

Appendix A

INDIVIDUAL COMMENT LETTERS

022811_Graham

From: Tom Graham <tom@arrgh.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 2/28/2011 5:57 PM
Subject: Suction Dredging in California waters

Dear Mark;

I am glad that you guys have finally finished this EIR and are moving forward with the permitting process.

I am 73 years old and have been fishing the Northern California waters for at least sixty years. On most of the rivers that run down the western slope of the Sierras, especially the ones where the flow is controlled by dams, it is important to promote suction dredging because the seasonal peak flows are often insufficient to remove the silt that clogs the gravel beds. The clean gravel beds left behind by the dredgers provide optimum natural conditions for Salmon and Trout spawning. I would like to see you guys permit larger dredges in those waters above 600 ft elevation where most of the spawning takes place.

Keep up the good work.

Tom Graham

(415) 897-0220

022811_Lague

From: roaring camp <roaringcamp@volcano.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 2/28/2011 10:57 AM
Subject: Roaring Camp in Amador County

Mr Stopher

As I read the report on suction dredging, I understand that the Mokelumne River where Roaring Camp is located would be open to dredging throughout the year. Could you please check this and advise me on this issue.

Thank you

Kim Lague

Roaring Camp

P.O. Box 278

Pine Grove, Ca 95665

Amador County

209 296-4100

022811_Lewis

From: Marq Lewis <marqlouis@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 2/28/2011 2:28 PM
Subject: Section 228 and 228.5. Suction Dredging

I think the restriction of 6 locations to dredge is not fair. I am not always shure where I am going to go. I can only list counties, but even that limits where I can go.

Having the dredge pump make and model in the permit is also unfair. This limits my permit to that specific equipment. I may be demoing someones dredge hence would not be on permit. Also if I get a different pump I have to update my permit, which is not easy where I live.

Marquess Lewis
4754 aries ct
livermore, ca 94551

022811_Locken

From: Bruce Locken <BLocken@waterboards.ca.gov>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 2/28/2011 10:09 AM
Subject: Proposed new regulations

Hello,
I was just reading over the proposed regulations and was wondering when you might expect them to take effect.
thank you,
Bruce Locken

From: Dave Cline <davecline@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/1/2011 3:19 PM
Subject: County by county approval

Dear Mark Stopher,

Please add to the options a county by county evaluation of suction dredge approvals.

Within that I would think that the following would be part of each county decision:

- Tribal treaty impact,
 - fisheries impact,
 - distance to fisheries impact,
 - dredge size restrictions,
 - settling pond requirements,
 - high bank exemptions,
 - remote location exemptions,
 - calendar restrictions,
 - lottery permit awards,
 - rotating tributary calendars
- among many others.

Alternatively a drainage by drainage evaluation might also be considered.

Thanks for taking and reading this email.

Dave Cline

DaveCline@gmail.com
575-545-5441

From: dave erlanson sr. <tapawingoinc@msn.com>
To: <dfgsuctiondredge@dfg.ca.gov>, roy johnson//calif.claims man <royjjohn@p...
Date: 3/1/2011 12:25 PM
Subject: dredge regs

sir ,as a professional dredger [15years] im well aware of the delicate balance your office has in satifying all interested parties.i have several major areas concerning the new dredging regs///1.it is discriminatory to allow a specific # of dredgers yearly while not allowing others who have the right based on the mining lawswhich precede the laws of california/an unconstitutional premise at the least 2.TO RESTRICT the nozzle size to a 4" max.is a direct assult on the livelyhood of miners and those who have substantiaql investment in mining claims. it is clear to me that you do NOT want in stream mining within the state in direct contradiction to the opening paragraphs where you state that mining is not deleterous to fisheries///therefore one must conclude there are polctical motivations for your actions WHILE IGNORING YOUR RESEARCH FINDINGS! CLEARLY, one cannot make a sufficient income using a 4"dredge ;unless he"superman! the maximum size should be at the least a 6" nozzle size,with up to an 8 in largest waterways all other streams should be able to handle 6" nozzle size.....regards,dave erlanson sr.

sound

From: "featherriverfelix@juno.com" <featherriverfelix@juno.com>
To: <dfgsuctiondredge@dfg.ca.gov>
CC: <editor@plp1.org>, <McCain@senate.gov>, <scottsspot@yahoo.com>
Date: 3/1/2011 8:08 AM
Subject: Fw: Environmental Benefits of Suction Dredging

PLEASE SHOW THIS AT THE NEXT MEETING ON SUCTION DREDGING.

----- Forwarded Message -----

From: james nelson <jnpnelson1@q.com>
To: "alan laitsch" <alaitsch@yahoo.com>, "dave hughart" <az-4-sun@msn.com>, "Jack" <jfkilloran@aol.com>, "joe nelson" <walruss@juno.com>, "joe felix" <featherriverfelix@juno.com>, "bob nelson" <4admiral@gmail.com>, "fred deppen" <freddeppen@aol.com>, "Ron dowdy" <ronandkarend@gmail.com>, "Nino Di Giulio" <nino_digilio@yahoo.com>
Subject: Fw: Environmental Benefits of Suction Dredging
Date: Sun, 27 Feb 2011 22:19:04 -0700

----- Original Message -----

From: <featherriverfelix@juno.com>
To: <McCain@senate.gov>; <hfquietone21@aol.com>; <wallace_diehl@yahoo.com>;
<tom_clancey2006@yahoo.cm>; <gannde@cox.net>; <new49ers@goldgold.com>;
<lstock8@yahoo.com>; <misha@boatsforsail.net>; <karen.felix@nbarizona.com>;
<JOEO@BMOL.COM>; <mrkleen57@hotmail.com>; <asif816@aol.com>;
<jnpnelson1@q.com>; <towertechnologies@yahoo.com>; <jmontgom3@gmail.com>;
<MC@rockmorecapital.com>; <jackhodgson@cox.net>; <tphillips@afp-mail.com>;
<cmwalker07@gmail.com>; <riversedge08@yahoo.com>; <erinthestreet@gmail.com>;
<tconrad@att.net>; <scottsspot@yahoo.com>; <JEFFKIN57@aol.com>;
<josh-felix@hotmail.com>

Sent: Sunday, February 27, 2011 1:26 PM

Subject: Fw: Environmental Benefits of Suction Dredging

PLEASE SEND THIS TO EVERYONE YOU KNOW. STOP THE GOVERNMENT ABUSE OF MINERS ALL OVER THIS GREAT COUNTRY. IF IT ISN'T GROWN OUT OF THE EARTH IT IS MINED OUT OF THE GROUND. ROME FELL BECAUSE IT ATTACKED AGRICULTURE BY PUTTING THE ROMAN PEOPLE ON WELL FARE WATCHING THE LIONS EAT THE CHRISTIANS INSTEAD OF PRODUCING GOODS AND SERVICES. AMERICA IS THERE NOW \$15.00 GAS IS THE START THEN IT'S DOWN HILL FROM THERE!

