

Because salmon don't feed after they enter fresh water, these fish must pack on the fat before leaving the ocean for the last act of their lives. That's what Harrison meant when he said they come with their own butter. They're as good as, or better than, ocean-caught salmon.

That was appealing to me because I'd caught one salmon in my life – a 32-pound monster, just south of downtown Sacramento – and rather than

SALMON | Page D7

HOLLY A. HEYSER

It's hard to tell who's more excited about a 29-inch salmon hauled in by Holly Heyser – guide Jon Harrison or his dog Trinity.

salmon: Barbless hooks help thrown-back and escaped fish stay alive

Salmon: Barbless hooks help thrown-back and escaped fish stay alive

FROM PAGE D1

being delighted with the feast I'd caught, I was put off. It tasted like the Sacramento River from which it had come.

Now we were just waiting for proof that the Trinity springers were everything Harrison said.

On the first morning of our two-day trip, we set out on the river at 5:30 a.m.

"You can't write where we are," Harrison said sternly, looking me in the eye.

We soon found out why: This stretch of the upper Trinity River was virtually deserted, even though there were plenty of anglers in the area. We knew from the empty trailer where we had parked that there was one boat in the water ahead of us, but in more than seven hours on the river that day, we saw just one other angler – a man fishing from the bank.

Soon after putting in, Harrison rowed us in his drift boat just a short way downstream before stopping just above a pool that was dotted with rocks covered by lush bunch grasses and Indian rhubarb. He spent a few minutes tying sardine filets onto Quikfish lures, trussing them up with fishing line. Because salmon don't eat in fresh water, the idea wasn't to tantalize their taste buds but to irritate them, prompting an attack.

HOLLY A. HEYSER

The spring-run chinook salmon is renowned for its high fat content.

Harrison dropped the first Quikfish into the water and let line out until the lure hit the spot where he knew the fish lay. Thunk! Thunk! A fish was on the line immediately. He handed the rod to Hank, who started reeling, and then just as quickly the fish was free.

What had happened?

Our barbless hooks, required on the Trinity and throughout the Klamath basin, would make it a challenge to land fish on this trip.

The hooks prevent killing the fish that anglers don't or can't keep, says Larry Hanson, a senior biologist for the State Department of Fish and Game.

When Harrison dropped our lures back into the water, we hooked two more fish immediately, a fourth a little later, but we lost all of them. At the next pool we fished, we hooked and lost one more.

Harrison was flabbergasted at the bad luck, and so was Hanson when I told him about it later.

"The hook-to-loss rate shouldn't be as high as you experienced," Hanson said.

Despite the lost fish, we were buoyed by having hooked so many. We knew they were there – and biting.

Harrison kept moving us down the river, and for the most part it was a soothing ride. We glided through clear waters, watched red alders dropping their first leaves in the light breeze, and spotted bald eagles and osprey overhead.

But occasionally he took us through rapids, the bottom of the aluminum boat thudding on the rocks underneath. No wonder there weren't many people around – this was not for an unskilled boatman.

Late in the morning, we arrived at Harrison's favorite hole, where submerged iron girders provided the structure fish love. By now our method had changed: Once the sun hits the water, the bright Quikfish are too flashy, so we were casting balls of vivid red salmon roe into known salmon lairs.

Why does roe work when salmon don't eat in fresh water? The theory is their memory of feeding on roe as juveniles makes them bite instinctively.

Thunk! Thunk! There was a fish on Hank's line.

He set the hook and began reeling. The fish bolted, stripping line from the reel. Hank reeled it in, and it raced back out. In, out, in, out. We could watch most of the battle play out in the deep, clear pool in front of us, and we could see that this fish was a monster. We prayed the barbless hook would hold.

All three of us held our breath as the fish zipped under the boat – increasing its odds of getting off the hook. But Hank brought it back, and after several attempts with the net, we finally got it on the boat. Thirty inches long, about 20 pounds – well worth the wait.

This was the only fish we would get that day, but the next day I caught my limit of two by 8 a.m., the first 25 inches long, the second 29 inches. It was a respectable haul for a season in which the spring run has been described as average.

So how do Trinity springers taste?

Harrison hadn't exaggerated a bit. They were rich and decadent, as good as the best salmon we've ever had. We feasted for days and froze what we knew we couldn't eat soon.

Even if the salmon run on the Sacramento River rebounds and provides good salmon fishing much closer to home, I suspect we'll head back to the Trinity with Harrison every summer. We've fallen under the river's spell.

Holly A. Heyser teaches journalism at California State University, Sacramento, and writes a blog about hunting. Read more about this fishing trip – including tales of what Heyser and Shaw did with their catch – on Heyser's blog, www.norcalcazadora.com, and Shaw's blog, www.honest-food.net.

SALMON FISHING ON THE TRINITY RIVER

Spring run: Mid-June through August. (You can catch and keep two fish per day. You can also have only two in your possession. The limits apply starting in January, though most spring-run fishing begins mid-June.)

Fall run: September and October (limit three per day, no more than two adult fish; possession limit of nine, no more than six adults)

Guides include:

- Jon Harrison of Five Rivers Guide Service, (916) 806-3119.
- You'll other Trinity River fishing guides at www.blm.gov/ca/st/en/fo/redding/recreationmain/fishguide.html.

Other salmon fishing in California:

- Ocean: Aug. 29-Sept. 7, north of Horse Mountain in Humboldt County, limit of two fish per day, minimum size 24 inches
- Sacramento River: Nov. 16-Dec. 31, from Highway 113 in Knights Landing to the lower Red Bluff (Sycamore) boat ramp, limit of one fish – per day and in possession.

Other things to do in Trinity County

- Visit the Trinity County Chamber of Commerce at www.trinitycounty.com, or (800) 487-4648.

November 28, 2009

Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Dear Mr. Mark Stopher:

I am submitting this comment concerning your NOP SEIR on suction dredge mining. On page 61 of your NOP, the preparers of this document make blanket statements stating that this project would make potentially Significant Impacts on:

a. Historical resources.
b. Archaeological resources.
c. Buried human remains possibly interred outside of formal cemeteries.

Lets get this in proper perspective.

1. There were less than 3,500 dredge permits in 2009. Is that not true?
2. There were over 1,200,000 Sport Fishing licenses issued in California in 2009. That means for every single gold dredger there were 383 fishermen tromping over, around and through the rivers, streams and lakes of California in 2009.
3. Site Specific; on the river where I do my mining, the South Fork American, there were, in addition to fishermen, over 100,000 white water rafters in, and tromping around, the river banks in 2009, sharing this river with only 6 dredgers below Lotus, California. These numbers should also include the tens of thousands of hikers, campers, swimmers, and many others who recreate on the South Fork American River.

This seemingly obvious omission of proper perspective concerning the insignificant number of gold miners relative to the overwhelming numbers of other water resource recreationalists would appear to be a blatant attempt to vilify, and thus create false conclusions and ultimately illegal discriminating regulations placed upon the mining community. These accidental or purposeful omissions need to be addressed immediately in order to create a meaningful, truthful SEIR which is void of any predetermined, discriminatory and thus illegal findings.

In addition, the single most glaring omission is the fact that frequent high water events render ALL of the effects of mans'present activities to a microscopic level in comparison. For instance, on the South Fork American River, 3 high water events of monumental scale occurred in the last 30 years alone; in 1981, 1986 and on Jan1, 1997. Included in this comment are pictures of the SFAR taken from the same area of the Vicini Ranch in El Dorado County before, during, and after the flood the flood of Jan. 1, 1997. I hope to send to you a DVD, from which these pictures were copied, before Dec. 3, 2009. I

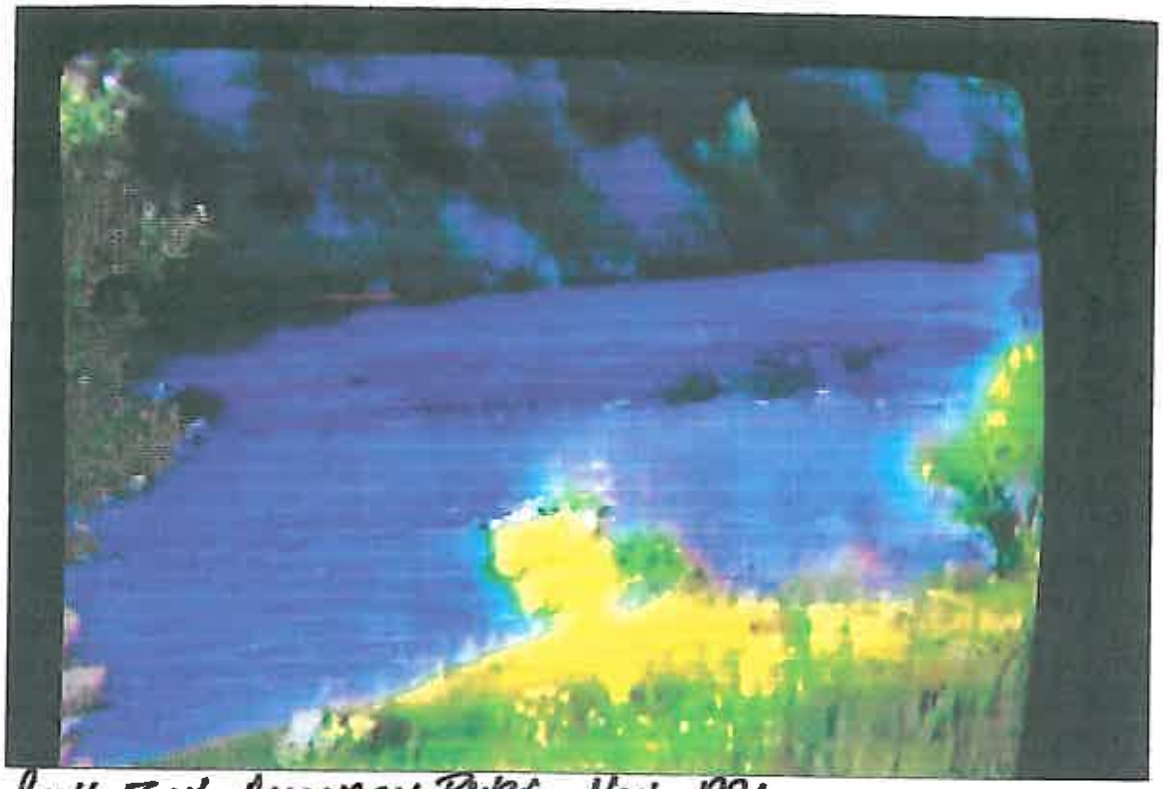
believe that you will find this DVD extremely interesting and useful for your department as it is one of the few video documents of the monumental flood of January 1, 1997.

In conclusion, I must repeat, any omission of the relative effects of other resource users compared to the effects, if any, of a few gold miners on our California waterways in your DSEIR will be indicative of a purposeful, political agenda to skew the truth and render your SEIR invalid and even fraudulent. Nor can the relative MONUMENTAL effects of periodic high water events be excluded from your documents. Thank you for your consideration.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado CA. 95623

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzenegger



South Fork American River Nov. 1996

Above picture is SAME North bank shows destruction from JAN 1, 1997 high water flood of over 70,000+ CFS.

View of North bank on the South Fork American River JAN. 1, 1997 70,000 + CFS

SAME VIEW ONE WEEK later at 10,000 CFS

SFAR 70,000+ CFS JAN 1, 1997

Above picture is the SAME SPOT one week later.

South Fork American River JAN. 1, 1997 River at 70,000+ CFS - securing dredge.

DAMAGED Dredge 40 feet up on New sandbar after river receded to 10,000 CFS JAN. 8, 1997

November 24, 2009

Mark Stopher
California Dept. of Fish and Game
601 Locust Street
Redding, CA. 96001

Mark Stopher

I am submitting this comment concerning your discussion on the potential loss of mineral resources from gold mining activities. Page 78 NOP SEIR 2009. What kind of ridiculous statement is that? Gold is one of the most valuable metal elements and has remained a medium of real monetary exchange throughout man's history because it cannot be lost or destroyed, only stolen. Our United States Government has encouraged miners to locate and produce gold for the wealth of our nation and economic welfare of its citizens. I am not a recreational gold miner. I have produced hundreds of ounces of gold in the last 30 years to support my family, create real wealth in the general economy, and have employed many in my mining activities. Obviously, a prudent man can only make a consistent living, with the best available equipment, by carefully working those areas that contain concentrations of gold that will pay decent wages after expenses are met. NO ONE can recover all of the gold left in our bountiful state. Or maybe you want to save the more valuable concentrations for the Chinese Government to collect, by any method, when our National Debt comes due.

Thanks for your consideration.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado CA. 95623

Enclosures
Cc El Dorado County Board of Supervisors
Governor Arnold Schwarzennegger

November 12, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street
Redding, CA 96001

Dear Mr. Stopher:

My name is Steve Tyler. I was born in Placerville and have spent most of my 59 years in the mountains of El Dorado County, fishing and prospecting for gold. Since 1979, thirty years ago, I have been making 30% to 70% of my income dredging for gold in order to support my wife and two boys. I have income tax returns and log books going back to 1983 to verify this fact! It is not for me just a fun hobby. I have been blessed by God to have been able to make a significant part of my living engaging in such an enjoyably challenging and yet environmentally positive endeavor.

Not only have I been able to reap the rewards of finding hundreds of ounces of gold, but have received a hands-on education in the fields of geology, hydrology, and mining history throughout the local foothill and mountains. I've personally have logged over 10,000 hours of diving in our local streams and rivers, enabling me to have a direct physical knowledge of our in stream fisheries and aquatic habitat that can't be learned from a book. Judging from the number of gold dredgers in this meeting I would conservatively estimate that there are over 200,000 logged hours of diving in the streams and rivers of California in this small gathering alone. The observations made and comments written by these men, who have spent hundreds of thousands of hours in our rivers, need to be used and not be disregarded if an accurate EIR is to be produced by your department.

On a personal level, the unwarranted ban on suction dredging last summer has cost my family over ten thousand dollars of lost income, which can be verified. In addition I had to lay off two other men employed in my seasonal dredging operation. Next season it will take us an additional month just to get to where I left off this season, as all of the work that we did in the river reaching our payoff will be completely erased by the first series of storms hitting the Sierra watershed this winter. That means more wasted labor.

On the South Fork American River on Jan. 1, 1997 there was a flood of nearly epic proportions when over 70,000 cubic feet per second of water flushed millions of cubic yards of sand, gravel and boulders as big as cars down the river canyons and all vegetation growing up a hundred feet on the canyon walls was stripped of leaves and thousands of trees were deposited on the banks of Folsom Reservoir along with many tons of man made debris. From man's point of view, this seemingly destructive high water event was just what the natural environment needed to cleanup and maintain a

healthy fisheries and natural environment. In the several years following this event the fishing on the South Fork American River has never in recent history been better. How can the use of suction dredges possibly be harmful to the environment when it merely duplicates, on a microscopic scale, what God does every winter during any high water event to the benefit of our environment? Numerous scientific, peer reviewed studies support these obvious facts! It is also a known fact that as a by product of our endeavors, those of us in the dredging community remove in stream trash lost by other user groups as well as toxic lead and a modern dredge has been proven by studies to effectively remove 98%+ of the elemental mercury that contaminate certain areas of our river systems. Maybe suction dredges should more appropriately be called river and stream cleanup machines. Please find enclosed pictures of in stream trash collected by several dredgers in past years on the South Fork American River. In one picture, 6 aluminum cans had drifted into our dredge hole just 2 days after the unwarranted dredge ban in August. These are facts! Suction Dredge users ARE good stewards of the environment! Also included are pictures of pounds of lead removed from S.F. American and several ounces of mercury recovered in the last three years of my operation there.