----- Forwarded Message -----

From: Karen Felix <azriekfelix@juno.com>
To: "featherriverfelix@juno.com" <featherriverfelix@juno.com>
Subject: Environmental Benefits of Suction Dredging
Date: Sun, 27 Feb 2011 12:59:10 -0700

Check out this video on YouTube:

http://www.youtube.com/watch?v=F5dccgEIPLE&feature=youtube_gdata_player

Sent from my iPad

Dermatologists Hate Her
Local Mom Reveals \$5 Trick to Erase Wrinkles. Shocking Results Exposed
<http://thirdpartyoffers.juno.com/TGL3141/4d6aab7147c5c5beacest02vuc>

030111_Graham

From: JOHN GRAHAM <johng48_7@msn.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/1/2011 6:33 PM

Dear Mark;

I am a 31 year old college graduate majoring in Wildlife Management and currently work in Northern California. On most of the rivers that run down the western slope of the Sierras, especially the ones where the flow is controlled by dams, it is important to promote suction dredging because the seasonal peak flows are often insufficient to remove the silt that clogs the gravel beds. The clean gravel beds left behind by the dredgers provide optimum natural conditions for Salmon and Trout spawning. Since most spawning takes place above 800 feet I would like to see the large dredges be required to obtain a permit yearly, possibly restricting the size and number of dredges used.

Keep up the good work.

John Graham
JohnG48_7@msn.com

PLEASE STOP SUCTION DREDGING FOREVER

I am very concerned about what damage suction dredging does to our rivers and streams. I watched the show Gold Rush Alaska. It made me sick on how they tore up the area to find a very small amount of gold. They don't seem to care about the impact it puts on the streams and wildlife when they tear up and damage the area like that. I would like to preserve our beautiful forests and wildlife so my grand kids and great grand kids ect. can enjoy our forests and wildlife in the future. Just knowing what it did to our salmon population in the past is enough to say STOP SUCTION DREDGING FOREVER!!!!!!

If they want to find gold so bad they can go to Alaska.

Thank You
A concerned California resident

A handwritten signature in blue ink that reads "Selena Jeppesen". The signature is fluid and cursive, with "Selena" on top and "Jeppesen" on the bottom, slightly overlapping.

030111_Kelly

From: <kellyrich@aol.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/1/2011 9:31 PM
Subject: New Regs

Hi Mark.....sorry to bother you, I know you must be very busy.....I took a look at the new proposed regs and have a few questions..my claims 6 claims are on South Fork of Indian Creek, Happy Camp, Siskiyou County.....I see the main stem of Indian Creek is closed.....does that include South Fork of Indian Creek,,it was not clear to me..I am not actively affiliated with any club...I mine mostly for a stone called Happy Camp Jade, gold is a small byproduct of business...I also live on South Fork of Indian Creek, so besides my claims I own property that the creek flows thru.....so what I am asking is if during the public input process, which I will not be able to attend due to an upcoming surgery, that you would consider inserting a clause for special permitting to allow dredging on a closed creek, to a legitiment business..even for as short a time as 2 weeks.....guys who dredge for gold, can go other places....the main focal point of my business is Happy Camp Jade which is really (Vesuvianite variety Californite)....it is not found elsewhere..this is a little known stone but of historic importance some call these old claims (Chan Jade Mine) California's oldest and most historic jade deposit.....I mostly look for boulders and cobbles in the creek, when I find them if they are big and good enough, I need to dredge to free them....there is no other way to recover them.....it only takes a few days per boulder...I also see winch regs have changed...but I can deal with that, if I can dredge to get the boulders....basically if the proposed regs stay as written....I will be out of business in a short time, I know this is not your intention...so I hope you will consider some type of Special Permit to allow for me to at least apply for the permit.....again...the stone I mine and love is only found here, Happy Camp, so I hope you will consider this in the upcoming process....again...gold dredgers can go to other open areas.....I can not.....thanks Mark.....Rich Kelly.....owner South Fork Mining...Happy Camp, Ca. Siskiyou County.....below are links to my web sites

www.happycampjade.com

www.southforkmining.com

<http://www.facebook.com/pages/South-Fork-Mining/326977112478>

030211_Frank

From: Dredger Frank <fwwg350net@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/2/2011 6:38 AM
Subject: Dredge permits

As a claim owner I pay property taxes in Sierra co. on my claim on the Yuba river, I also pay BLM my concern is the first come first should be changed so that claim owners are ahead of non claim owners I have dredged every year since 1994 I am a retired vet and the dredge season helps me subsides my income. Thanks Frank

030211_Frost

From: <KEITHFROST07@comcast.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/2/2011 1:18 PM
Subject: Permit Notification?

Dear Mr Stopher,

Thank you for mailing out the notice of Public hearing schedule re:DSEIR for suction dredging. Unfortunately I will not be able to make any of the public hearings in the State, I live in the Bay area and work will be keeping me here.

I do have a question/comment I would like to submit; since 2009, when all permits were suspended by SB670 in July of that year, will those permit holders be given an credit towards the remainder of the dredging season, or at least reasonable notification to comply with new requirements as a pre-cursor to first come, first serve basis? Since I suspect, based on in-state permits issued, most of the same folks who obtained permits in the past will do probably so again, and would like the opportunity to continue with suction dredging be it a hobby or livelyhood.

Also, will the annual permit costs remain the same or change?
Thankyou for your consideration,

Sincerely,

Keith Frost

030211_Martinez

From: gary martinez <n6uwq@att.net>
To: <dfgsuctiondredge@dfg.ca.gov>
CC: www.golden-caribou.com <n6uwq@att.net>
Date: 3/2/2011 12:50 PM
Subject: suction dredge program draft seir comments

In regards to the usgs Mercury Study Update.

As a amateur prospector and hobbyist I fully Don't understand why there was only one study conducted using one river that has been mined or dredged during the late eighteen hundreds. I question the analysis findings and the environmental impact that was found during this study. My understanding is that dredging adds oxygen to the water, which is essential to the spooning process that is necessary for the reproduction cycle for fish and other species in rivers and waterways. These studies do not show the amount of mercury and lead shot as well as garbage that has been removed from the river and its banks. My experience is that while dredging I remove mercury lead shot and other items that is sucked up in the dredge. We also make it a habit to clean any trash or other items that may have been left by fisherman or campers and haul it away.

My colleagues and I make every effort to leave and area cleaner that it was when we arrived.

I can only speak for myself saying that my dredging expeditions has had a positive impact on the environment. I respect nature and hope to leave it a little better for all to enjoy in the future.