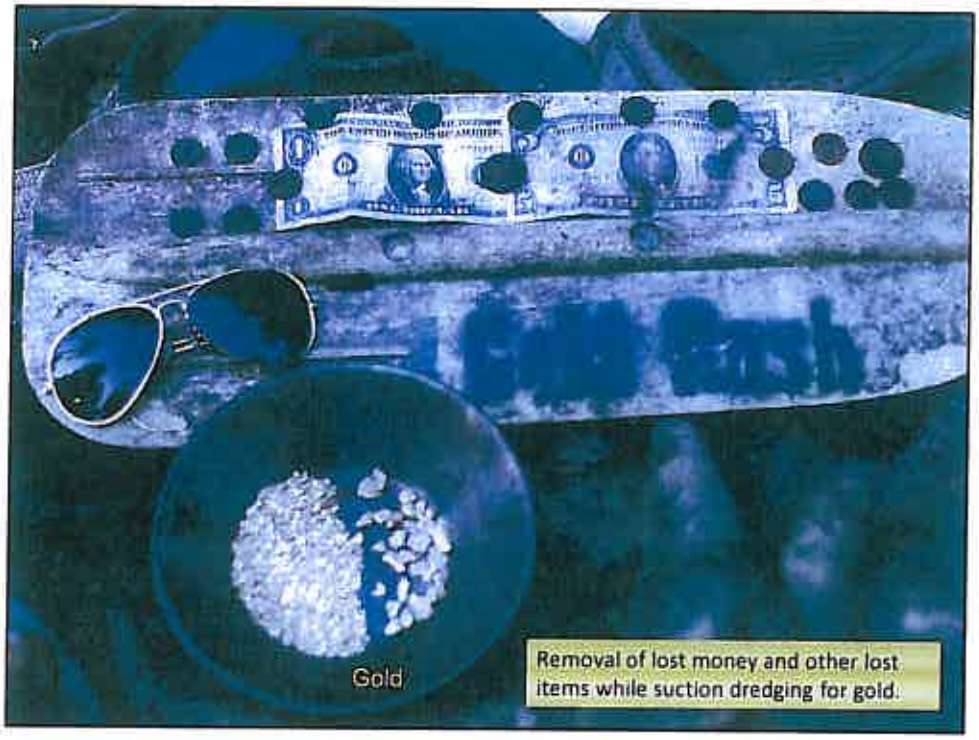
I don't know what has changed since your EIR in 1994 if anything, but this present EIR process cannot, BY LAW, have a predetermined agenda besides establishing facts. It must reflect only facts that have been peer reviewed, scientifically studied and proven. It can't include suppositions, assumptions or biased prejudices. There is NO room in this document for "MAY" or "MIGHT" or "COULD". Suction dredging has been going on for almost 60 years and there have been volumes of studies, which consistently conclude that this activity has little " IF ANY" deleterious effects on fisheries or aquatic habitat. In fact, the only good salmon fishing left in California this year, is on the Klamath and Trinity rivers. It seems ironic to me that these same two rivers have been dredged year, after year, after year, by many large dredges. It does not take much reasoning to figure out that dredging is good for the fisheries after all. I can only pray that those who work on this EIR document will keep one eye on the Constitution of the United States, which they have sworn to uphold, while they endeavor to create an honest, accurate environmental impact report on the effects of suction dredge mining. Thank you for your consideration.

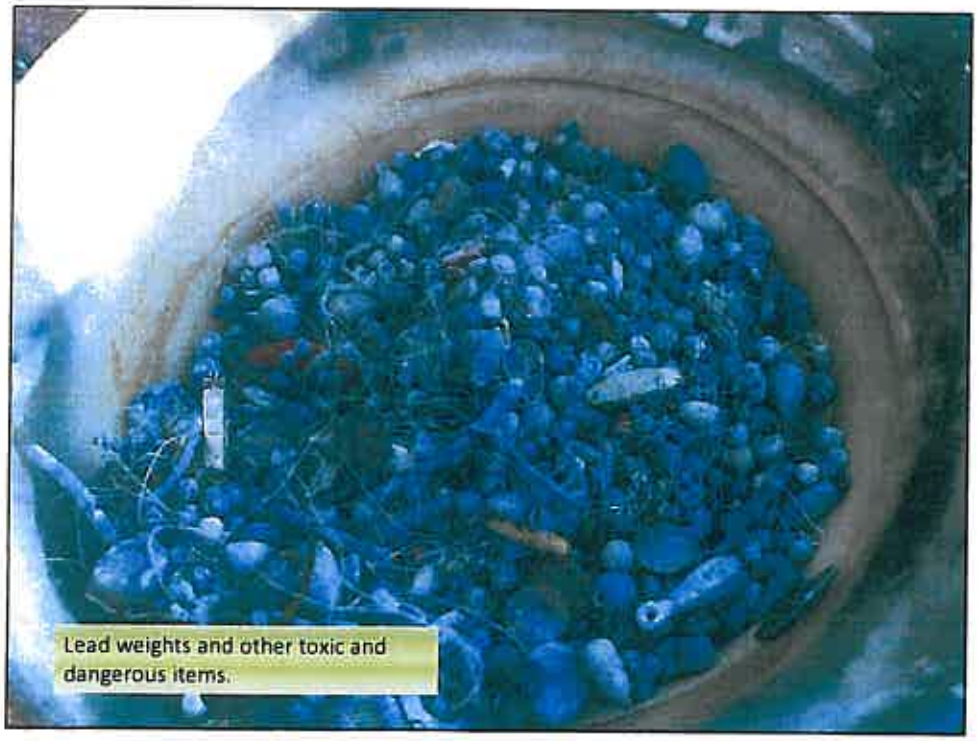
Sincerely,

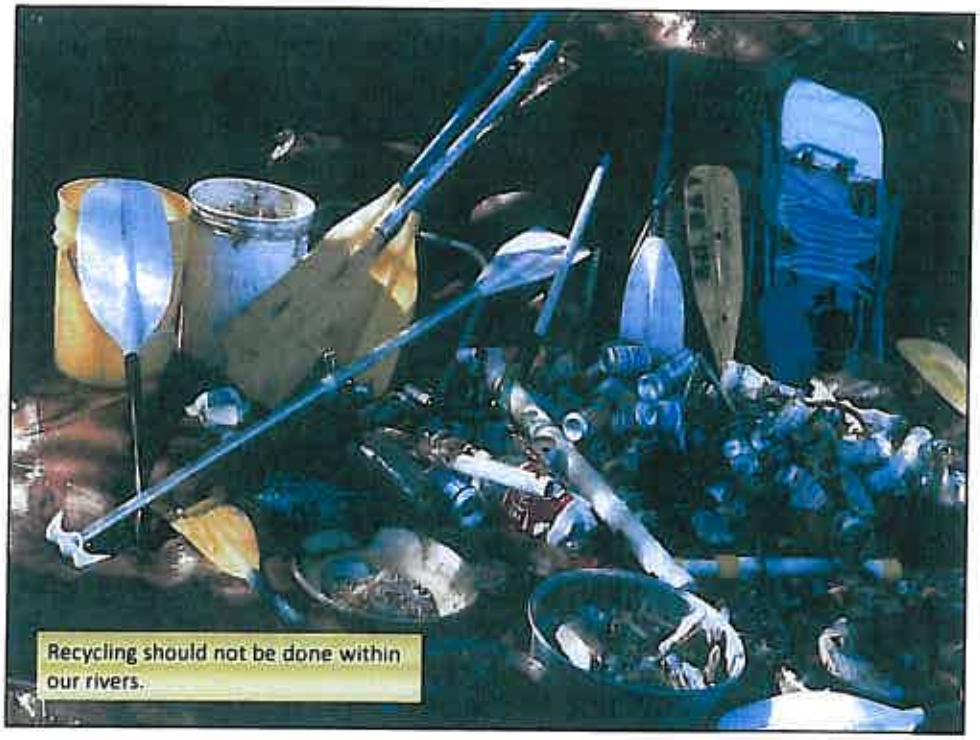
Steve Tyler
5601 Bumper Road
El Dorado Calif. 95623

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzenegger

Six cans left by ratters in our dredge hole within two days.

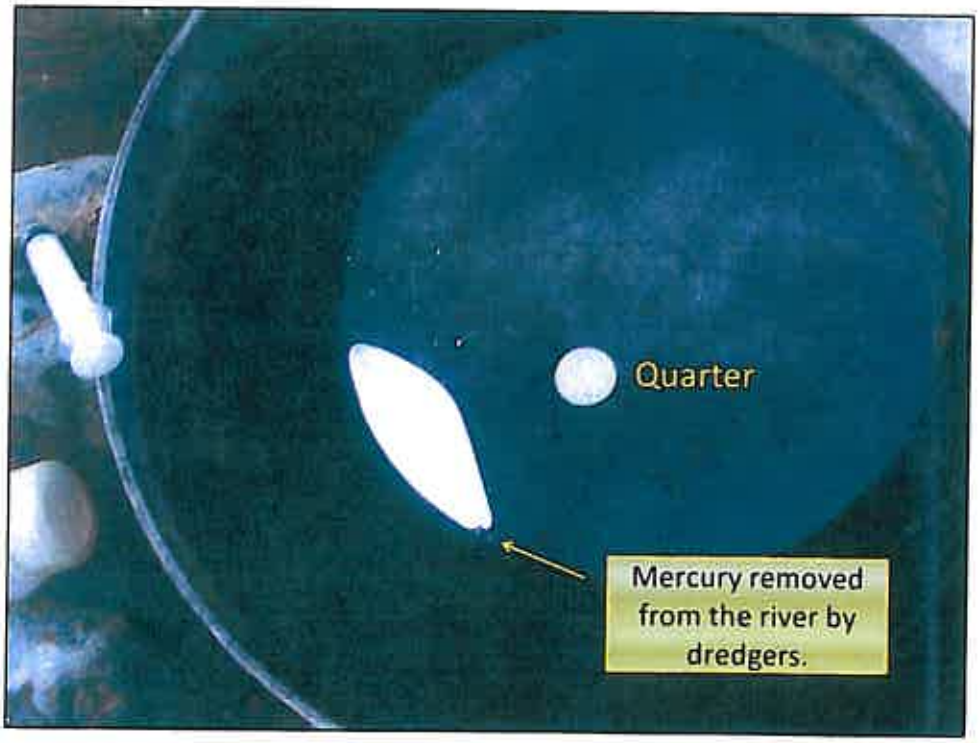

Gold
Removal of lost money and other lost items while suction dredging for gold.


Lead weights and other toxic and dangerous items.


Recycling should not be done within our rivers.


The trash from summers gone by is filling our rivers.


Trash removed.


Quarter
Mercury removed from the river by dredgers.


Who will take this trash out of the rivers with the suction dredgers gone?

November 15, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street Redding, CA 96001

Dear Mr. Stopher:

The following paragraph, about the great salmon fishing on the Trinity river, was submitted to the El Dorado County Board of Supervisors on Oct. 6, 2009 concerning the obviously discriminatory and illegal ban on suction dredge mining. The EDC Board of Supervisors unanimously passed a resolution containing many statements backed by facts and peer reviewed studies concluding that Suction Dredge mining has minimal, if any, deleterious effects on fisheries or aquatic habitat. In fact, the economic contributions as well as the environmental clean up of toxic lead and mercury and other user trash from our waterways are well established facts. The suction dredge mining community should be encouraged in their endeavors to create real wealth within our economies and as an incidental by-product, remediate the in stream negative environmental effects caused by other past and present user groups.

So, apparently the salmon fishing is great on the Trinity River in spite of it being one of the most heavily gold dredged rivers in Northern California. So, why has suction dredging been banned in the entire state under the guise of protecting salmon when, in fact, salmon runs don't exist on many rivers draining the Sierra Nevada Range and in fact on rivers where salmon runs are still healthy, the salmon seem to co-exist just fine alongside the gold dredging community. Something smells very fishy with this state-wide ban on suction dredging. Incidentally, this article on the great salmon fishing on the Trinity River was published exactly one week after the suction dredge ban was signed into law. The whole thing stinks. NOTE: See accompanying articles from the Sacramento Bee. Also, the Klamath River has been a heavily dredged river and with the Trinity, they are the only two north coast rivers with salmon runs healthy enough to permit fishing, which obviously does kill fish. It doesn't take a very large amount of common sense to conclude that suction dredge mining should be encouraged to help maintain a healthy fisheries. The evidence is staring us in the face! Thank you for considering the facts.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado, Calif. 95634

Enclosures
Cc: El Dorado County Board of Supervisors
Governor Arnold Schwarzennegger

SALMON SEASON

THURSDAY: Salmon fishing is banned almost everywhere in California except on the Trinity and Klamath rivers, but local anglers will have a limited opportunity to land a salmon on a stretch of the Sacramento River between Red Bluff and Knights Landing, beginning Monday. LIVING HERE: OUTBOUND

A14 The Sacramento Bee Tuesday, November 10, 2009

SACRAMENTO RIVER SALMON POPULATIONS HAVE COLLAPSED, BUT WAY UP NORTH THE TRINITY IS A GREAT PLACE TO ...

Fish on!

HOLLY A. HEYSER

Guide Jon Harrison rows and Hank Shaw anticipates the next action in the Trinity River during a salmon trip last month. Also aboard is Harrison's dog, also named Trinity.

By Holly A. Heyser
Special to The Bee

Our guide uttered the magic words on the drive home from a lackluster striped-bass fishing trip on the Sacramento River.

For my boyfriend, Hank Shaw – who is obsessed with cooking – the abracadabra moment came with a description of the fish: "They're so fat it's like they come with their own butter."

I was hypnotized by a description of the river: "The water is so clear you can see 20 feet down. Sometimes you can see the fish coming in to take your bait. And some days you don't see anyone else on the water."

"We're in," we told Jon Harrison of Five Rivers Guide Service in Orangevale. We were going salmon fishing on the Trinity River.

Salmon fishing was becoming a distant memory for us with the unexpected collapse of the Sacramento River Chinook salmon run in fall 2007. The fish count inexplicably plunged to barely half of what was needed for a sustainable population. State and federal agencies responded by drastically curtailing salmon fishing in 2008, and again this year.

But salmon runs on the Klamath River and its tributary the Trinity, are in better shape, so riches await anyone willing to make the 3½-hour trip north. And for Harrison, nothing compares to the Trinity.

"It's my favorite of the rivers I fish," he said, naming waterways Sacramento, American, Feather, Yuba and Trinity. "You can get away from people. It reminds me of my childhood fishing in the Sierras, but the fish are much larger."

When we fished the Trinity with Harrison a few weeks ago, we targeted the spring run, the first of two Chinook runs on the river.