I would urge the commission to reinstate dredging in all California rivers and streams. This would continue the removal of mercury, lead and trash. This would also add to the economy of California with the purchased of dredging permits and money spent during these outings.

In my case it would continue a hobby much loved.

Thank You

Gary L martinez
2665 Allen Drive
Auburn Ca 95602

Chris Auby
35 Surrey Ct.
Danville, Ca 94526
925-708-3099

DFG
601 Locust Street
Redding, CA 96001

Mark Stopher, 3-3-2011

Thank you for taking the time to read my letter. I would like to have some input regarding the new suction dredge rules. I have read the new draft of proposed suction dredging regulations and have found that the new rules will basically eliminate the ability to suction dredge on my own gold claim. The new rules will prevent me from prospecting on my own claim and will reduce the value of the claim making it near worthless.

My 80 acre gold mining placer claim, "The College Fund" is located west of the town of Coulterville on Maxwell Creek, in Mariposa County. The creek starts in the town of Coulterville and runs into Lake McClure. My claim is located just above Lake McClure. The elevation of my claim starts at 875 Ft and goes to about 1500Ft in elevation. The old rules listed my claim as a Class H area. This area was open to dredging all year long. Your new rules reclassify this area as a Class F, open only between July and September. I could live with the reduced amount of time to suction dredge on my claim, however the only time that suction dredging is allowed on my claim based on the new rules, is during the summer months when Maxwell Creek is bone dry. Without the water on my claim it would be impossible to work my claim.

The new Class F is too restrictive in Mariposa County. I need you to change the rules to include lower elevations during wetter times of the year when creeks and streams are still running. I would like to see Mariposa County include areas below 2000 ft elevation to be classified as Class H. If that is not restrictive enough to meet with the new environmental guidelines I need the rules to make that area at least a Class D. During really went winters there may still be a trickle of water flowing on my claim during the first week of July. It might be possible to suction dredge that first week of July if water is still flowing. However if I am only allowed to suction dredge for one week of the year in very poor conditions, I most likely will not purchase a suction dredge permit. I believe that suction dredging can be a lot better if it is allowed when there is much more water flowing. This would reduce turbidity in the water and make for better suction dredging.

Please reconsider Mariposa County. Please include areas below 2000 ft elevation in Class H or Class D in Mariposa County. Please keep allowing me to suction dredge on my own claim when water is flowing. If the new rules remain without modification, the rules will preclude me from participating in a recreational activity that I enjoy. Please include lower elevations in less restrictive classes.

Sincerely,

Chris Auby



030311_Bangart

From: "bangartkandj@juno.com" <bangartkandj@juno.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/3/2011 1:13 PM
Subject: dredging

hello my friend,

i am a prospector but i have never dredged (wife thinks i will drown)im concerned about over regulation, it costs money and we all know that money is hard to come by in this day and age..would not the money spent on this sort of thing be better spent on things like new hatcheries.

if fish are indangered or there numbers suffering you would help the population out by helping the natural process by adding to the numbers, the world as a whole does not benefit from wild salmon runs that are untouched by man it benefits by numbers of fish in a run, we should be doing more to increase the numbers.

i dont know the statistics but i remember far more hatcheries as a kid then i see out there today could this be the real problem, that and over fishing..i grew up in california and spent my whole life outdoors in the forests thanks to my parents.. now i live in washington but spend a lot of time in northern california as a member of the new49ers prospecting club..everyone in this club holds to the highest standard of respect for the environment we love the outdoors and enjoy the time outdoors with our families and friends, its a good healthy activity and anything that can get a kid interested in a healthy activity is a good thing is it not, to many kids out there could care less about nature and activities like these are a good way to change that..dredging doesn't kill fish it actually helps them, please don't over regulate this activity and make it so difficult that people will not follow the rules because there are to many confusing ones to follow and are to confusing to understand..

thank you for your time, kurt bangart

March 3, 2011

Suction Dredge Program Draft SEIR Comments
DFG
601 Locust Street
Redding, CA 96001

I have read most of the draft. I do not have a major problem with what you are trying to do except when it comes to the number of permits you intend to issue. Having applied, paid for and received a permit for over 30 years, I do not think that a first come, first serve is fair to those who have followed the law as long as I have. I think a better way would be to allow those who had a permit for the prior year to be first in line for the next year provided that they were to apply by a certain date, say example March 1st. If a prior year's permit holder did not apply by March 1st, then they would be treated on a first come, first served basis.

By limiting the number of permits available, you are encouraging people to ignore the intent of the law.



Bill Kafka
PO Box 84
Avery, CA 95224

3/3/2011
Bill Kafka
Avery, CA

030311_Luckey

From: Gary Luckey <luckyrus@bresnan.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/3/2011 8:44 AM
Subject: Mining laws: suction dredging

Mark Stopher,

Why is it necessary to impose a subjection law without scientific data to support this legislation against recreational mining hobbyists. I have yet to see such data to the effects of suction dredging in the state of California or else where. I think there is a misunderstanding as to what takes place during and after this type of mining operation. Are we moving towards an alienation of the land use from common tax paying people? I for wish to be law biding and do my share for keeping and protecting our lands in the best condition we can. It is common knowledge that nature will cause more damage than a 100 suction dredges on any stream. As far as spawning grounds for salmon is concerned, the grounds are not destroyed just moved from one location to another. A side benefit from suction dredging is that it stirs up feed for any species of fish as well. The only thing that has been taken away from the stream gravels is the gold and a small amount of black sand. If we start a movement to do away with every industry or recreation that takes place on our lands, we will be without fuel, roadways, clothing, homes, furniture, cellphones, etc. because just about everything that is manufactured or refined has come out of or from the ground as an oil or ore. There needs to be common sense and balance to our actions on our lands and in congress. Let's not be reactionary but to those naturalists who wish to preserve the lands without man existence or presence. We need to be a responsible people and cleanup after our playtime in the field whether it is mining or just camping out with the family. Thank you for your time and lending an ear to my concern.

Gary Luckey
3559 Granger Ave. W
Billings, Mt 59102
luckyrus@bresnan.net

030311_McRobert

From: keith mc <kmc@vtc.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/3/2011 9:25 AM
Subject: Proposed Regs

Regarding Proposed Dredging Regulations

Miners should be writing regulations, not someone behind a desk and has never worked under water.
Its plain to see that who ever wrote this proposal knows nothing about suction dredge mining.
The miner has to make the decision as to what type of equipment he needs for the area he is mining.
A four inch dredge becomes a toy if working more than two foot of overburden.
Would you tell a farmer with a thousand acres he can only use a walk behind tiller?
GET REAL!

Keith McRobert Dredger
Cochise, Arizona
1-520-826-3745

030311_Mitchell

From: Chuck Mitchell <goldchucker@wavecable.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/3/2011 2:00 PM
Subject: Slate Creek

To whom it may concern.

I'm very saddened that Slate Creek has been classified A in the proposed dredging regulations. I've owned a 35 acre placer claim for 11 years on Slate Creek of which I rely on to supplement my retirement income. Not being allowed to dredge on my claim is a financial set back. I pay property taxes in both Sierra and Plumas Counties for the right to have my placer mining claim. To take away my right to dredge on my claim is not ethical. To close areas with no explanation as to why isn't professional. To close dredging in certain areas and allow it in other is not fair to those of us who have a legitimate and financial vested interest in our claims.

I would understand regulating the number of days during a season in which I would be allowed to dredge. To shut me down "cold turkey" is the wrong approach. Please reconsider the closure of Slate Creek.

Respectfully submitted,
Chuck Mitchell

From: Steve Tyler <tylerprospecting@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/3/2011 10:26 PM
Subject: Fwd: suction dredge mining and USFS road closures
Attachments: Letter to Fred Kelly Grant.doc

----- Forwarded message -----

From: Steve Tyler <tylerprospecting@gmail.com>
Date: Tue, Mar 1, 2011 at 11:12 PM
Subject: suction dredge mining and USFS road closures
To: Rod Anderson <dangerdust@directcon.net>, reddy2ctsp <reddy2ctsp@aol.com>, rich4tax <rich4tax@aol.com>, robinsons <goldworld@wildblu.net>, rossfisherman <rossfisherman@yahoo.com>, Charles Bertlette <placerado@hotmail.com>, Craig Wise <controvert@hotmail.com>, meandkel <meandkel@comcast.net>, d <martin@modfather.org>, jmzitzelberger <jmzitzelberger@yahoo.com>, jkf@infostations.com, dritecrg <dritecrg@hotmail.com>, ednorthern <ednorthern@yahoo.com>, Ted Feidler <placerite@internet49.com>

Friends, I started this letter to Fred Kelly Grant about a month ago, but at this time I think It prudent to forward the enclosed file to Ted Gaines, and to our newly elected sheriff, John D'agostini. I'd like to thank Senator Gaines for his efforts to bring light upon the plight of the deposed miners who have had their lives and businesses destroyed by the "Temporary Ban" on suction dredge mining. Just yesterday, CDFG released it's Draft SEIR on suction dredge mining. This Draft contains well over 2000 pages of Material, with little if any, new Scientific, Peer reviewed studies that prove that suction dredging has killed even a single fish. A USFS study in SNF concluded that naturally occurring processes move over 13,700% more material in an average year than suction dredges do in the same watersheds. (Cooley 1995) This single fact alone, with a minimum of common sense will obviously lead one to the conclusion that suction dredge mining is relatively insignificant in that it merely replicates natural processes on a minuscule scale. In addition, this economically wasteful, Draft Seir with a pre-determined agenda fails to recognize common law which protects private property by the 5th amendment to the Constitution of the United States. Private property protections, which have always included the mineral estate possessed by an individual, is the one true basis for a lasting stable government. Draconian regulations, which destroy private property rights , without due process and without prior compensation cannot be tolerated. Next Tues. the 8th of March, The El Dorado County has on its agenda a presentation By the USFS concerning the El Dorado National Forest road manatgement Plan. This Plan is in direct relationship to our Granted access to public lands, especially those containing locatable minerals. Attend if you can and please download and read enclosed file. I'd also like to express our many thanks to Ray Nutting for his past and continued support for the miners of El Dorado County. He is a great example of what a public servant should be.

Steve and Kathy Tyler

From: Danny Walker <dannyhwalker@sbcglobal.net>
To: <dfgsuctiondredge@dfg.ca.gov>, <dfgsuctiondredge@dfg.ca.gov>
CC: <JBIRD4410@aol.com>, <new49ers@goldgold.com>, Bill Defouri <ehfec2@aol.c...
Date: 3/3/2011 11:02 AM
Subject: Dredging at the hobby level-the short version

Mark Stopher13
Environmental Program Manager
California Department of Fish and Game
601 Locust Street, Redding, CA 96001
Voice 530 225-2275; Fax 530 225-2391; Cell 530 945-1344

Mark:

I will be unable to attend any of the meetings for public response to the recent proposed changes in small scale or recreational dredging. I work evenings M-Th and that conflicts with your scheduled times. Hence this email to give you some of my perspective.

I am a resident of Humboldt County, was born in Eureka CA, and have lived in the area all of my 59 years of life. I have seen many changes to the land and rivers in our locale; and would venture to say that most of these changes have NOT been positive. I say this because the beautiful rural country is being urbanized. My background has a blue collar family with two generations plumbers on one side and ranchers on the other. Both sides promoted out of doors activities with hard work, hunting, fishing, hiking, camping. We spent most of our time on the Mad, Eel, Little, Klamath, and Smith rivers and watersheds. I can remember these rivers having deep holes to swim in during the low water summer months and be filled with spawning salmon and steelhead when "running". There were cutthroat and native rainbow trout which fought hard to avoid our cast iron breakfast skillet. They were such a great step above the planted hatchery fish in taste, firmness, and tenacity. Now, with human intervention we are losing some of this great resource. Why you ask? It is my opinion that we, not Mother Nature, are trying to control our systems to provide for the ever increasing human population and urbanization. To support ourselves with housing and water, we log the trees (and the species of fir at 100 years old or less are weeds in the yard in my opinion), and dam the rivers for agriculture and personal consumption. We must realize that we are the problem. That is we try to change a system that has worked on its own for thousands of years. This being said, we have a problem of an ever increasing human population which requires its own level of accepted living conditions. We stop the fires which burn underbrush, we till the land in mass to provide agriculture and highways, and we dam the rivers and control the flow at an unnatural pace. This is what we are questioning now. The use of our river systems is messed up. WHY? Mother Nature with seasonal rain would flush the gravels and debris from the beds to create "fishing holes" and natural habitat. I realize that we are experiencing a time of drought...we had a lot more moisture and rain in the 1960's. With the fog at the time, you couldn't see the sun at the coast until you went inland a few miles to the town of Blue Lake. History shows that weather cycles; and we are currently in a dry cycle. But and beyond this, when we control the water flows that are unnaturally low, the system does not clean itself. I liken it to trying to flush your toilet with a 1/2 inch water hose. It does not work well without large amounts of water in a short amount of time. We "control" the water flow at an un-natural flow which does not clean the river system. When it comes to dredging, my thought is that the small scale dredging activity will not substantially affect the river system. If anything, the activity would improve the river system in creating movement of the gravels and potentially creating holes and habitat for the fish. This is a recreational level dredging activity. It is not the massive commercial dredging that in the past left huge piles of gravel which can be seen in many areas where nothing grows nor supports fish. The ironic thing is that through many four year fish cycles and with the commercial dredging messes, the fish populations were still showing incredible numbers even up to the 1950's. Go figure? Another ironic note, today the removal of these gravels is limited by our educated agencies which indicate that taking too much gravel is bad. I have seen gravel companies fined for the removal of too much product. Yet, we continue to have the lower end of many tributaries plugged up with gravels and water flowing subsurface. In my mind, this is contradictory to providing good fish habitat. As a final note and in my opinion, there are benefits the recreational dredger provides. The positive fish habitat created by the process, giving people a healthy activity to enjoy, and the

economic benefits are all reasons to promote any recreational activities...including recreational dredging. Any changes in the permitting, regulations, inspections, should be made with the interest of making the activity easier, more affordable, simpler for ALL those who choose to participate in the fun.