The fall salmon run, which is projected to be quite robust this year, is what brings anglers out in droves in September and October.

But the spring run is unusual: Instead of heading upriver and spawning fairly quickly as the fall fish do, spring-run Chinook sprint up the Trinity as early as April and spend the summer lolling in deep holes until they reach sexual maturity. Then they move into spawning beds.

(The spring run begins in mid-June, when water flows drop to manageable levels, and continues through August. Fishers can catch and keep two salmon a day, starting in January. Possession is also limited to no more than two.)

Because salmon don't feed after they enter fresh water, these fish must pack on the fat before leaving the ocean for the last act of their lives. That's what Harrison meant when he said they come with their own butter. They're as good as, or better than, ocean-caught salmon.

That was appealing to me because I'd caught one salmon in my life – a 32-pound monster, just south of downtown Sacramento – and rather than

SALMON | Page D7

HOLLY A. HEYSER

It's hard to tell who's more excited about a 25-inch salmon hauled in by Holly Heyser – guide Jon Harrison or his dog Trinity.

almon: Barbless hooks help thrown-back and escaped fish stay alive

Salmon: Barbless hooks help thrown-back and escaped fish stay alive

FROM PAGE D1

being delighted with the feast I'd caught, I was put off. It tasted like the Sacramento River from which it had come.

Now we were just waiting for proof that the Trinity springers were everything Harrison said.

On the first morning of our two-day trip, we set out on the river at 5:30 a.m.

"You can't write where we are," Harrison said sternly, looking me in the eye.

We soon found out why: This stretch of the upper Trinity River was virtually deserted, even though there were plenty of anglers in the area. We knew from the empty trailer where we had parked that there was one boat in the water ahead of us, but in more than seven hours on the river that day, we saw just one other angler – a man fishing from the bank.

Soon after putting in, Harrison rowed us in his drift boat just a short way downstream before stopping just above a pool that was dotted with rocks covered by lush bunch grasses and Indian rhubarb. He spent a few minutes tying sardine fillets onto Quikfish lures, trussing them up with fishing line. Because salmon don't eat in fresh water, the idea wasn't to tantalize their taste buds but to irritate them, prompting an attack.

HOLLY A. HEYSER

The spring-run chinook salmon is renowned for its high fat content.

Harrison dropped the first Quikfish into the water and let line out until the lure hit the spot where he knew the fish lay. Thunk! Thunk! A fish was on the line immediately. He handed the rod to Hank, who started reeling, and then just as quickly the fish was free.

What had happened?

Our barbless hooks, required on the Trinity and throughout the Klamath basin, would make it a challenge to land fish on this trip.

The hooks prevent killing the fish that anglers don't or can't keep, says Larry Hanson, a senior biologist for the State Department of Fish and Game.

When Harrison dropped our lures back into the water, we hooked two more fish immediately, a fourth a little later, but we lost all of them. At the next pool we fished, we hooked and lost one more.

Harrison was flabbergasted at the bad luck, and so was Hanson when I told him about it later.

"The hook-to-loss rate shouldn't be as high as you experienced," Hanson said.

Despite the lost fish, we were buoyed by having hooked so many. We knew they were there – and biting.

Harrison kept moving us down the river, and for the most part it was a soothing ride. We glided through clear waters, watched red alders dropping their first leaves in the light breeze, and spotted bald eagles and osprey overhead.

But occasionally he took us through rapids, the bottom of the aluminum boat thudding on the rocks underneath. No wonder there weren't many people around – this was not for an unskilled boatman.

Late in the morning, we arrived at Harrison's favorite hole, where submerged iron girders provided the structure fish love. By now our method had changed: Once the sun hits the water, the bright Quikfish are too flashy, so we were casting balls of vivid red salmon roe into known salmon lairs.

Why does roe work when salmon don't eat in fresh water? The theory is their memory of feeding on roe as juveniles makes them bite instinctively.

Thunk! Thunk! There was a fish on Hank's line.

He set the hook and began reeling. The fish bolted, stripping line from the reel. Hank reeled it in, and it raced back out. In, out, in, out. We could watch most of the battle play out in the deep, clear pool in front of us, and we could see that this fish was a monster. We prayed the barbless hook would hold.

All three of us held our breath as the fish zipped under the boat – increasing its odds of getting off the hook. But Hank brought it back, and after several attempts with the net, we finally got it on the boat. Thirty inches long, about 20 pounds – well worth the wait.

This was the only fish we would get that day, but the next day I caught my limit of two by 8 a.m., the first 25 inches long, the second 29 inches. It was a respectable haul for a season in which the spring run has been described as average.

So how do Trinity springers taste?

Harrison hadn't exaggerated a bit. They were rich and decadent, as good as the best salmon we've ever had. We feasted for days and froze what we knew we couldn't eat soon.

Even if the salmon run on the Sacramento River rebounds and provides good salmon fishing much closer to home, I suspect we'll head back to the Trinity with Harrison every summer. We've fallen under the river's spell.

Holly A. Heyser teaches journalism at California State University, Sacramento, and writes a blog about hunting. Read more about this fishing trip – including tales of what Heyser and Shaw did with their catch – on Heyser's blog, www.norcalcazadora.com, and Shaw's blog, www.honest-food.net.

SALMON FISHING ON THE TRINITY RIVER

Spring run: Mid-June through August. (You can catch and keep two fish per day. You can also have only two in your possession. The limits apply starting in January, though most spring-run fishing begins mid-June.)

Fall run: September and October (limit three per day, no more than two adult fish; possession limit of nine, no more than six adults)

Guides include:

- Jon Harrison of Five Rivers Guide Service, (916) 806-3119.
- You'll other Trinity River fishing guides at www.blm.gov/ca/st/en/fo/redding/recreationmain/fishguide.html.

Other salmon fishing in California:

- Ocean: Aug. 29-Sept. 7, north of Horse Mountain in Humboldt County, limit of two fish per day, minimum size 24 inches
- Sacramento River: Nov. 16-Dec. 31, from Highway 113 in Knights Landing to the lower Red Bluff (Sycamore) boat ramp, limit of one fish – per day and in possession.

Other things to do in Trinity County

- Visit the Trinity County Chamber of Commerce at www.trinitycounty.com, or (800) 487-4648.

November 16, 2009

Mark Stopher
California Department of Fish and Game
Regional Headquarters
601 Locust Street
Redding CA 96001

Dear Mr. Stopher

Elemental mercury in our rivers and streams is a subject of concern to all of the population in California today. Although some amount of naturally occurring mercury is present in our waterways, especially in streams originating in the coastal range, mining during the 19th century is the main source of the mercury load contained in our California Rivers at present. Year after year, sediments, sand and gravels containing this mercury are being transported toward the delta. These are known facts. A lesser known but obviously apparent fact is that the same hydrological forces that transport these materials year after year constantly grind and re-suspend floured mercury, not on, but in the gravels above bedrock. Only in certain areas of our streams and rivers, where there is a concentrating hydrological effect, is the mercury re-concentrated into larger droplets. The remaining floured mercury, which is the majority fraction, remains suspended in the gravels as it has a lighter specific gravity than gold and is in a liquid state, which prevents it from being wedged into bedrock unless amalgamated with gold. This is an obvious fact, which has been apparent to the many suction dredge gold miners who have collectively accumulated millions of hours of dredging in our streams and rivers for the last 50 years. The modern suction gold dredge is the perfect concentrator for removing mercury from the gravels of our rivers. The California Water Resources Control Board did a study, finding that a suction dredge removed 98% of the mercury in the gravel it processed and this study did not even employ a modern design gold dredge operated by a professional operator. The CWRCB then concluded that the 2% mercury lost was worse than the 98% recovered. What kind of twisted logic is that? To be a successful gold miner requires a considerable amount of common sense. Apparently that is not a requirement to be a member of the CWRCB.

A more common sense approach would be to work with the mining community and possibly provide periodical collection points where mercury and lead could be disposed of in a proper manner. Suction dredge miners are obviously the best-equipped group to facilitate the removal of metallic mercury in our rivers as an incidental by-product of their economically beneficial activity. At relatively little expense to our California government, a large portion of the mercury in our rivers could be taken care of before it is allowed to migrate on down to the delta. We need to work together to protect our environment and encourage the wise use of our resources.

Enclosed is a three-page challenge by the AD-Hoc Anti-Mercury Committee dated June 2009. Included in their list of possible solutions is the use of suction dredges as a partial answer to the removal of mercury from our environment. In Washington State, a program has already been successful in the collection of over 150 lbs of mercury removed from the waterways of their state in a short amount of time. Let's get it done. Thanks for your consideration of the facts.

Sincerely,

Steve Tyler
5601 Bumper Road
El Dorado, Calif. 95623

Enclosures
Cc El Dorado County Board of Supervisors
Governor Arnold Schwarzennegger

A Challenge to Remove Mercury from the California Environment

June 2009

The undersigned ad-hoc committee has been following the many research projects about mercury and other toxins in the environment. The scope of the research results have been a source of astonishment at their depth and admiration for the results that have been published.

Summary: The goal of the ad-hoc committee was to learn about the presence and effects of mercury(Hg) in the environment and to identify methods of removing such a health hazard from the environment. After following the published research and learning of advances in Hg removal technology, we have concluded that the possibility for realization of the stated goals is now in sight. Furthermore, the recent economic downturn, rather than decreasing the realization of Hg removal, may actually increase the possibilities of removal. The recent passage of economic stimulus legislation by Congress to provide employment opportunities should allow funding of Hg removal for reasons of providing employment with the added benefit of removal of a health hazard.

Background: The dispersal of Hg in the environment in earlier geologic times occurred only with earth movements such as volcanic eruptions. More recent industrial activities such as burning fossil fuels and mining, especially for use in gold extraction, and the process of gold extraction, have resulted in increased concentrations of HG (Sacramento River Watershed Program: www.sacriver.org/issues/mercury), especially in California, to the extent that environmental Hg is a recognized health hazard. The recent report, presented as an executive summary at the December 2008 meeting of the Delta Tributary Mercury Council, "Mining's Toxic Legacy" (Carrie Monohan, PhD, Sierra Fund: www.sierrafund.org) traces the development of gold mining and its environmental consequences. The report states that 26 million pounds of mercury were brought to the California Gold Country of which about half were never recovered and escaped into the environment. This is the source of the estimated several hundred pounds of Hg that flow into San Francisco Bay annually. The report stated that the gold rush benefitted the entire United States and that the Federal and State governments should be involved in the mitigation of the problems.

The path of mercury into the food chain has been the subject of many studies. The results of these studies have led the Ad-Hoc Committee to conclude that removal of the metallic Hg, which is the source of Methyl-Hg, would result in the significant reduction (not easily quantifiable) of Hg from the food chain. The downstream progress of Hg-containing sediments has been severely reduced by the use of the natural outflow for agricultural, industrial, and urban activities, and, as a result, the flushing action of river transport to the ocean has been prolonged. For that reason, we believe that any removal of Hg from the sources will reduce the time for the concentrations to be lowered to where they are not dangerous to health.

Possible Solutions: The small-scale mining community using suction dredges and sluices in Washington State has provided a partial answer. In the May 2007 issue of the ICMJ Prospecting and Mining Journal, it was reported that the Washington Department of Ecology has received over 150 pounds of Hg from this source. The Hg was accumulated in the sluice boxes alongside the gold. Also, Carrie Monohan in the December 2008 presentation stated that metallic Hg was visible in a creek near her residence and that it was removed by simply using a common turkey baster. These reports have led the Ad-Hoc Committee to conclude that establishment of a state wide program of buying Hg that was removed from

the environment by miners or others, would result in a significant amount of Hg being intercepted before it causes any more damage. The USGS in publication "Fact Sheet 2005-3041 Version 1.1; C. N. Alpers, M. P. Hunerlach, J. T. May, R. L. Hothem (http://pubs.usgs.gov/fs/2005/3014/) states "Today, mercury is recovered as a by-product from small-scale gold dredging operations; also, mercury and gold are recovered as byproducts from some gravel mining operations, especially in areas affected by historical gold mining." These methods of Hg extraction from the environment if encouraged by financial incentives could, as stated previously, result in removal of significant amounts of Hg from the environment.

The Sierra watersheds are the sites of many reservoirs installed for irrigation and/or hydro power electric generation. Over the years, the silt that would otherwise be carried downstream has become trapped, and as a result, the holding capacity of the dams has diminished, thus necessitating removal of the silt. One such project at the Combie Reservoir on the Bear River has recognized this as an opportunity to also remove the Hg (private communication to I. Sturman). The project goals are listed as: renewed storage capacity, Hg removal from the sediment, commercial use of the dredged materials, improved recreation, and public education.

Other possibilities of interception could benefit from the model of the interception ponds installed on Cache Creek. Although not in the gold country, the Coast Range is the site of numerous Hg deposits that were mined for gold extraction use and thus Hg was introduced into the local mine environment.

The interception process in the Gold Country and the Coast Range could be the subject of many site specific research projects that would result in new methods of interception and Hg extraction.

The previously described procedures are specific for remediation of water-borne Hg. It is likely that there are many non-water related sites (Hg mines, industrial facilities, etc.). A 73 page summary of other methods of Hg removal was published by the U.S. Department of Energy in 2001 as "Mercury Contaminated Material Decontamination Methods: Investigation and Assessment" by M.A. Ebadian, PhD; Marshall Allen; Yong Cai, PhD; John F. McGahan (www.hcet.fiu.edu). An eight page article "Extractability and Bioavailability of Mercury from a Mercury Sulfide Contaminated Soil in Oak Ridge, Tennessee, USA" by F. X. Han, S. Shiyab, J. Chen, Y. Su, D. L. Monts, C. A. Waggoner, and F. B. Matta was published in Water Air Soil Pollution (2008) 194:67-75. Also, a detailed description (seven pages) of "...removing contaminants from contaminated soils...", "...using electrokinesis..." is available as a patent description "Process and Apparatus for recovering Heavy Metals from Contaminated Materials" (www.wipo.int).

The previously described methods for Hg removal will reduce the amount of Hg entering San Francisco Bay. However, the bay contains significant amounts of Hg owing to the water flow from both the Sierra Gold Country and the Coast Range deposits that have been mined. The Hg deposits from the Gold Country should be accompanied by deposits of gold (Au) as indicated in previous references (because of their similarity in density). This opens the possibility of locating higher concentrations (concentrated by natural forces, wind, wave, and tidal action), in bay sediments and selectively dredging them to remove the Hg (and Au) bearing layers using techniques such as air lift suction to minimally disturb the sediments. It may be that the concentration of Au in bay sediments is low, but recently developed technology (heap leaching) can extract Au from ores at less than one part per million by weight ("Gold from Panning to High-Tech Mining" Tom Farley, Invention and Technology, Summer 2008, Volume 23, Number 2). At this writing (June 2009) the price of Au is about $900 per troy ounce. The price of Au has risen faster than the cost of extracting it. Any

recovery of Au would help mitigate the cost of Hg removal. The sediments from non-gold country sources, such as the Guadalupe River flowing into the south bay will require different methods for Hg extraction from the sediments, possibly centrifuge processing.

The previously mentioned economic stimulus plan was listed as a possible source of funds in "Cleanup of abandoned mines expected to continue", Joan Lowry (San Francisco Chronicle, February 16, 2009, page A11). "The final bill, approved by the House and Senate on Friday, contains more than $1.5 billion for construction and maintenance projects in the Bureau of Land Management, the National Park Service and the Forest Service. This includes addressing pollution and safety hazards caused by abandoned mines on public lands." "... Senator Dianne Feinstein, D-Calif., (was) one of the lawmakers who sought the money." The article states that projects other than mine cleanups are also eligible for the funds. However, the economic stimulus bill is limited to Federal lands and thus cannot solve the entire problem of Hg contamination in California. But, there already are Superfund projects active in California, at Clear Lake, near Redding, and near Davis, Jane Kay (San Francisco Chronicle, April 16, 2009) so there are precedents.

The Challenge: The Federal, State, and Local Environmental and Water Quality Agencies, volunteer, non-profit environmental organizations local citizens organizations, mining companies, and small-scale miners are the vehicles by which the Hg contamination in California can finally be mitigated. These organizations are challenged to form an umbrella organization with the common goal of removing the Hg from the California environment. The task requires the application of a "Super Fund" clean up effort applied to the entire state, not just to a specific site. The results will not be instantaneous, but applying the methodology selectively to the most contaminated sites first, possibly one or a few at a time, will have the potential of reducing the San Francisco Bay and other California environment concentrations of Hg in tens of years rather than hundreds of years if nothing is done.

As quoted previously, the entire nation benefitted from the Gold Rush, thus it is appropriate that the cost for the clean up come from the federal government.

The Ad-Hoc Anti-Mercury Committee:

Benjamin E. Gordon: BS 1940, MS 1943 Magna Cum Laude, University of Illinois: Shell Oil Company and Shell Development Company, 31 years: Lawrence Berkeley Radiation Laboratory; Analytical Chemist; Supervisor, Analytical and Radio chemistry, 19 years: Netherlands Shell, Supervisor and Radiation Safety Officer, 4 years: 273 research papers.

John Rasmussen: Professor of Chemistry, Emeritus, University of California, Berkeley; Author of Encyclopedia Britannica Article "Radioactivity": Also, Biographical Entries in "Who's Who in America" and "American Men and Women of Science".

Ivan Sturman: BSEE, Carnegie Institute of Technology (now Carnegie-Mellon University) California Registered Professional Engineer: Field Engineer, Quality Control Manager, Earth Sciences Application Engineer, Civil Defense Research Engineer; Marine Mineral Exploration Engineer, Hydrographic Survey Engineer; Nuclear Radiation Instrument Systems Engineer for Nuclear Power Plants, 19 Research Papers: Volunteer Creek Restorer: Volunteer Restorer Historic Victory Ship.

From: Steve Wandt <sjwandt@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 11/25/2009 5:00 PM
Subject: SB-670

Mark Stopher
California DF&G
601 Locust
Redding Ca. 96001

Nov. 25, 2009

California Department of Fish and Game
Suction Dredge Mining and Rule Making Process

ACTUAL & CONSTRUCTIVE NOTICE OF MATERIAL FACTS

Dear Mr. Stopher,

This is to give you "Actual" and "Constructive Notice" of the existence of approximately twenty four thousand (24,000) unpatented mining claims, as well as near four times that number of "patented" (fee simple) mining claims situated throughout California. All held, maintained or patented under provisions of General Mining Law (30 U.S.C. §§ 21 et seq.).

SB 670 irrationally ignores these material facts, as though they do not exist. But, DGF as the "Lead Agency" in this CEQA process cannot. As numerous CEQA provisions mandate these material facts, ramifications, and legal consequences of their existence, as well as their constitutional, and statutory protections must be included throughout this CEQA process.

The presence of federal mining claims situated statewide throughout California, and the constitutionally protected private property rights associated with them. As well as the Congressional policy, law and regulation to encourage, foster and provide for mining on applicable federal public domain lands nation wide, severely constrain the DFG, and CEQA regulatory jurisdiction, and actions here.

Steve Wandt
5873 Cold Springs Rd
Foresthill, CA
95631

From: Steve Wandt <sjwandt@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 12/2/2009 7:24 AM

Mark Stopher
mstopher@dfg.ca.gov.

DFG is clearly acting unlawfully in this permitting process.
By enforcement of mining prohibitions of SB 670.

TAKE NOTICE:

You are acting in contravention of Federal law.

There is NO question that the General Mining Law (30 USC § 21-54) "preempts" SB 670 state law prohibiting small scale suction dredge gold mining in California.

There are 3 ways state law may be preempted.

1. Express preemption, occurs when a federal statute explicitly confirms Congress's intention to preempt state law.

2. Conflict preemption. Under the Supremacy Clause, any state law that conflicts with a federal law is preempted.

3. Field preemption, Even without a conflict between federal and state law or an express provision for preemption, the courts will infer an intention to preempt state law if the federal regulatory scheme is so pervasive as to "occupy the field" in that area of the law.

"Shall" is a word of command & means mandatory.

30 USC § 22. Lands open
"…all valuable mineral deposits in lands belonging to the United States, … SHALL be free and open to exploration … and the lands in which they are found to occupation … by citizens of the United States … under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

30 USC § 26. Locators' rights of possession and enjoyment
The locators of all mining locations … situated on the public domain, their heirs and assigns, … so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, SHALL have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations …".

30 USC § 35. Placer claims; entry and proceedings
Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, SHALL be subject to entry … under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims…".

The word "SHALL" in the federal General Mining Law statutes above preempts state law.

The word SHALL expressly preempts SB 670 mining prohibitions, even if they are imposed "temporarily".

The word SHALL overcomes any "conflict" in state law.

The word SHALL fully occupies the field of mining, over that of any conflicting state law.

The word SHALL is a direct federal command.

Given this utterly unambiguous unequivocal straight forward Federal Command, no State Governor, State Legislature, State Attorney General, or State, or Federal Judge can even attempt to argue otherwise, without offending the U.S. Constitution.

That same explicit Federal Command in the General Mining Law is fully bolstered by California's Legislature accepting Section 3 of the California Statehood Admissions act. Which, expressly provides; "…said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned…".

This statehood act provision directly applies to all locatable minerals under the General Mining Laws, on all applicable Federal public domain lands in California. As minerals are a part of that land, and the General Mining Law is how they are disposed of.

Steve Wandt
www.naturalgoldjewelry.com

From: Steve Wandt <sjwandt@yahoo.com>
To: <mstopher@dfg.ca.gov>

Date: 12/12/2009 9:37 AM
Subject: For the record

http://wdfw.wa.gov/habitat/goldfish/goldfish2009.pdf

Steve Wandt
www.naturalgoldjewelry.com

From: Fran Pearson <franp86@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/21/2009 4:53 PM
Subject: gold dredging in California

My name is Steven Rosenlund, I am a licensed California gold dredger. I am 62 years old and live in Rainier, Oregon. I spend about a month a year camping and gold mining on the Klamath River in the Happy Camp area. I have been dredging for many years. I am careful not to disturb the bank or vegetation. The gold is generally in the main channel of the river so that's where I try to stay. I am careful to obey all the current regulations. When I am done dredging in a hole I roll the boulders back into it and the river fills back in the fines.

Anyone who has seen spring runoff knows that nature is much harder on the creeks and rivers than we are. I think we need to look at the commercial and hobby fisherman. California issues 3,000,000 fishing licenses. Most fisherman catch more than one fish per year. We can't catch millions of fish and have them to.

I usually spend about $2500 on my vacation on equipment, food and fuel.

Thankyou for your consideration,

Steven Rosenlund
71151 Terry Rd
Rainier, Or 97048

California Dept. of Fish & Game Nov. 30, 2009
601 Locust St.
Redding, Ca. 96001

Dear Ca. Dept. of Fish & Game,

I bought my 1st suction dredge permit in 1982. - It is # 08282, and was $5.00 !
This year, my sister & I bought a placer mining claim, and paid over $7,000 for a dredge to use on it. In all, well over $10,000 invested.....
This years Suction Dredge Permit was a <u>contract</u> between us, to allow me to recover our expenses, without harming any fish. I feel that the Cal. Dept. of F&G <u>DEFAULTED</u> in that contract, for Political reasons. - Lets face it, there are over 3,000 dredge Permits this year that have not proved to harm any fish... and over 3 million fishing licenses issued <u>THAT DO KILL FISH</u>. We also know & understand that there are NO SALMON here (N. FORK FEATHER RIVER & YELLOW CREEK) where I dredge.... This is due to PG&E's first dam built in Oroville. PG&E killed <u>ALL</u> the Salmon then, that <u>USED</u> to come here..
There are many other issues. I am glad you are working on it.

- A PISSED OFF VETERAN DREDGER - Steven E. Sullivan

P.S. WASHINGTON STATES ONLY DREDGE PERMIT REQUIREMENT IS THAT YOU POSSESS A BOOKLET TITLED "FISH AND GOLD" - YOU SHOULD READ AND EMBRACE IT.

POB 102
Twain, Ca. 95984-0102

Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Listed below is a number of quotes from studies that have been done over the years, please keep in mind that some were done on large 50 + cubic yard per hour placer mining operations, others were done on a variety of suction dredges, and some were done in a laboratory environment. All were done by well respected and educated people only a few of which have had any practical experience with placer mining/prospecting. The quotes listed in this document were taken word for word out of the documents written by the scholars named above each quote.

A. By: Paul J. Badali - 1988

"Several federal and state laws charge various governmental agencies to provide for the protection of these habitats. Our nation's technology based society has an ever increasing need for mineral resources, gold included. An ever growing number of people enjoy Recreational Gold Dredging as a hobby. Suction dredge operators working valid federal mining claims have a constitutional right under the 1872 mining laws to recover the valuable minerals present in the substrate. Private property owners and holders of state minerals leases also have rights to recover gold and other minerals present in streams and rivers. How can the country's need for natural resources, the individual's right or desire to mine, and need to protect the environment all be realized and satisfied?"

II. ENTRAINMENT

A. By: Phillip A. North - 1993

"While adult fish did not show a sensitivity to entrainment it is unlikely that they would be sucked into a dredge in the first place. They have the ability to avoid entrainment in a suction dredge by moving to a safer location. All of the investigators who examined the impacts of suction dredges on adult fish concluded that this life stage was not acutely affected (Harvey 1986, Hassler et al. 1986, Summer and Hassler 1992). Harvey (1986) found this to be the case for rainbow trout on streams he studied in California."

III. FEED AND FISH

A. By Dr. Henry Baldwin Ward

"most significant is a possible relation of fine silt to the food of young fish. It has been shown that the presence of finely divided suspensoids of natural origin may be of advantage to the microbiota which constitutes the foundation element in the food supply of water. Studies on aquatic biology conducted by the Wisconsin Survey demonstrated that colloidal organic particles collect on carbon and sand grains to build a culture medium for aquatic bacteria".

B. By: Thomas J. Hassler, William L. Somer, Gary R. Stern - 1986

"During diving surveys, we observed Salmon gairdneri congregating and selectively feeding on benthic invertebrates displaced by dredging."

"Suction dredge mining at levels observed in Canyon Creek probably did not impact steelhead feeding. The mining did not significantly reduce the abundance of aquatic invertebrates (only species composition locally) and steelhead fed opportunistically. In fact , juvenile steelhead were observed feeding on invertebrates that had been entrained in and dislodged by dredge. Thomas (1985) observed cutthroat trout feeding on dislodged invertebrates in the dredge outfall. "However, weight of juvenile steelhead from Canyon Creek was greater than weight from other areas and production (kg/ha) was as good or better than in other areas (table 41)." "Ecological differences between Canyon Creek and BEF were also important in determining colonization of samplers. Overall, the impacts of suction dredge mining to benthic invertebrates at the study site were minimal."

C. From: Robert Lewis, Pollution Bioanalyst III - 1962

"Benthos survival is noted in Table 2. Insects with internal extrusions were listed as mortalities. The morality figure of 7.4 percent may be extreme because of confinement in the sack. Many caddis larvae were still attached to rocks after passing through the dredge. All insects except those with extrusions appeared lively and unharmed."

"To determine stream distance necessary for insects to settle back to the bottom, a net was placed 15 feet and 25 feet downstream from the outflow. After five minutes at the former distance, Trichoptera, Coleoptera and Diptera were prevalent in the net. Only one Plecoptera was noted. At 25 feet downstream only few insects were caught in the net after five minutes. Underwater inspection with a faceplate indicated that all insects settled within 40 feet. The approximate flow throughout this distance varied from 1 ft./sec. down to 0.5 ft./sec."

D. By: Phillip A. North - 1993

"If recolonization is slow the cumulative impacts of suction dredge mining could be significant over a period of seasons. However, in all of the studies on suction dredges that investigated this question the disturbed stream reach was relatively short (on the order of a few tens of meters) and recolonization proved to be rapid. Griffith and Andrews (1981) found that the dredged site was "substantially recolonized" after 38 days. The abundance within orders of invertebrates were the same before and after dredging and "key" taxa were also the same. Harvey (1986) found that recolonization was complete in terms of numbers of insects within 45 days of dredging. Thomas (1985) sampled the site 30 days after dredging and found, again, that colonization was "substantially complete" for most groups. The number of invertebrates colonizing the artificial substrates used by Somer and Hassler (1992) did not increase after the first sampling at two weeks. None of these investigators sampled their study site earlier than the reported time of recolonization. Recolonization may have occurred sooner than the time reported."

E. By: The U.S. Environmental Protection Agency - 2001

"The results from Resurrection Creek indicated that there was no difference in the macroinvertebrate community between the mining area and the locations

downstream of the mining area in terms of macroinvertebrate density and taxa richness. The sampling was done 35 days after mining had been completed for the season and shows a rapid recovery of the mined areas."

IV. FLUSHING FLOWS

A. By: Gary R. Stern - 1988

"The autumn, winter and spring peak flows of WY 1985 Canyon Creek were adequate to disperse dredge tailing piles and fill in dredge holes. Less than 9% of the holes and tailings from 1984 mining were visible at the start of the 1985 dredge season. Only two sites from 1984 had clear remnants of holes and tailings in 1985. Both of these were far from the stream's thalweg. At a few sites large cobbles and boulders piled along the shore remained visible one year later. Thomas (1985) reported that piles of cobbles remained along the shore one year later at Gold Creek, Montana, but holes and instream tailings had vanished. Harvey et al. (1982) found virtually no evidence of dredge mining the following year in the American River, California. Most streams with mobile beds and good annual flushing flows should be able to remove the instream pocket and pile creations of small suction dredges, although regulated streams with controlled flows may not."

V. SEDIMENT

A. By: Dr. Henry Baldwin Ward

"All of these tests show .That the amount of colloidal material in the water of the Rouge River and its tributaries below the point at which the run-off of placer mine workings has been added to the stream is to small to produce on the bottom a "blanket" which might affect adversely young fish eggs in the nests if present, or the fish food in the water." "Even below the points at which tributaries entered from areas in which placer mining had gone on at earlier months in the year, no change from normal conditions were observed. The pools sheltered migrating fish; they were also seen in the stream below the dams, and a normal supply of fish food was found at various points visited."

These studies were done on commercial placer mining!