Danny Walker
1932 Holly Drive
McKinleyville, CA 95519
dannyhwalker@sbcglobal.net
707-834-3482 cell

From: william levier <ward35us@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/4/2011 6:04 PM
Subject: DSEIR COMMENTS

After reviewing the proposed DSEIR I am offering a few comments & suggestions..

1. Any suction dredge permits issued in 2009, when the moratorium went into affect should be valid until 12/31/2012.
2. Mandatory on site dredge inspections prior to dredge operation should not be required, because of the short dredging seasons CDFG likely does not have the manpower to do inspections in a timely manner and if inspections are delayed it could lead to conflicts & problems between suction dredgers & CDFG officers. Field Inspections of active on site dredge operations should be left at the cdfg officer discretion.
3. No limit should be placed on the number of suction dredge permits issued. Permits issued could never be used, limited in use , So the number of permits sold does not reflect the number of permits in use. Limiting permits will have a negative economic impact on California businesses & License revenue. I would think the CDFG would want all the license revenue they could get.In addition limiting permits is unfair and there is no credible reason presented to limit permits,
4. A 6" nozzle restriction is more reasonable than the proposed 4" restriction. A 6" dredge is a common nozzle size and does not adversely impact the streamand the amount of gravel moved it typically based on the dredge operatior not the nozzle size. There is no credible reason to limit the nozzle size to 4". In addition numerous 6" dredges are in operation and it would be a financial hardship is an operator had to replace or modify a perfectly good dredge.
5. An on site inspection of all motorized winching is unreasonable. There are numerous small motorized winches such as porrtable chainsaw type winch or portable electric or gas powered winches. There should be a more specific classiification that would exempt portable motorized winches from inpection.
6. Since suction dredges are portable and equipment may change during operations the specific equipment & dredge locations reported on the permit should be general in nature and not specific in requirement.
- 7.The proposed dredging seaons are unreasonable for the Klamath, Scott & Salmon Drainage. The dredging seaons on these Rivers prior the moratorium was reasonable & presented no advese impact to the stream or fish, etc.. The year round closing of Thompson, Elk & Indian Creek is without merit and is not based on any credible science. The dredging seaons on these Creeks prior the moratorium was reasonable & presented no advese impact to the stream or fish, etc. In addition it seems most if not all the tributaries & small streams in the State have been closed to dredging activity. It looks like the CDFG has closed these waterways without any credible evidence of harm from suction dredging. In addition closing of all of the smaller creeks along the Klamath, Scott & Salmon Rivers could be a major safety issue. These smaller creeks let Suction dredgers than are older, disabled or less experienced participate in the activity. If all of these smaller creeks are closed, It would force dredgers to work larger rivers which have swift currents & deeper water, which could lead to more accidents & drownings. Does CDFG want to be responsible for someone drowning because they were forced from a creek where a dredging season could have been established.

Final Thoughts, Based on my review of the DSEIR I do not believe that the CDFG has established a credible case or provided any reasonable data that would support changing the 1994-current suction dredging regulations & seasons. The 1994 suction dredging regulations provided adequate, reasonable oversight & enviromental protections and the 1994-current suction dredging regulations should be continued & supported by the CDFG.

Thank You
William Levier
5545 Straight Creek Rd
Waverly, Oh 45690

030511_Allen

From: Mike Allen <mallen7711@yahoo.com>
To: Mark Stopher <MStopher@dfg.ca.gov>
Date: 3/17/2011 11:27 AM
Subject: Re: An easy DSEIR question

Thanks Mark,

But that's an awful lot of stuff for anyone to read and understand. And I am not a fast reader *L* I hear it's 800 pages?

What I meant was Is there a "single" document or webpage where I could find a list or chart of each new Regulation or subsection, with citations to the exact part/page/chapter of the DSEIR that justifies that regulation change? Surely along the way someone had to submit such a document to his superiors to justify his recommendation for each change. I doubt his boss would want to read the entire DSEIR to decide if the recommendations before him were supported by specific supporting research. Maybe I am on the wrong track here? Just trying to avoid reading the whole DSEIR and then still not know for sure which specific impacts caused DFG to decide to (for example) 'Restrict access to the first 3 feet of water on each side of a stream. I mean, was it silt, frogs, mercury or something else?

Shouldn't the general public have access to such basic information before preparing and submitting comments? Seems like an awful waste of everyone's time if I cannot write a letter addressing exactly what DFG thinks supports each specific change. i.e. Maybe I thought you were trying to reduce mercury impact on a stream, when you were trying only to protect frogs? Now you have to review a letter that doesn't even apply to your reasoning behind the specific new law. More time wasted. Not a very efficient or productive process is it? Especially in light of how much specific help you could receive from the public for free, in creating new workable, even better laws.

Sorry for taking more of your time on this. Im sure you are a very busy man.
Thanks again,
Mike

From: Mark Stopher <MStopher@dfg.ca.gov>
To: Mike Allen <mallen7711@yahoo.com>
Sent: Thu, March 17, 2011 9:50:04 AM
Subject: Re: An easy DSEIR question

Mike

Yes, we do. If you have not already done so I suggest you visit our website <http://www.dfg.ca.gov/suctiondredge/>. In particular you should review the SDEIR and appendices. It's a lot to read but it does provide the analysis and support for the proposed regulations. The record also includes the literature review and initial study posted over a year ago and tomorrow we will post additional documents applicable to the Administrative Procedures Act.

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

voice 530.225.2275
fax 530.225.2391
cell 530.945.1344

>>> Mike Allen <mallen7711@yahoo.com> 3/17/2011 9:04 AM >>>

Hello Mr Stopher,

Thank you for taking the time to help me with this.

I would like to submit comments regarding the Proposed Suction Dredge Regulations during this Public Comment period. So I need to ask 2 questions to save me and you a lot of time during this process, by addressing the correct issues that led to the changes.

1. Does DFG have a public record of the reasoning used and scientific backup relied upon to justify each of these new Regulations?

2. If you do, could you please tell me how to get a copy, or direct me to a website where it can be reviewed. If you don't, may I ask why?

Thanks,
Mike Allen

030511_Hammer

From: john Hammer <dredgemaster@live.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/5/2011 10:51 PM
Subject: Draft SEIR on Suction Dredging

I would like to remind you of all the good we do as dredgers , such as (but not limited to) removing 100's of pounds of lead and other harmful metals from our waters . And we do it for free . There have been other States that have done an impact test on dredging and every single one has come up with the same answer, " Dredging helps the fish population, and cleans harmful metals from our water ways .

You have over one million fisherman out there every year putting lead and other metals in our streams and rivers, So who's really doing the most harm ? Now I'm not sending you this to try and stop fishing, I'm just trying to get you to see that regardless of the lies and stories that you're being told about dredging, We do a lot more good then bad, infact all it takes is one good rain storm to erase any evidence that we were ever there . lead and other harmful metals that we take out of the waters would stay in the waters for many years and sooner or later winds up in your glass of water you drink and in the fish we all eat.

So the more dredgers we have out there removing these metals from our water ways the cleaner and safer the waters are for not only us but for the fish too . (I can offer proof if needed, just ask the state of washington about the test that was done on dredgers removing harmful metals)

I would much rather eat a fish that was caught in a river that had lots of dredgers in it than one that hadn't, Because the river that was dredged has less lead and mercury in it.

Dredging should be encouraged rather than discouraged for the good of all of us.

And as far as this M.P.D.E.S permit that the EPA is trying to force on us, Since when is mud a pollutant ? Mud is as much a pollutant as the air we breath out.

You and I know that every time it rains the rivers are full of mud and silt, and still we have fish. Rain is moving mud from one part of a river and putting it somewhere else just like a dredge,(except a rain storm turns 100% of the river muddy) Now the left is going to say that " we can't control the weather ". My point is that no matter how many dredges there are in a river, they can't make the river as muddy as a rain storm.

I hope you use a little common sense and listen to the real facts about this matter ,And those that have done it rather than just listening to some left wing groups that will tell a good story.(but remember it's just a story and you can pay just about anyone to go along with a good story.)

I would like to encourage all that will be making this decision to go out and try dredging and see with your own eyes how it affects the fish and what not .

Thanks John Hammer

030511_McRobert

From: keith mc <kmc@vtc.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/5/2011 9:12 AM
Subject: Dredge Regulations

Regarding Proposed Dredging Regulations

Why would you close small streams and what you call cold water zones? Fish love dredgers in these areas. We give them food and create habitat for them. Siskiyou County creeks are rich in gold and have many claims on them. Best way to mine is to dredge and see no reason for closing them.

What's with the 3/32 inch screen on the foot valve? Someone think I might suck a fish? You got to be kidding!

Post a permit on the dredge! No way!

Only safe way to move a underwater boulder is to winch it. Not going to wait around for someone to ok it.

No dredging within three feet of water edge! The gold is in the gravel bars. Someone needs to take some mining classes.

How much tax payer money was wasted on these proposals?

Keith McRobert
Cochise, Arizona

From: <fred@goldrushtradingpost.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/5/2011 9:27 AM
Subject: Suction Dredging

Dear Mr. Stopher,

I am writing this letter as I am concerned with California's small scale suction dredging moratorium. My name is Fred Radonic and I live in Mariposa California. I am what you would call a recreational small scale prospector. Although I do not have much time to go out and enjoy my hobby I do appreciate the freedom we once had that gave us the right to do so. I am gravely concerned at these incriminating acts by our state to do away with our basic freedoms to pursue a simple hobby as gold prospecting. For most of us it's a way to get away from the daily grind of working 60 hours a week and just to relax and enjoy this hobby with our family and friends. Sir, you take that away and your destroying what America is all about. Mr Stopher I am also an immigrant and I am very well aware of what freedom is and is not. I am observing the changes in this once great country and it concerns not only me but many from all sides of the political spectrum left, right, or center. When you speak of California you cannot not speak or ignore its grand history and the beginnings, when gold was found in this great state. Gold prospecting and those that came from all corners of the world to California to pursue a dream the "American dream", this history is woven like fabric in this state's soil. I am 41 years old and have three small children, I want them to know the history and also have the opportunity to pursue their hobby one day if they choose too. Just so you know, I am a rational, hard working family man and do understand the environmental concerns some have that may be threatened by suction dredging in certain rivers or streams, but to take away every stream or river is not fair or responsible. It reminds me of living in a communist state where the upper echelon had all and the citizens had little. You take away opportunity and little freedoms that bring joy to a person you take away from what America meant to many. I hope you would consider my letter when the time comes to make that final decision on suction dredging in this state and remember it's not just about suction dredging, it's about history, family, freedom and the pursuit of happiness.

Respectfully,

Fred Radonic

From: Lynden Ashcraft <lynden.ashcraft@frontier.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/6/2011 10:52 AM
Subject: Draft SEIR on Suction Dredging

When one realizes that no one of ordinary means is going to invest \$2500 or more for a dredge he may or may not be able to get a permit to operate and the dredging season is going to be for a mere 2 weeks a year, then it should be obvious that special interests have a far greater impact on the decision making process at the DFG and said department is delusional to think anyone of ordinary means is falling for this argument as 'scientific' when applied to the question of suction dredging in CA waters.

If I were to present a document with so little meaningful content to the controlling authorities I'm sure I would get nowhere. I feel confident that the outcome of this entire sham will be what it was promulgated for.....less and less access to CA wild lands (also incorrectly referred to as 'public' land). Ita

5126 W. Longfellow Avenue
Tampa, FL 33629

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

6 March 2011

Dear California Department of Fish and Game;

Thank you for the recent notification of the availability of the Draft Subsequent Environmental Impact Report and Draft Dredging Regulations made available through the internet.

I would like to comment on several issues. It appears the 2011 SEIR has substantially the same results as the 1994 results but the impact on the regulations is disproportionately different. If the intent was to close as many rivers as possible – this has been achieved.

The SEIR data supports no changes to the current regulations.

If the intent of the SEIR was to base the regulation and permitting of dredging on a factual based analysis, then there are multiple flaws in the conclusions from the data. I'm going to focus on Chapter 4.2 as the issue seems to center on mercury (Hg and MeHg) discharges from a dredge.