"The supplementary report of Mr. A. M. Swartley, who aided me in the part of the survey made in September, 1937, is of value in giving the views of a careful and experienced geologist. He confirmed fully statements I had reached in my preliminary report as to the physical conditions found in the Rogue River drainage, and especially the small amount of clay and other material on shores and stream bottoms, in backwaters and otherwise in our examination of the river and its tributaries. He discussed fully the methods of rock disintegration and the transportation and ultimate character of the materials produced. He emphasized the fact that mining debris "is chemically inert, makes no oxygen demand on the stream and therefore takes away from the flowing water nothing which the fish require. This is equally true of this material whether placed in transit by nature or by man since (the products) are alike in nature, come from the same sources and are only being accelerated by man in their journey to the sea." Further he stated:" All these materials entering the streams, whether by natural or human activity, whether coarse or fine, whether traveling on the bottom, in suspension or solution ,are

almost altogether inert, suffer little change on their way to the sea, and having reached the end point of chemical change do not rob the water of oxygen which the fish demand, or add to the water toxic agents injurious to fish (fish food or other forms of life)."

VI. EFFECTS OF SILT ON FISH

A. By: Dr. Henry Baldwin Ward

"I have seen among these Alaska rivers in which salmon run and spawn some so heavily loaded with mud that one could not trace the body of an adult salmon ascending the river even when the dorsal fin cut the surface of the water. Yet the fish examined on the spawning grounds just before and just after death showed that the gills had suffered no injuries on the way though the body had met with conspicuous external damage through violent contact with sharp rocks at rapids or falls or along the shore. The examination was made in connection with the study on the cause of death after spawning and all organs were closely inspected. The gills were reported as apparently in perfect condition. Although the object of the investigation was not to determine the effect on the gills of silt loaded waters, still, if any evident injury had been present, it would have been noted. The journey up the Copper and its tributary was long and strenuous; the chance for damage to the salmon from muddy water was certainly large if any damage could be wrought by such conditions, and yet none was observed. Many other similar cases could be cited from printed as well as published records."

"Despite their far greater sensitiveness to changes in environment and susceptibility to injury, the young salmon lived heartily in a concentration of sediment which was at its minimum (760 ppm) twice as much as the maximum recorded at Agness (see Table II). Indeed the average amount of turbidity in Griffin's experiments was ten times the average recorded at Agness. Those who think that normal erosion products will prove injurious to such fish should examine carefully the records in these tables."

VII. EFFECT ON SPAWNING GROUNDS

A. By: Dr. Henry Baldwin Ward

"Normally the fish cover the eggs by a layer of sand or fine gravel; the fresh water carrying oxygen easily penetrates this cover and the young wriggle out after the eggs hatch. A thin, broken layer such as I have already described would not interfere with the permeation of fresh water with oxygen and the development of such eggs as might be present. But I am clear that this is not a true spawning area. As Mr. Joseph Wharton said in an admirable paper on the salmon of the Rogue River, "It is the ambition of all these species of anadromous fish to ascend the river to the highest point attainable before making their spawning beds, seeking the waters that are purest and coldest." This statement is absolutely correct; In difficult streams or when held behind man-made barriers, these fish struggle to the end to make their way upstream and will sacrifice life rather than accept spawning areas in the lower reaches of the river. The urge which drives them on is the basis for the safety of the race. For the straggler or the weakling who may find the achievement of headwaters impossible, an enforced spawning in the lower river is of no significance; the river level varies too widely and its current at full flood is too fierce. Eggs deposited at high water will be exposed and die when the water falls; or if the spawning occurs at

a lower water level, the next flood waters will bury the eggs or sweep them away. The suddenness, the violence and the irregularity of the changes in water level of the Rogue are conspicuous in the records of every year."

B. By: Thomas J. Hassler, William L. Somer, Gary R. Stern

"Dredge tailings are often referred to as good salmonid spawning substrate. In the Trinity River, chinook salmon have been observed spawning in the tailing piles of suction dredges (E. Miller pers. comm.). Steelhead in Idaho streams have been reported to spawn in gravels recently disturbed by human activities (Orcutt et al. 1968). In the American River , Prokopovich and Nitzberg (1982) have shown salmon spawning gravels have mostly originated from old placer mining operations."

"Anadramous salmonids held and spawned in Canyon Creek in close proximity to suction dredge activity. During the 1984-1985 spawning season, fall-run chinook salmon, coho salmon and steelhead spawned in areas actively dredged during the 1984 dredge season (fig.). In August 1985, spring-run chinook salmon and summer-run steelhead were holding near areas where suction dredges were being operated (fig. 23). During the 1985 spawning season, fall and spring-run chinook salmon spawned in areas actively dredged during the 1985 dredge season (fig. 24)."

C. By: Gary R. Stern - 1988

"Suction dredge mining did not appear to influence the locations of adult anadramous salmonid summer-holding areas. One spring-run chinook salmon was observed 50 m below an operating dredge and a summer-run steelhead was seen at the upper end of a 30 m-long pool while a dredge was operating at the lower end. Seven other adult salmonids were observed within 250 m of an active dredge operation and none appeared to be disturbed by mining activities. During a 1980 diving survey by Freese (1980), an adult spring-run chinook salmon was observed holding at the bottom of an abandoned dredge hole in Canyon Creek and other adult salmonids were found in close proximity to active dredges. No relation between holding areas of spring/summer-run fish and suction dredge mining operations was apparent during this study or in 1980 (L. Freese pers. comm.)."

VIII. CHANGES IN THE STREAM BED

A. By : Dr. Henry Baldwin Ward

"To be sure no one can think rightly of the stream itself as a constant environment. On the contrary it is undergoing continual change. The amount and location of winter's snowfall, the volume and time of seasonal rains, the duration and precise period of regional droughts, and other climatic variations produce variations in water level, in bank erosion, in growth of grasses, underbrush and trees in the drainage basin; thus sudden and often extreme changes in contours of the banks and surrounding country add sediments of different types to its waters and modify the conditions under which the fish it harbors are forced to live." Number one on the list of things that change the shape of the stream bed are DAMS!"

B. By: Thomas J. Hassler, William L. Somer, Gary R. Stern - 1986

"However during the suction dredge mining process, a new pool area is created by the cone shaped dredge hole. Dace, suckers and juvenile steelhead were observed feeding and resting in Canyon Creek dredge holes. Freese (1980) observed a small spring-run chinook salmon holding in a dredge-created pool on Canyon Creek".

"The majority of suction dredge operators in canyon creek did not work long periods or disturb large areas of the streamed. Dredging impacts upon the channel geomorphology were confined to the area dredged and the area immediately down stream."

"Winter and spring flushing flows filled in dredge holes and dispersed tailing piles." "Coho salmon and steelhead juveniles appeared to rear normally in the creek and were observed using dredge holes in the summer. Steelhead juveniles received the greatest exposure to dredging activity as they rear in Canyon Creek up to three years, but their feeding, growth and production did not seem to be impacted at the current level of dredge activity."

C. By: Somer and Hassler - 1992

"The effects of the two dredges on aquatic insects varied with taxa and were site specific. Dredging dislodged insects, and we observed young coho salmon and steelhead feeding on them. The stream underwent major but localized changes. Dredge hole were excavated to a depth of 2 m, and substrate was altered to bedrock and large cobbles-probably a poor habitat for colonization. However, the effects of dredging (at the operating level during the study) on insects and habitat were minor compared with those of bed-load movement due to large stream flows during storms and from snowmelt."

D. By: Gary R. Stern - 1988

"Lewis (1962) was the first to investigate the effects of the portable suction gold dredge on the aquatic habitat of fish and benthic invertebrates. He operated a 12.7 cm aperture dredge in Clear Creek, Shasta County, California and found that dredging could improve the intergravel environment for both fish eggs and benthos if the stream was mined in a uniform manner."

"If dredge mining regulations were expounded upon and miners were made aware of the instream habitat needs of salmonids, the most serious impacts of suction dredge mining could be reduced. Suction dredgers may even be able to enhance certain areas of the channel for rearing and spawning fish, if some of the limiting factors of a reach of stream are identified (ie. cover, woody debris, low velocity refuges, clean gravels). In Canyon Creek, current CDFG suction dredge regulations eliminate conflicts with salmonid spawning, incubation, and fry emergence by restricting mining to summer months. The 15.24 cm maximum aperture size for dredges is appropriate since stream substrate is large, but larger apertures may be too disruptive in the small channel."

E. By: Robert Lewis, Pollution Bioanalyst III

Results of Gold Suction Dredge Investigation;

"Table 1 lists stand pipe results. The site average indicates an improvement from dredging of 1 p.p.m. in DO and a threefold improvement in permeability and velocity. As indicated above, dredged sand settled within 12 feet of the sluice outflow. This occurrence tends to somewhat nullify removal of sediment, but dredged areas are definitely relieved of compaction. As a gross measure, the standpipe was much easier to drive in the dredged area. As evidenced by photographs the gravel appears much cleaner after dredging. Weighing all factors, dredging can improve the gravel environment for both fish eggs and aquatic insects, especially if the operator mined uniformly in one direction as opposed to a pocket and pile method."

F. By: Phillip A. North - 1993

"The four studies that I reviewed from journals subject to peer review consistently found that when certain limitations are placed on suction dredge activity the impacts on the stream ecosystem are local and of short duration."

G. By: Bret C. Harvey - 1986

"Fish and invertebrates displayed considerable adaptability to dredging, probably because the streams naturally have substantial seasonal and annual fluctuations (Moyle et al. 1982). These fluctuations, in the form of flushing winter flows, can greatly reduce the long term impact of dredging. Even during the relatively mild winter of 1980/81, high flows still filled the hole created by dredging on NFAR with a sand and gravel mixture and eliminated all sand from the main streamed. After the high flows in winter and spring of 1981/82, no substrate changes caused by dredging in the previous summer were evident on Butte Creek. Saunders and Smith (1965) observed a quick recovery in the trout population after scouring of a heavily silted stream, which, along with the quick temporal recovery of stream insects seen in this study, implies that suction dredging effects could be short-lived on streams where high seasonal flows occur."

IX. TEMPERATURE

A. By:Thomas J. Hassler, William L. Somer, Gary R. Stern - 1986

"and dredge mining had little, if any, impact on water temperature."

X. TURBIDITY

A. By: Dr. L. E. Giiffin

"When the test ended on Dec. 30, it was found that a much larger proportion of the fish in the sediment -containing trough had survived (56%) than in the clear water trough (10%). There was no noticeable difference in the color of the surviving fish in the two troughs, and the fish which had lived in the muddy water were as large as the survivors from the clear-water trough."

"The results of the experiments indicate that young trout and salmon are not directly injured by living for considerable periods of time in water which carries so much soil sediment that it is made extremely muddy and opaque. They also indicate that

cutthroat trout and salmon fingerlings can feed and grow apparently well in very muddy water."

B. By: Dr. Henry Baldwin Ward

"In contrast with all these the experiments of Dr. Griffin have shown that young fish live well up to 30 days in good water mixed with an amount of natural soil materials from two to three times as large as the extreme load of the materials contributed to the Rogue River by maximum conditions produced by placer mining."

"All the evidence that has been obtained justifies the conclusion that no present-day contributions of materials produced by bank erosion differ in character or exceed in amount those added periodically by purely natural processes in past times. Splendid runs of salmon and steelhead were established and maintained under truly natural conditions which certainly were on occasion more extreme and violent before man ever came into the picture than they are today. Furthermore, there is good reason to believe that placer mining run-off was larger in amount and more continuous in the early years of that industry when for a time at least greater areas were followed than are employed today."

This study was done to study the effects of large scale placer mining operations!

XI. WATER QUALITY

A. By: Thomas J. Hassler, William L. Somer, Gary R. Stern

Water quality was impacted only during the actual operation of a suction dredge. Since a full day of mining by most Canyon Creek operators included only 2 to 4 hours of dredge running time, water quality was impacted for a short time.

B. By: Gary R. Stern - 1988

"Turbidity plumes below suction dredges are often markedly visible due to extremely low ambient turbidity levels in mountain streams. The extent of the plume depends on the grain size and volume of the material passing through the dredge. Horizons of silt-laden substrate were disturbed at all dredge sites in Canyon Creek and created highly visible turbidity plumes. "

"Although distinct to even the most casual observer, dredge plumes in Canyon Creek were probably of little direct consequence to fish and invertebrates. Suspended sediment concentrations of 20,000 to 100,000 mg/l which impact fish feeding and respiration (Cordone and Kelly 1961) greatly exceed the highest level of 274 mg/l measured in Canyon Creek. In general, dredge turbidity plumes were highly localized and occurred during midday which is not a peak feeding period for steelhead (Moyle 1976). Laboratory studies by Sigler et al. (1984) found that steelhead and coho salmon preferred to stay in channels with clear water, and turbidities as little as 25 NTU's caused a reduction in fish growth. In contrast to Sigler's results, young steelhead in Canyon Creek appeared to seek out dredge turbidity plumes to feed upon dislodged invertebrates even though clear flowing water was available nearby."

C. By: Phillip A. North - 1993

"Most water quality studies of the effects of suction gold dredges on streams have focused on turbidity and suspended sediments. These studies have, with some exceptions, largely found that water quality is impacted for a distance downstream of the dredge ranging from a few meters to 30 meters."

"However, Huber and Blanchet (1992) found no evidence of cumulative impacts of mining on water quality in streams of the Chugach National Forest in Alaska. They monitored streams in the Forest over a period of three years and found no noticeable impact to water quality associated with suction dredges. All of the studies that I surveyed came to the same conclusion: suction gold dredging had localized and short term impacts. Caveats must be taken into account when coming to this conclusion:

All of these studies, except one involved small dredges, 6 inches or less. The one study that involved a larger dredge reported only a small amount of data. Five water samples were taken 500 feet below a six inch dredge and one sample was taken 500 feet below an 11 inch dredge."

D. By: The U.S. Environmental Protection Agency - 2001

"In the 1997 permit, EPA defined a small suction dredge as those with nozzles less than or equal to four inches. EPA is proposing to redefine the small suction dredge range as less than or equal to six inches. Information provided in EPA's suction dredge study and the United States Geological Survey (USGS) study support the conclusion that there are local but short term effects on both water quality and macroinvertebrate communities in the mining areas. On the Fortymile River, dredges larger than those proposed under this GP showed that turbidity was reduced to background levels within 250 feet. It is expected that small dredges would have even less impact on the downstream receiving water quality."

XII. REFERENCES

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The quotes listed in this document were taken word for word out of the documents written by the scholars named above each quote.

This information was compiled with the intent to inform and educate, so the true facts can be a part of the process in the rule/regulation making pertaining to small scale placer mineral/metal mining and prospecting in our rivers and streams.

http://www.akmining....ne/corp9410.htm

http://www.akmining....ine/fsyards.htm

http://www.ecy.wa.gov/pubs/0503007.pdf

http://www.akmining....mine/usgspr.htm

http://www.fs.fed.us...ey/Harvey99.PDF

http://yosemite.epa....termination.pdf

Thank you for your time to evaluate my concerns.

Steven J Wandt
5873 Cold Springs Drive
Forest Hill, CA
95631

530 367-5611

From: <NEPITZ@aol.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/4/2009 3:38 PM
Subject: Subsequent Environmental Impact

This email is concerning Suction Dredge Permitting Program Subsequent Environmental Impact Report.

There is no sense getting rude and name calling here. But, I just can not see how this EIR will be fair in any way, shape, or form. The Indians are netting fish by the millions with nets stretched all the way across the streams. That obviously will create a shortage of fish when the study is done. That should be addressed up front.

Also, why are the streams with no fish present also included in the dredging ban? I was considering spending the winter in CA. along with several prospecting friends but now that dredging is banned, we will have to change our plans. That results in a net lose to the economy of the state of California. Multiply that by the thousands of other prospectors that have changed their plans also, and it results in a massive amount of capital going elsewhere. Can California afford to alienate the prospecting community? I thought their budget was in the bred. Hmmmm.

Sorry to take up your time. Please help us.

From: <g.staffler@att.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/3/2009 11:16 AM
Subject: Shame

M. Stopher et al:

How did dfg ever get caught up in the dredge debate? Your agency, stating it didn't have the funding to complete a timely E.I.R. to appease some left leaning judge is shameful. Arizona's fgd is completely subsidized by licenses and permits. They don't have the deep pockets your department used to have before all the entitlement programs left you with nothing more than excuses.

I don't want to bore you with repetitious statements of the benefits to habitat and community that dredgers bring. I would like to see some people out of your tribe get some life in their sacs and quit the pc crap. Speaking ot tribes,. How do a bunch of white men pass themselves off as native american indians? The Karuks should change the name to the Karupts. At least thier sovereignty hasn't been difiled as our laws have assured those rights. Its a shame no one will observe a law that protects my sovereignty. The 1872 Mining Law.

Ted Staffler
no one will observe the law to protect mine. The 1872 mining law.

Ted Staffler

From: Creek Hanauer <tcreek@sisqtel.net>

To: <dfgsuctiondredge@dfg.ca.gov>

Date: 12/2/2009 10:12 AM

Subject: inappropriate suction dredging

Attachments: DredgeLet12.09.docx

Mark Stopher,

Please find my comments in the attached Word document

I oppose suction dredging in all wild and scenic river systems

Terry M. Hanauer

November 30, 2009

To Mark Stopher, California Department of Fish and Game,

My name is Terry Hanauer, my wife, Elizabeth, and I have been residents of the Salmon River for over forty years, twenty eight of those years on a patented piece of property in the Knownothing Township, at the mouth of Knownothing Creek on the South Fork of the Salmon River, 2.3 miles upriver from Forks of Salmon. My wife and I have raised our family here and as twenty five and thirty year employees of the Forks of Salmon School District have been active members of our Salmon River community, which includes the towns of Cecilville, on the South Fork of the Salmon River, Sawyers Bar on the North Fork of the Salmon River, Forks of Salmon at the confluence of the North and South Forks and Somes Bar at the confluence of the Salmon River and the Klamath River.

For the last twenty eight years I have been a whitewater kayak instructor and river guide on the Salmon River, mid-Klamath River region and the Colorado River in Grand Canyon. This outdoor professional career has given me a unique perspective on river issues especially in my home region.

As a private river citizen, river user and board member of the Salmon River Restoration Council, I emphatically oppose suction dredging in the Klamath River basin, most especially on the Salmon River and its tributaries. I fully support the Karuk Tribe's stewardship efforts to stop the degradation of their salmon habitat.

The whole history of gold mining is one of rape of landscape while pillaging and plundering the natural resources, for the benefit of very few; whether directly by the mining

operations themselves or the clear-cutting of whole forests for mining timbers. Dredges and placer operations finally outlawed in the Sierra, were moved to remote places like the Klamath River (further from population centers and public notice) and then, in my lifetime on the area's rivers, to Brazil.

On the Klamath River the traditional salmon runs approach extinction due to rising river temperatures in large part caused by past logging and mining practices and currently because of the series of dams above I-5. Further fouling of an imperiled river through suction dredging is just another nail in the coffin of the spring and fall salmon runs.

On the Salmon River's pre-white man spring salmon runs of Chinook and Coho numbered a half a million; the fall run a hundred thousand fewer. Today we're lucky to see a spring run numbering above 100 SALMON TOTAL! The now bigger fall run has dropped below TWO HUNDRED in my river lifetime and we feel fortunate when the fall run gets above a couple of hundred. The Salmon River is the last and only natural river in the whole Klamath River basin.

The Salmon River drainage encompasses 750 square miles and is 98.5% federal land administered by the United States Forest Service.

The Salmon River has no major population congregations (the total population within the entire 750 sq. miles of the Salmon River drainage is around two hundred people.) There is no large agriculture or industrial operations. The Salmon River is host to the only remaining natural run of fish in the whole Klamath River basin.

In other words there is nothing to foul the river except the consequences of past mining, road construction and clear cutting.

How can we in our right minds condone an activity that pollutes the river system in any magnitude at the lowest, warmest time of the Salmon River's yearly cycle? We cannot! The salmon runs are the heart of the forest's health, this is a time for river restoration efforts such as those of the community based organizations like the Salmon River Restoration Council and Mid Klamath Watershed Council, not the further endangerment and loss of habitat.

My home is on Knownothing Creek near the mouth. The creek runs unusually flat, by local standard, for its first three miles, historically prime salmon spawning opportunity for returning spring and summer Chinook and Coho salmon. Knownothing flows into the South Fork in a way that naturally creates a yearly hole that supports the weary fish. There are spawning redds directly above and below the Knownothing Hole. Yearly fish dives have always found returning salmon and steelhead nosed into the creek's flow at the mouth. Knownothing Creek is one of only three summer creeks large enough to provide refuge to the spring and fall spawners and the only creek fed hole for the first six miles of the lower South Fork. Knownothing Creek's fresh, colder water is a major factor in the returning salmon's ability to survive summer temperatures. During the dredging season the river is at its lowest flows and Knownothing Creek flows at around two (2) or three (3) cfs; in good years. These last weather years have not been good.

Last summer, July 2009, a mining claim only two hundred yards up Knownothing Creek from its confluence with the South Fork of the Salmon River was rented out to people from

southern California who placed a SIX INCH DREDGE into one of the few holes on Knownothing Creek big enough at that time of year to hold it. They were outfitted in the very latest state-of-the-art diving gear designed for deep diving. Knownothing Creek at that flow wasn't deep enough for them to have to do anything but float on top while suctioning up the creek bottom; and there were already three more smaller dredges further up the creek! The few days before the ban that they ran the dredge turned the creek black with mud. With no real flow to push the muck down creek I watched as a thick pudding like flow seemed to ooze slowly down creek to the river. It filled every nook and cranny of the creek bottom with a thick layer of silty mud. When these flows reached the river they dumped this oxygen killing muck directly into the faces of the spring salmon nosed into the creek mouth for cool temperatures and oxygenated water. This should be a crime; to participate in the killing of the last struggling representatives of a species!

After witnessing this horror in my own home neighborhood I went and spoke to these folks about what was going on in the Salmon River drainage and where they were and the community they were invading. Nice folk. They had no knowledge of anything in the area, they were there just to "have fun together dredging in this beautiful place you have here." The owners of the claim gave them no information and nice as they were, if it wasn't for the ban, they would have continued destroying the Knownothing refugia.

Late history on the Salmon River system included a very few local folk doing a little plinking around and a few stalwart old-timers who returned to traditional claim every year. Not many as far as raw numbers went. Then came the invasion of "the recreational mining club." Four or five years back a mining claim on the main stem of the Salmon River was occupied by over two dozen recreational miners from the New 49er Mining Club out of Happy Camp (the New 49ers bought up every unclaimed foot of the Salmon River). Locals noted that the family that had lived there for over a decade had been forced off the claim when denied occupancy and now we had two dozen flatlanders crowding a flat that used to support an active family in our river community. **The New 49er's placed FOURTEEN DREDGES in the first half mile below Butler Creek!** Gas being poured into the river at refueling times (boating below the flotilla of dredges found a dirty river with hints of gas slicks in the small eddies below.) Toilet facilities were minimal and there was no concern for bathing, grey waste water or trash. This was an abomination to all local sensitivities, in particular to the Karuk Tribe. Fortunately we have fishery issues that shut that kind of travesty down. But, a pretty good example of these "wreck-reational" miner clubs stretching the regulations so a few at the top can make a buck; without a thought to the river's residents or communities. There oughta be a law.

Last summer when the dredging ban went into effect, there were three miners with Oregon plates on their rigs, dredging a mile up the North Fork from Forks of Salmon that thumbed their noses at the ban, F&G and the local community and kept right on dredging until a rumor that the F&G was finally going to put in a token appearance caused them to shut down. Letters to the editor in regional news papers made bold claims of not obeying the law; the prevalent statement of bravado identified the angry miner as an "outlaw."

The Salmon River may appear to these "outlaws" to be in the middle of nowhere, but the river has a long history of being the home to many families sprinkled along its banks. The Salmon River is my home. I take it personally when someone threatens to defy the law in my home, as would anyone in any neighborhood in the state.

In the last two decades the recreational uses of the Salmon River area have skyrocketed. Rafting, Kayaking, Mountain Biking, Four-Wheeling, Hiking, Motorcycling, Road Biking have all grown enormously. These are activities that do not use up the natural resources of the Salmon River drainage while infusing recreational dollars into local businesses.

It is long past time to put a stop to all dredging within the Salmon River Drainage. The Salmon River, of all the state's rivers and certainly as the only free-flowing river in the Klamath River basin deserves protection, not further degradation and endangerment.

Yours with Deep Concern,

Terry M. Hanauer
Elizabeth Hanauer
44631 Cecilville Rd
Forks of Salmon, CA 96031
530-462-4764

Nov. 30-2009
Box 132
2827 Indian Ck Rd
Happy Camp, Calif, 96039
ph 530-493-2078
From: Thomas Evertsen

Calif Dept of Fish and Game
601 Locust Street
Redding, CA, 96001
attn: Mark Stopher

Dear Sir,

I am writing you about suction dredge mining. It is my expressed hope that, if the current moratorium on this particularly destructive form of mining is lifted, that DFG will put in place a stringent permitting program.

I have personally witnessed Salmon spawning areas turned into virtual 'moon scapes' of mounds and craters here on the Klamath River. I have seen that the fish are frequently absent from these worked over areas for years following dredge mining.

Additionally, as I have been, in the past, employed in the field of occupational and environmental health, I am deeply concerned that the Re-release of long sequestered mercury (from past periods of gold mining) posses a significant RISK to human and animal health, and that this serious risk has been minimalized or ignored, in the past,

From: Thomas Ewertsen
Box 132
2827 Indian Ck Rd.
Happy Camp, CA, 96039
530-493 2078

Calif Dept. Fish and Game
601 Locust Street
Redding, CA 96001
Attn: Mark Stopher

when reviews and permitting of dredge mining have been done.

I cannot help but think that the the Recreational and commercial mining lobbies have been far too influencial in assessing the impacts of suction dredge mining on California's rivers and streams.

What I have personally witnessed occuring here on the Klamath River, and on Indian Creek (which is a major Salmon and Steelhead spawning ground), defies Reason and imagination that it continues to go on so unregulated. The aftermath at some dreging sites is beyond belief!

Have you ever watched the fueling of dredge motors in mid-stream? I have. How can this go on without stringint permitting and inspection? I am really hoping that, given both the recent legislative and judicial attention given this activity that long-needed changes will occur!

Thank you for your attention to this letter.

Tom Ewertsen

From: "Tim J Livingston" <TJLivingston@spi-ind.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/3/2009 4:10 PM
Subject: Suction Dredging Public Comments
Attachments: 20091203160010498.pdf

Please find attached our comment regarding the Suction Dredge Permitting Program.

Tim & Mary Livingston
(530) 378-0722

December 3, 2009

Tim & Mary Livingston
23904 Coleman Fish Hatchery Rd
Anderson, CA 96007

RE: Suction Dredge Permitting Program

We are submitting these comments as part of the public scoping process regarding the suction dredge permitting program. We support the continuation of a viable suction dredge permitting program. We are the owners of mining claims and have hands on experience with suction dredging. As this process continues forward we would like to see the following points examined. These points have grown out of our experience and observations.

- Sediments suctioned from stream bottoms tend to be coarse and settle quickly. The data based on the research in the literature review provide by DF&G seems to corroborate this.
- DF&G schedules the dredging seasons in a manner to prevent disturbance to the spawning beds. The fry have hatched and left by the time dredging begins.
- Fingerling fish will feed on the organic matter discharged from the sluice box. The action of the dredge frees the organic matter from the stream bottom that was otherwise unavailable the fish.
- Deep holes are often created during dredging. This type of streambed structure can be beneficial to fish.
- The gravel material freed up during dredging gets re-deposited in winter storm events and much like a gravel injection adds gravel for spawning beds when done by DF&G. Often the stream bottom materials are cemented together and are not as likely to be moved by storm flows in normal years. Since so many of our rivers are below large flood control dams the riverbeds are not turned over like they were before the dams were built. Dredging accomplished this in a small way.
- As we know mercury occurs naturally in many of the streams and was allowed to be deposited into them during the gold rush. As per the literature review dredging has the capacity to remove 98% of the mercury in areas that are worked. We recommend the DF&G sets up or, licenses a clearing house that would purchase contaminated mercury-gold and mercury, thus allowing for it's clean removal and discouraging processing of this material by the miners. In this manner a partnership between the agency and the miners would accomplish a common good.
- Any motorized activities whether it is suction dredging, atv riding or jet skiing will always be bothersome to some people. However, dredging equipment does not move through any given section of stream very fast and can easily be avoided by people who do not wish to be around it.

- While certain parties contend that suction dredging is destroying the stream ecosystems, we whole-heartedly disagree. Does catching and killing mature spawning fish whether by hook and line or, current gill netting practices have less impact to the fisheries than does suction dredging? In our experience we have never killed any fish while dredging. The conventional wisdom is that suction dredging is deleterious to streams and harmful to fish, but experience shows this not be true.

As life long residents of Northern California (Tim was born in Redding and Mary was born in Hoopa) our perspective on this extends beyond that of just miners. We appreciate this opportunity to comment.

Sincerely,

Tim & Mary Livingston.

From: Gilbride-Read <gilbr@humboldt1.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/3/2009 6:41 AM
Subject: Suction dredging on the Trinity

We are property owners on the Trinity river near Salyer, California. We spend a lot of time on the river and have seen first hand the destructive effects of the multiple suction dredges near us. We greatly appreciate the DFG efforts to regulate this practice and firmly support the permanent elimination of this practice. Our rivers are too precious a resource to turn over to the incredible disturbance and commodity extraction of a few.