- The SEIR correctly states that dredging on California Rivers has been ongoing for over 40 years, but then assumes the results from Test Pit #2 (Freck) would be equally distributed. As the SEIR notes the dredgers in the 1970's did very well, but this is because so much virgin pay layer existed. It doesn't exist anymore. The percentage of material on bedrock that is un-dredged is a fraction of the total amount – you cannot extrapolate the data to be evenly distributed.
- The SEIR leads you to believe that the re-suspension of Hg and MeHg causes it to travel all the way to the delta – but the report also states that turbidity issues are almost zero 100 meters from the dredge, this would indicate that Hg, being heavy, would precipitate out much faster than light particulates.
- The SEIR almost completely discounts the effects of impoundments along the course of the river. It is completely erroneous to assume that 50% of Hg would pass over the dam. In the SEIR they state that a large percentage of the Hg or MeHg would settle in the shallow layers, and the SEIR states that at depths virtually no Hg was found. This is inconsistent.
- The SEIR completely disregards an important and fundamental conclusion of the 1994 report – dredging removes mercury from the environment – there is a net reduction of mercury from dredging either through the collection of Hg associated with gold or the evaporation of MeHg when exposed to oxygen and sunlight. There can be no argument that dredging removes

mercury from the watershed – yet it isn't mentioned at all, even though the 1994 report came to this conclusion.

- The data and the conclusions from the data are inconsistent. When you read the national reports on mercury you find the rivers where gold dredging is taking place have lower levels of mercury – across the food chain, than the national averages for mercury.

As you know one test site was sampled, there is very little data available as the SEIR states. That dredges cause the re-suspension of Hg and MeHg is clear from the data, but after that point the analysis is not based on facts. Specifically I believe the following inconsistencies should be addressed:

From the literature review of the SEIR I do not see an important report prepared by the US Environmental Protection Agency (EPA), Mercury Study Report to Congress, EPA-452/R-97-003. Table 2-1 below is extracted from the report in comparison with Table 4.2-3 from the SEIR.

Effects of Hg as measured in fish tissues

The two tables are important in that the purpose of the SEIR is to determine the environmental "impact" of the activity. Impact of mercury release from dredges can best be categorized by the measurement of accumulated MeHg in animal tissues within the watershed – it's tough to argue against that as a measurement for impact. Based on this simple test the results indicated that not only is the impact negligible but contrary to the report's conclusions the mercury levels measured are at the extreme lower levels of all fish mercury measurements across the US. It seems clear that the impact from dredging on mercury levels in fish is negligible, and arguably statistically not significant.

Page 4.2-47 reports that Rainbow Trout measured Hg levels were .17ppm versus the national average of .11ppm, however the SEIR report is misleading as the averages provided by the US EPA provide wide bands of averages. To select only the lowest amount is deceptive and tends to skew the readers opinion of the issue. Given 40 years of dredging it appears the actual impacts on fish species are quite low. If the effects on re-suspension were as drastic as the report claims we would expect to see much higher levels.

**Table 2-1
Range of Average Mercury Concentrations (ppm) for Major Fish Species in the U.S. in 36 States and DC, 1990-1995**

Carp	0.061 - 0.250	White sucker	0.042 - 0.456
Channel catfish	0.010 - 0.890	Largemouth bass	0.101 - 1.369
Smallmouth bass	0.094 - 0.766	Walleye	0.040 - 1.383
Brown trout	0.037 - 0.418	Northern pike	0.084 - 0.531

Table 2-1. US EPA Averages for Hg Concentrations in fish nationwide

TABLE 4.2-3. WATER BODIES IN CALIFORNIA WHERE OEHHA CONSUMPTION ADVISORIES HAVE BEEN ISSUED FOR MERCURY IN ASSOCIATION WITH HISTORIC GOLD MINING

Water Body	Species with Highest Mean Tissue Concentration (n >= 6)	Highest Species Mean Tissue Concentration (mg/kg, wet weight) ¹	N ²	Region
Lower Feather River	Striped Bass	1.27	6	5
Englebright Lake	Bass	0.45	56	5
Camp Far West Reservoir	Largemouth and Spotted Bass	0.85	38	5
Lake Combie	Largemouth Bass	0.9	19	5
Rollins Reservoir	Channel Catfish	0.36	13	5
Lower American River	Largemouth Bass	0.81	48	5
Lake Natoma	Channel Catfish	1.474	11	5
Lake Folsom	Spotted Bass	0.71	16	5
Cosumnes River	Crappie	1.38	11	5
Lower Mokelumne River	Pikeminnow	0.82	11	5
Lower Sacramento River and North Delta	Smallmouth Bass	0.86	13	5
Central and South Delta	Largemouth Bass	0.3	369	5
Trinity River Watershed	Largemouth Bass	0.55	24	1

¹ OEHHA fish tissue concentration thresholds for establishing fish consumption advisories vary from 0.06-0.22 milligrams per kilogram (mg/kg) depending on exposure routes and affected population of concern.

² N = number of samples of all fish species monitored and assessed.

Table 4.2-3. SEIR table showing measured levels of Hg within California

Although Table 4.2-3 provides the results in mg/kg the numbers have the same meaning as ppm.

The interpretation of the two tables above demonstrate that the measurements within California are all at the lower or middle of the national averages for the same type of fish – in areas that do not have dredging. As the EPA report points out there are significant environmental factors that contribute to Hg in the environment with the largest contributor being power plants – not dredges.

Cadisfly and Stonefly Analysis

The studies on the levels of Hg in cadisfly and stonefly larvae appear to be statistically insignificant yet they are provided as statistically significant with a N=1 or 2. Even with such small samples the results do not indicate a degree of variability that would indicate that dredging is the proximate cause, nor that the variation can specifically be attributed to dredging. The worst case results in a difference of one one millionth of increase – yet the report can't discount water flows from the spring as causing this. The report actually discounts the cause of a spring flow event by using anecdotal evidence of "hydrologic conditions were very similar between these two years p.4.2-46, line 41."