Thank you,
Tim and Anita Gilbride-Read
#1 Eagle Pt., Salyer, CA
or 255 Wilson Ln, McKinleyville, Ca
707-839-4645

From: TIMOTHY LORI CONNELLY <connellyt@sisqtel.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/2/2009 6:45 AM
Subject: Suction Dredging

In regards to suction mining:

I have operated a suction dredge on the Salmon River since the early 1980's. I have abided by all the laws and regulations set forth by California Fish and Game as well as the United States Forest Service. During the years of operation my seasons were reduced in time for protection of salmon and I agreed with these stipulations, however the complete closure is difficult to agree with. With close to 30 years of dredging experience, I have never once mined in an area that would have been considered prime salmon habitat. In fact I have avoided shallow salmon bedding locations mainly due to the fact that mining in these areas is difficult and very often not considered prime mining sites. Never once have I harassed fish; on the contrary, one can regularly see fish feeding in my tailings and the amount of mercury and lead I have removed from the river can only be measured in pounds. Contrary to what was printed during the closure last summer, I believe my dredge captures 100% of the mercury I encounter. It is observable in the 1st riffle of my sluice box and is easily removed. Since my dredging season ends in mid-September, and the Spring Run Salmon spawn in late October (observable) I don't see a contradiction between mining and the Salmon spawn. It takes but a few weeks once the mining season has ended for my dredging sites to no longer be visible and the entire eco-system recovers within a few months. The very best way to determine if suction dredge mining has any real negative impact on the river would be to observe my operation which I would welcome. An observer would see 2 well educated operators (my wife and I both possess graduate degrees) working diligently to obtain a few ounces of gold, enjoy the beautiful environment and act as stuards of the land. We have been very protective of our mining claims in regards to removing dangerous metals, including mercury, and we regularly remove roadside trash and have begun a thinning project to protect our area from wild fire. We have been proactive rather than reactive. Our mining claims are virtually spotless and our respect towards the forest and river is limitless.
If I can be of further service toward this issue, please don't hesitate to contact me and I look forward to hearing from you.

Sincerely

Timothy A. Connelly
Cecilville California

From: tina Bennett <tinabennett2@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/1/2009 4:42 PM
Subject: regarding suction dredging on on the salmon river

I feel that suction dredging has it benefits for the fish. I think that it should be monitored so that everybody doesn't have a dredge on the river every mile. I think that people who try to get rich by buying up all the claims and reselling them for a profit shouldn't happen because you get a whole handful of people over populating the mining claims as well as the river. We had dredger from as far away as Montana. I think that the permits should go to the locals because they are aware of the issues with the salmon. The locals are doing this for a living and not just recreation. I think you should do a lottery for the out of state miners. Which would limit the impact on the river. The out of state dredgers need to be responsible for port-a-pottys for their camp sites. I think that dredging does help loosen the gravel for the salmon so they can make their redds in the gravel that has been loosened up. This year where we where dredging we had three redds at the tailing pile (the tailing pile is the gravel that came out of the end dredge.) We also had salmon in the hole because is was cool water in the hole we made with the suction dredge. My brother and I our Karuk Tribal Members. We have lived here most of our lives we own two mining claims. I also think that either you do a lottery for telling miners that only odd numbers get Tuesdays and Sundays or something like that. I don't think that making it stop altogether is the answer. We need to work to come up with agreement. So that both parties agree on Locals and the Kaurk Tribe and Other organizations through out some ideas beside just stop it altogether. I feel that the who oppose this need to meet with locals and spend time with the people on the river. Thanks for letting me voice my thoughts and ideas.

Tina Bennett
14339 Salmon River Rd.
Forks of Salmon, Ca 96031
Email: tinabennett2@gmail.com

From: "Todd Lindseth" <tlindseth@sp3inc.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/1/2009 2:21 PM
Subject: Moratorium on instream suction dredging
Attachments: suction dredging letter3.doc

Mark Stopher
California Department of Fish and Game

Dear Mark,

Please see the attachment for some important comments on the recent moratorium on suction dredging in California streams.

Thank you,

Todd D Lindseth
890 Dearborn Place
Gilroy, CA 95020

Phone: (408) 848-5051
ttlindseth@verizon.net

11/30/09

To Whom It May Concern:

My family and I are very concerned over the recent decision to suspend all suction dredging activities in California streams. We believe that this decision will have a very negative impact on our ongoing environmental conservation efforts.

I guess we are somewhat of what you may call nature enthusiasts. We have owned property in the wilderness since 1968 and have a great love and respect for the outdoors. We take great pride and care in keeping our property and surrounding areas completely clean and free of any liter with as few signs of city life as possible.

After reading the Provided Suction Dredge Permitting Program, I've noticed that it only lists the possible negative effects that may derive from dredging, some of which are misleading or largely blown out of proportion. It goes into a lot of detail about noise and other harmful effects it has on wildlife, yet while I'm dredging, I often have fish and snakes coming up to me under water and looking me right in the face as I'm working. It seams they are not afraid of you while your under water. I have also had baby ducks swimming around my dredge (within 10 feet) while dredging. I recall bragging to my wife about how they remained there for up to 45 minutes just swimming around as I worked, stopping from time to time to just watch and enjoy them.

Anyway, nothing is said about the positive things that come from dredging. We have been gold mining (including dredging), for the past 15 to 20 years and have had a very positive effect on the environment. We are also in personal contact with numerous other

prospectors and property owners in the surrounding areas, most of which are also involved with some sort of gold mining activity, such as suction dredging. More importantly, all of these people share the same love and respect for nature with strong conservation values as we do. Everyone pitches in watching over the land and chasing off potential poachers. We could not think of one that does not have a positive effect on our environment.

All of us leave our properties cleaner than they were when we arrived. We are constantly picking up after the wayward trespassers and illegal snipers that abuse the land. Best of all, while performing any type of mining such as dredging, we are removing 10 to 20 lbs of old rusting steel, plastics, and other sorts of garbage, along with a good portion of mercury for every ounce of gold we retrieve. To discontinue the issuance of dredging permits would be doing a great injustice towards our environment as a whole. The amount of ongoing maintenance provided towards the well-being of our creeks and streams, from these simple mining efforts, should not be overlooked.

This moratorium on instream suction dredging would discourage some of the most ecologically minded nature enthusiasts of all from spending their time in the wilderness. These small scale, permitted miners are not the problem. They follow the laws, dredging only during the permitted seasons, etc. Taking them out of the streams would leave only the illegal prospectors who would in turn wreak havoc on the land with no one left to watch over them. This would be detrimental to our environment. We really need the law abiding, permitted citizens out there. There are simply not enough resources available from the Departments of Forestry or Fish and Game available to monitor all of California's wilderness.

These responsible property owners and prospectors are probably some of our most effective resources as far as driving out the illegal poachers, snipers, and irresponsible trespassers who do harm to the environment. They are also a great influence on others as far as respecting the wilderness.

The life lessons and respect for the outdoors we have instilled in our children will forever be a blessing on our environment. For they, along with all of our neighbors, are continually bringing new friends and families into the mountains where they are taught just how wonderful nature is and how best to keep it that way. They learn to camp safely, observe the wonders of nature and respect wildlife from a distance so that it will always be there.

We urge you to rethink this policy and return the issuance of dredging permits. It's a great way to clean up our streams and rivers and keep good, nature-loving people out in the wilderness. Here, they are best able to teach others and increasingly spread the knowledge that is so essential in preserving the environment. They also provide a great service in deterring unwanted poachers, illegal dredgers, snipers and other trespassers that might otherwise harm the environment.

Thank you for taking our thoughts into consideration.

Respectfully,

Todd Lindseth
Terri Lindseth
Ryan Lindseth
Alan Lindseth

11/30/09

ATTN: MARK STOPHER

To Whom It May Concern:

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Anyway, nothing is said about the positive things that come from dredging. We have been gold mining (including dredging), for the past 15 to 20 years and have had a very positive effect on the environment. We are also in personal contact with numerous other prospectors and property owners in the surrounding areas, most of which are also involved with some sort of gold mining activity, such as suction dredging. More importantly, all of these people share the same love and respect for nature with strong conservation values as we do. Everyone pitches in watching over the land and chasing off potential poachers. We could not think of one that does not have a positive effect on our environment.

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from the Departments of Forestry or Fish and Game available to monitor all of California's wilderness.

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We urge you to rethink this policy and return the issuance of dredging permits. It's a great way to clean up our streams and rivers and keep good, nature-loving people out in the wilderness. Here, they are best able to teach others and increasingly spread the knowledge that is so essential in preserving the environment. They also provide a great service in deterring unwanted poachers, illegal dredgers, snipers and other trespassers that might otherwise harm the environment.

Thank you for taking our thoughts into consideration.

Respectfully,

Todd Lindseth
Terri Lindseth
Ryan Lindseth
Alan Lindseth

11-24-2009

To: Mark Stopher
California Department of Fish & Game
601 Locust Street
Redding , Ca. 96001

Dear Mr. Stopher

Thank you for the opportunity to submit my comments.

There is an omission of material fact & FALSE statement in the initial study report CEQA check list.

The "Land Use / Planning" box is not checked.

45% of California is Federal public domain lands.
Much of which is open to mineral entry under the Federal mining laws.
Much of which is held by mining claims.
Where most small scale suction dredging takes place.

All USFS & BLM lands are under one form or another of Federal "Land Use / Planning" .
Which encourage, provided for & allow mining on Federal lands.

Consequently, under CEQA regulations, this study must take that into consideration.
If not, it is fundamentally & fatally flawed.

Another critical point for the DFG to consider.

The lead agency in a CEQA study "MUST" consult with pertinent agencies having statutory authority over land where the "project" takes place.

Since 45% of California is Federal public domain, mostly administered under jurisdiction of the USFS & BLM,

DFG must start formal consultation with them.

If not, that's another fatal error in this CEQA process.

USFS & BLM will then inform DFG, mineral extraction on a valid mining claim is a statutory right of the owner.

Another critical error for the DFG to consider.

DFG takes the position, "economic" impact need not be considered in this CEQA study.

WRONG ANSWER

CEQA law makes it mandatory they do.

Read it yourself.

CEQA Title 14. Natural Resources
Division 6. Resources Agency
Chapter 3. Guidelines for Implementation of the California Environmental Quality Act
Article 7. EIR Process
§ 15093. Statement of Overriding Considerations.
(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Sincerely,

Tom Chambers

2126 Franklin Way

Hanford, Ca. 93230

11-27-09

To: Mark Stopher
California Department of Fish & Game
601 Locust Street
Redding , Ca. 96001

Dear Mr. Stopher

Thank you for the opportunity to submit my comments

The legislative Act SB 670 covers suction dredge gold mining "in any river, stream, or lake of this state".
The clear intent, and unambiguous language of the Act specifically covers "in-stream" suction dredging activities only.

DFG's regulatory authority pursuant to DFG Code section 5653 et seq., pertains to the use of vacuum and suction dredge equipment in California for "in-stream" mining.
Related provisions of the DFG Code underscore that exact point.
Recently enacted DFG Code section 5653.1 covers the use of suction dredge equipment for in-stream mining.

The critical word in both the SB 670 law, and subsequent CDFG regulation is "in-steam".
In-stream clearly means in the waters of a stream, river or lake in California.
In effect, anything outside the water, not in-stream in waters of California, on dry land is beyond the scope of both SB 670 law, and subsequent DFG regulations.

Given that explicit statutory, and regulatory limitation pertinent to suction dredge gold mining in California,
DFG has no legal authority to regulate anything about suction dredge gold mining, not in-stream, or otherwise outside waterways in California.

The legal consequence of that is that DFG has no authority to let a contract to any firm to perform a California Environmental Quality Act (CEQA) environmental study, or report concerning anything not in-stream, in any steam, river, or lake in California.

Consequently, the SB 670 CEQA initial study report performed by Horizon Water & Environment greatly exceeds the boundaries of "in-steam" environmental impact.
As the initial study report, by both statutory law, and DFG regulation is expressly limited to in-stream environmental effects.

Thus, all matters within the initial study report relating to:
"Accessing the Site" (5.5.2)
"Delivering Equipment" (5.5.3)
Dry land "Processing of Material" (5.5.7)
"Encampments" (5.5.10)
Dry land "Aesthetics"
Dry land "Air Quality"
Dry land "Biological Resources"
Dry land "Cultural Recourses"
Dry land "Geology & Soils"
Dry land "Hazardous Materials"
Dry land "Noise"

Dry land "Public Services"
Dry land "Recreation"

Are all outside the scope of in-stream environmental impacts this initial study report is allowed to contain.
While SB 670 authorized this CEQA study.
No SB 670 statutory provisions, or DFG regulations exist to authorize the inclusion of any environmental effect anywhere other than "in-stream", in California waterways.

Sincerely,

Tom Chambers

2126 Franklin Way

Hanford, Ca. 93230

From: Fran Leftwich <feltel935@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
CC: Bill and Cheryl Dimmock <trapper101@aol.com>, Don and Deb Miller <danddm...
Date: 11/25/2009 8:48 PM
Subject: SEIR Response from Gold Dredging Taxpayers

To: Mark Stopher, Calif. Dept of Fish and Game

From: Tom Leftwich ,. JT3 LLC Field Engineer, Gold Miner 40 Years, Calif. Dredger 20 years, Gold Mining Resort Manager and Mining Instructor, Calif. Mining Claim Owner, ICMJ Writer, Book Author of "Gold Mining – Come Along for the Ride" and 55 yr. Tax Paying Citizen of Calif.

Subj: Response to Request for Comments as regards Suction Dredging in Calif.

Mark,

Thank you for soliciting inputs from the Gold Mining Community in developing a Subsequent Environmental Impact Report for the Suction Dredge Permitting Program. I represent a number of Dredgers and Gold Miners (San Diego to Redding) whose main interest involves submitting a request to your Department for early resolution of the court issues and restoration of Permitted Dredging . I and my associates find little fault with the current Fish and Game Permitting Program that has been in effect for the past twenty years governing the majority of Calif. Miners. We have participated , paid our dues, obeyed the rules and enjoyed this wonderful activity that provides a recreational, for some and income for others activity. We strongly and collectively feel that Regional Disputes require Regional Solutions without affecting the total State Community.

Please understand, that all of us have read the derogatory and unwarranted claims that have been attributed to all Gold Mining Dredgers in common and quite naturally resent these untruthful negative allegations. Gold Miners , as a whole; fully support a clean and well maintained environment. Our Mining Claims are kept in a clean condition while engaged in Dredging activities. Unfortunately, our Claim sites with entry roads, attract users and abusers during our absence and as a norm ,we all must spend a day or more every year cleaning up and hauling off trash and filth left by weekend abusers. It's unfortunate that the Federal Government won't permit us to fence our claims and keep abusers off. Personally I have welcomed fishermen and weekend campers to enjoy my claims.

I and my associates have reviewed your proposed EIR and wish to take issue with, rebut, or make recommendations; concerning the following statements.

Your original Literature Review Document of September 2009 pg. 4.6-3 paragraph 3 entitled; "Revenue Generated by Dredge Permit Fees" contained a statement indicating the cost of processing a Dredge Permit to be $450.00. This statement initiated a deluge of complaints to me and I have no idea how many complaints to the Calif. Assembly. I'm glad that you removed this from the current SEIR.
This in our mind, was either a misprint or totally ridiculous statement. If this cost of processing a Dredge Permit is factual, then our whole administration has totally missed out in this age of Technology and it's understandable why the State of Calif. is busted.

Your charts indicate a dredged volume of material under ideal conditions where all materials are ingested and transported without restriction. I operate a three inch dredge and every rock exceeding three inches requires hand removal. In all of the California rivers that I have dredged, rocks and boulders are the major impediments and we are lucky to process two yards of material in a full day of dredging. Frequently , boulder movement will require most of your vacation mining time. It is therefore incorrect to even infer that the Dredger contributes a major magnitude of Turbidity to Calif. Rivers based upon ingestion and delivery volume.

Current gold mining dredgers "DO NOT" introduce mercury into the Calif. Rivers. Your SEIR says that they do! They do not use mercury amalgamation while on the river!! Amalgamation and Retort extraction of gold, is a time consuming process relegated to a winter activity for cleaning black sand concentrates at

home .
Mercury content in our rivers either from early mining or natural deposit, pose a hazardous risk to humans and while agreeing that dredging will cause some flowering of resident Mercury, I can personally attest to 90% or better Mercury removal from the river material during normal dredging activity. This is a major improvement to aquatic life and human welfare provided by the Gold Mining Dredger at no cost to the State!! Please Note: The state of Virginia attempted to remove Mercury from their Rivers and aborted the project due to high cost and a number of agencies in other areas have experienced the same. The California Gold Mining Dredgers remove pounds of Mercury from our rivers every year at "No Cost to the State".

In our opinion everything in the proposed litigation and SEIR has been addressed in a manner or wording totally negative towards the Gold Mining Dredger. We feel that almost all of the issues under study would apply in a more significant and terribly destructive magnitude if addressed to Fishermen, Boaters, Rafting, Swimmers and Recreational Campers using our rivers and lakes. We, the Dredgers represent such a minority group of users and voters, through out the state; that we feel collectively that our Representatives, Lawyers and Bureaucrats have seized upon this Dredging issue and publicized it as a "Public Out Cry Bad Thing" to develop a "Self Feeding Frenzy for their own Political Welfare and Benefit" .

We are all responsible Taxpayers and at the very least deserve as much consideration as these other recreational activities . We feel that most of the issues directed negatively at dredging are Minimal, Far fetched and totally unsubstantiated possibilities, iffy issues; that are of such minor impact that they do not justify discussion. Any two inch rain fall on any river in the state will cause substantive river way changes far in excess of our Dredging activity that would have a deleterious effect to the local fish population.

Mark, Thank you and the Dept. of Fish and Game for your time and Attention to our Concerns. This response we hope, will serve; to bring to your attention those positive issues that we feel are important. We sincerely hope that you and your department will adjust your proposed document in correcting or clarifying some of the issues addressed in your SEIR. Please see Attachment; Resolution No. 223 -_2009 of the Board of Supervisors of the County of El Dorado entitled "Suction Dredge Gold Mining" I and all of the Dredgers and Gold Miner's that I represent, fully support the documented content and action of the El Dorado County , Board of Supervisors in requesting an immediate suspension of SB 670 which banned suction dredging in California. (see attachment below)

Respectfully, Tom Leftwich

ATTACHMENT-- RESOLUTION NO. 223- 2009

10-06-2009 Eldorado County, California, Board of Supervisors passed a resolution urging the California State Legislature and Governor Arnold Schwarzenegger to rescind or amend SB670, a bill that banned suction dredging in California waterways.
Resolution: http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/6a4d4486-d831-4508-bd94-be91a14d2f1c.pdf
Agenda item with supporting documentation: http://www.co.el-dorado.ca.us/bos/wwwroot/detailreport/matter.aspx?key=108

TO:

MARK STOPHER
CALIFORNIA DEPARTMENT OF FISH & GAME
601 LOCUST STREET
REDDING, CALIF.
96001

FROM:

TOMMIE GRAVELY
POST OFFICE BOX 1641
QUINCY, CALIF.
95971

TO WHOM IT MAY CONCERN,

WHAT YOU DID BY TAKING ARE RIGHTS AWAY WAS WRONG BY TAKING THE DREDGING PERMITS AWAY. BECAUSE THE SALMON DO NOT RUN UP HERE. ENFORCING THE NO DREDGING LAW UP HERE IS ALL WRONG. THE SEASON WAS CUT IN HALF AND WE DID NOT GET ARE MONEY BACK, WHY!!! DREDGING DOSE NOT DAMAGE THE RIVERS & CREEKS & STEMS.

Tommie Gravely

Pear Mark

I have lived on the mouth of the Klamath River all my life. My X wife is a Yurok tribal member I also have to Yurok chiddren my oldest daughter is half owner of our claim in trinity county. I'm 50 yrs old Ive watched this fishery deplete ever since the Yurok tribe organized. In my opinion this is a fish mafia half the native fish dont even get counted they get black marketed. Sturgeon are now very rare when I was a teenager their were sturgeon every where now your lucky to see one. If you get a chance ask Richard Banko or Paul Weldon what they have seen on the klamath in their time of being D.F.G. in this area and Jet boats have a much bigger pump then I run on my dredge. Also alot of my native friends think the Yurok commercial fisherie is the ~~beginning~~ beginning of the end.

over

SUCTION DREDGE PERMITTING PROGRAM
Subsequent EIR - CEQA Scoping Comment Form

Name:	Tony Sanderson
Mailing Address:	11 Del Ponte Dr. Klamath Ca. 95548
Telephone No. (optional):	707-482-3474
Email (optional):	

Comments/Issues: some rules perhaps good Ideas
1 no more than 4" dredge in streams called a creek 4" max
2 no nonresident dredgers unless they have a claim that is what oregon is trying to do
3 The new 49er club has a monopoly and needs about 5 miles instead of 60 mi
4 perhaps in time, maybe we should have to take a dredging class like I did for my timber operators ~~[illegible]~~ liscences watch movies learn does and don'ts etc. also pay for class.
note We need to protect small miners we are low maintnence and we can make money on little gold now with high price
also good luck Mr. Stopher if you have to deal with Alemada Co. Liberal ville that will be hard they protest everything their

Please use additional sheets if necessary.

once again Good Luck
I will try to be optimistic
Tony Sanderson

SUBMIT WRITTEN COMMENTS (POSTMARKED BY 12/03/09) TO:

Mail: Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Email: dfgsuctiondredge@dfg.ca.gov

Website: www.dfg.ca.gov/suctiondredge

From: Bill Mayo <wj_mayo@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 12/2/2009 1:56 PM
Subject: Environmental Impact Report

To whom it may concern:
I own two mining claims in Siskiyou County and belong to a consortium of miner who also own mining claims throughout California and we agree something needs to be done to help protect the fish, but stopping suction dredging is NOT the answer. I have watched and studied several programs on this. Man has changed the flow of Rivers to benefit him and not as the almighty had originally intended it. Buy building damns and such just buy building a damn you have now changed the flow of the river in which natural sediments will just lay in place covering up and choking off gravel beds in which the fish need to lay their eggs, while suction dredging displaces such sediments and hard pack to create loose gravel beds along with removing lead and mercury from the water. That right there should be enough to leave suction dredging in place to help revert the damage done by building damns
Here are some key factors that need to be taken into consideration when this issue is to be resolved

1. Past studies show have proven that there is no harm to aquatic life in rivers.
2. Past studies show aquatic life has improved due to suction dredging.
3. Current rules and regulation already in place already protect fish during spawning cycles and suction dredging is regulated based on these events
4. The State of California has no right to discriminate against this activity and terminate it state wide without just cause. Just because a few people think they are above the law you shouldn't punish everyone. The State needs to step up and enforce laws that were currently in place and nail the ones who think they are above it. Would it not be the same thing to ban driving a vehicle just because a few people drink and drive?

I live in the great state of Virginia and when we visit California we must fly in the state therefore we must travel light once we get there, we must stock up on food and other provisions, vehicle rental and other prospecting supplies this is multiplied by 4 just for my family , then there are county Taxes , rental storage fees from storing equipment, I have a upcoming visit to my claims just to give you a small idea of the monies spent plane ticket $450.00 car rental $600.00 motel $400.00 that is not including gas food and entertainment while there this is just to visit and check on my claims by myself not for the opportunity to prospect in which the whole family would adjoin me for two or three weeks
There were current rules and regulations set in place by the State of California to protect the fish and regulate suction dredging in which I am in agreement with but however I do have a federal mining claim in which I am entitled to recover minerals off of by banning suction dredging the State is now stopping me from recovering these mineral in which is in violation of federal law and I would be forced to join in on lawsuits to be able to mine my claims as deemed fit
Sincerely,
William J. Mayo
1139 Shiloh Church rd
Bedford Va. 24523

From: "Bill" <quakerrd39@verizon.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/18/2009 8:46 AM
Attachments: Letter to the CA F G.doc

To Mr. Mark Stoper:
Thank you for your time. Please read the attachment.
Bill

William J. McCracken
2031 Quaker Rd
Barker NY 14012
716 795 3655
716 998 8807 Cell.

Dear Mark,

I would like to make a statement to you and the State of California. As you can see I will not be able to attend any of you meeting due to the distance. But I would like to talk about the State of CA. and about the CA. fish and game.

Lets start out with the State and the reps that don't seem to care about the welfare of the state at all. It is obvious that the nitwits that pushed the law 670 through had no concern for thousands of the people in and out of CA. The loss of jobs and revenue is at a time when it is needed the most by all. And then the added costs to the State, WOW. What are the REP. for the state thinking. It looks like to me that money talks. If the people who want to save the salmon have all this money why don't they spend it on project that will save the Salmon, not harass the honest people who just want to be left alone and enjoy there last years on this earth.

I used to think Arnold had a lot of guts and would stand up for what is right and not bow down to a bit of pressure, Boy was I wrong about him. Every time I see his commercial coming on I turn to a cartoon show, as it is more realistic. So long Arnold S.

I see that the dams on the Klamath River may come down which will increase the Salmon runs from 3000 to 390,000. What does this have to say about Dredging!!! Some people sure are stupid. Then I think of the remark of how the wind and the solar will take up the slack for the loss of the Dams? Well the wind don't blow all the time and the sun don't shine all the time but the River runs all year all the time. And then again lets take a hard look at the loss of jobs and the costs of removing the dams let alone the clean up after wards. Where is this money coming from? I plan to write my Congress Persons and tell them to get the money from the environmentalists who have all the money to promote these Ideas. Let them pay for all of this. Why doesn't Ca pass a law to this effect so you don't go broke? These people need to live somewhere else other then in the U.S.A.

I dredge in the Merced River and I work hard for the gold I get. It is no easy task to get the Gold the Merced has. Yes I do take some Mercury out of the river and Copper and a lot of lead. Just to give you an idea of how much. 2 Years ago I took over 30 LBS out in less then a week of dredging. I hit a hot spot. This was the best I ever did for lead. But on the norm I take out about 3 to 4 lbs and most of that is sinkers and weights from people fishing. I find a lot of hooks and balls of line in the Merced River. This year I went back to check out last years dredge hole and found it to be full of Fingerlings and Tadpoles. Can any of the environmentalists do this to save the fish??? Of course not and if they could they are mostly too lazy to get out and help. All they want to do is make a name for them selves and set back and cause trouble, I say take away there power and return it to the honest people.

Now for the CA. Fish and Game.

Well lets look at you taking away our Dredging Permits and NOT Returning our money, What can I say about that, Cheep cheep. The least you can do is give us our next permits Free as we should have a right to at least this much. Especially us out of stated who are so loyal to dredging in CA. I have met some great people out in your state and do enjoy my stay In CA. But the costs are getting worse each year. This includes the costs of the permit you took away and refused to buy back. I'm sure some people have

problems sleeping at night. I still hope a class action law suite come up as I will sign up for it unless I get restution from the Fish and Game of CA. We had plans of looking for a place in CA and moving out your way but all of this has put a stop to that! When I come to CA, I spend in the area of $3700. 00 and about $600.00 more in fuel. I have a friend in CA. who needs a bit of help so I help him out each year while I'm out there. Can the environmentalists say this?? Of course not they are spending there money to hurt people not help them. And all I can say about the Indians is Meth!!! I sure did like Randolph Scott.

Well I have said to much now so I will say so long and I am looking forward to getting back into the river. So do what you can for us and turn this injustice around. We need some support out in CA. to help the honest people.

Bill McCracken

PS. I hope to some day meet you and some of the people who are trying to help us, the rest I don't need.

From: William Madison <bigwillmad@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/27/2009 9:37 PM
Subject: suction dredge addvocate

my name is william madison . i am a resident of auburn ca. i own a two inch dredge and i have bought a permit and dredged for the past two years. this was a short season as u know..i mostely dredge on the middle fork of the american river.i am no scientist but i feel i am doing more good than harm. while dredging i am recovering led and mercury and removing from the river and believe me ther is alot of it. i just wish it was gold haha. secondley ther are no salmon that spawn on many rivers in ca i dont c y if thats the reason the season is closed that dredging isnt allowed on these rivers.i believe the restrictions that are in place are enough to protect the native fish that live in these waters. i also am an aved fisherman and a steward of this great state and its waterways. i just wanted to put in my two cents and want to see this ban lifted. i would also like to see the department of fish and game offer a rebate on future permits to make up for this season. thank you for your
time.

From: "Yvonne Chase" <ychase@sisqtel.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 11/17/2009 3:57 PM
Subject: Scope Meeting on Suction Dredge Permit Program

Yvonne Chase
P. O. Box 9
Scott Bar, CA 96085

530-496-3430
ychase@sisqtel.net

November 17, 2009

Dear Mr. Mark Stopher
California Department of Fish & Game
601 Locust Street
Redding, CA 96001

Re: Scope Meeting on Suction Dredge Permit Program

Dear Mr. Stopher:

I am co-owner with my husband Jack Chase of a gold claim on Scott River and reside near this claim. I am more than extremely disgusted with the manner in which the DFG authorized the closing of the mining on information that is totally untrue and without documentation.

We are an elderly low-income couple who have been, all of our lives, outstanding citizens in every community we have ever lived in. It is dastardly to imagine losing our mining rights when times are bad. The state of California has no valid proof that the few hours we spend in one year has endangered any living thing in this river. The state has been influenced beyond reason by the environmental attitude it continues to corrupt itself by refusing to listen to both sides of this issue.

We are being denied our rights. The state of California and the environmentalists remain secretly allied . The insanity of the politictions are paid for their votes and simply could care less. The environmentalists are larger in membership than any other similar organization. The story would be entirely different were they doing the same activity. This is unjust and the people must make themselves known to them and government.

Please include my comments during the meeting. I am unable to attend.

Yvonne Chase

SUCTION DREDGE PERMITTING PROGRAM
Subsequent EIR - CEQA Scoping Comment Form

Name:	Yvonne Hayden
Mailing Address:	115 S. Fork rd.
	Callahan, CA. 96014
Telephone No. (optional):	
Email (optional):	hlogging@Gmail.Com

Comments/Issues:

My husband + I filed a Mining claim for the first time this Summer. Not only did we go through all the work + expense just to be shut down. But we will not get reimbursed for our Costs.
Unlike most claim holders our claim is literally out of our back door. No Part of it on our own Property! In [redacted] way would I want to Create a "dead zone". From what I've observed it created little ecosystems. In the little hole we created, (Before being shut down) we had fish, snakes, crawfish. It seemed they were flourishing to me.
I don't Believe we are destroying anything. I am concerned all of our rights are being taken away. We can't even fish in our back yard Now!

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY 12/03/09) TO:

Mail: Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Email: dfgsuctiondredge@dfg.ca.gov

Website: www.dfg.ca.gov/suctiondredge

Questions? Please call us at (530) 225-2275