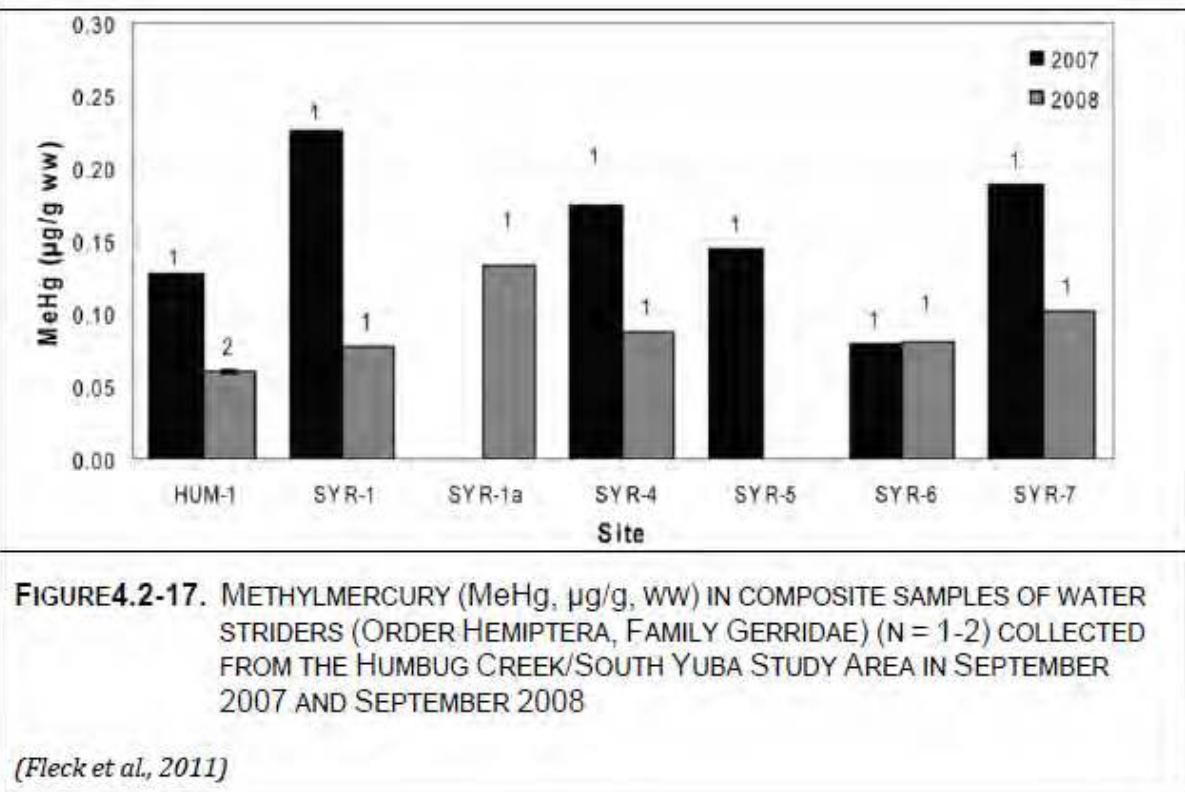


Figure 4.2-17 from the SEIR used as evidence that dredging increases levels of Hg

Had the authors of the SEIR simply checked the flow data from the USGS station at Goodyears Bar they would have seen that the two years are anything but alike. In 2007 there was a significant high flow event in February that was well above the mean and from the graph below (drawn from the USGS data) you can clearly see this was a very rapid rise event that would result in flushing of Hg into the river by disturbing the substrate. The exact opposite is true of 2008. The 2008 data (as shown in the graph) provides a below normal year for flows and not a single high flow event. Although the results from the samples are still statistically questionable, the proximate cause cannot be simply attributed to dredging while discounting the extreme differences in flow events between the two years

The 2007 graph below shows the flow rates as measured by the USGS monitoring station at Goodyears Bar.

PEAK DISCHARGES FOR CURRENT YEAR.--Peak discharges greater than base discharge of 3,200 ft³/s and (or) maximum (*):

Date	Time	Discharge (ft ³ /s)	Gage height (ft)
Feb 10	2215	*5,850	*10.04
No other peak greater than base discharge			

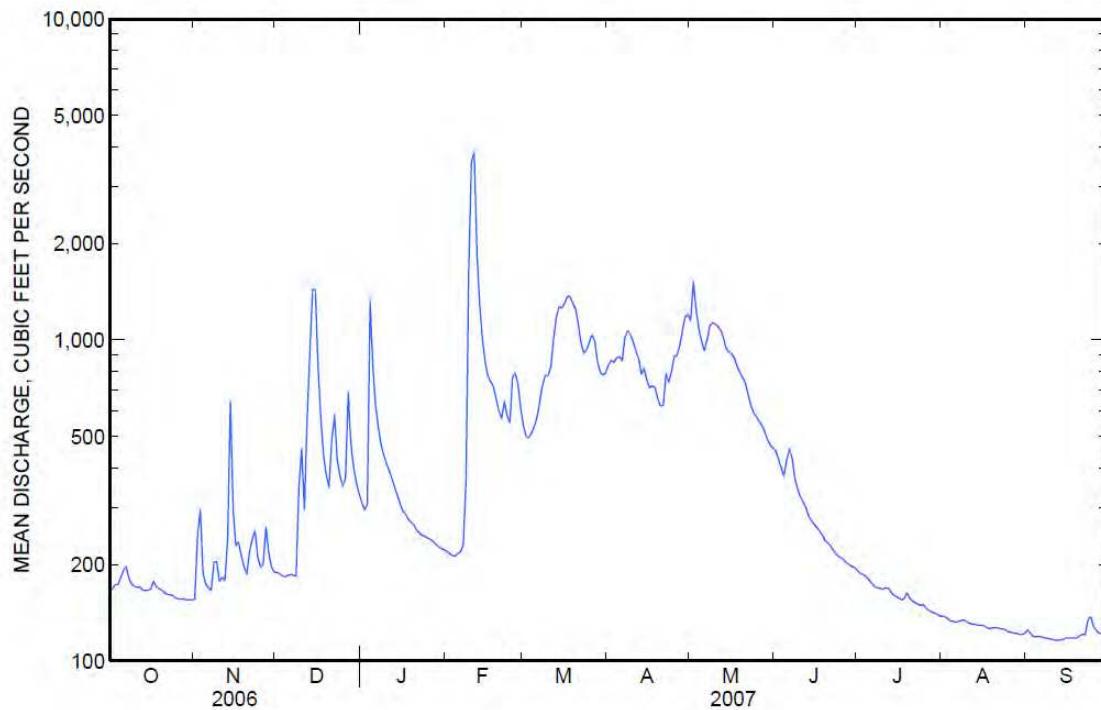
Peak Discharge for 2007 at Goodyears Bar monitoring Station

Graph showing water flows for 2007.

11413000 North Yuba River below Goodyears Bar, CA—Continued

SUMMARY STATISTICS

	Calendar Year 2006	Water Year 2007		Water Years 1931 - 2007	
Annual total	438,235	164,753			
Annual mean	1,201	451		757	
Highest annual mean				1,566	1982
Lowest annual mean				141	1977
Highest daily mean	8,140	Jan 1	3,840	Feb 11	29,600 Jan 2, 1997
Lowest daily mean	155	Oct 29	116	Sep 11	60 Sep 7, 1977
Annual seven-day minimum	156	Oct 26	117	Sep 8	60 Sep 7, 1977
Maximum peak flow			5,850	Feb 10	45,500 Jan 2, 1997
Maximum peak stage			10.04	Feb 10	25.65 Jan 2, 1997
Annual runoff (ac-ft)	869,200	326,800		548,100	
10 percent exceeds	3,060	1,000		1,850	
50 percent exceeds	749	244		334	
90 percent exceeds	174	126		128	



Graph of 2007 Streamflow at Goodyears Bar

Table providing 2008 maximum discharge at Goodyears Bar.

PEAK DISCHARGES FOR CURRENT YEAR.--Peak discharges greater than base discharge of 3,200 ft³/s and (or) maximum (*):

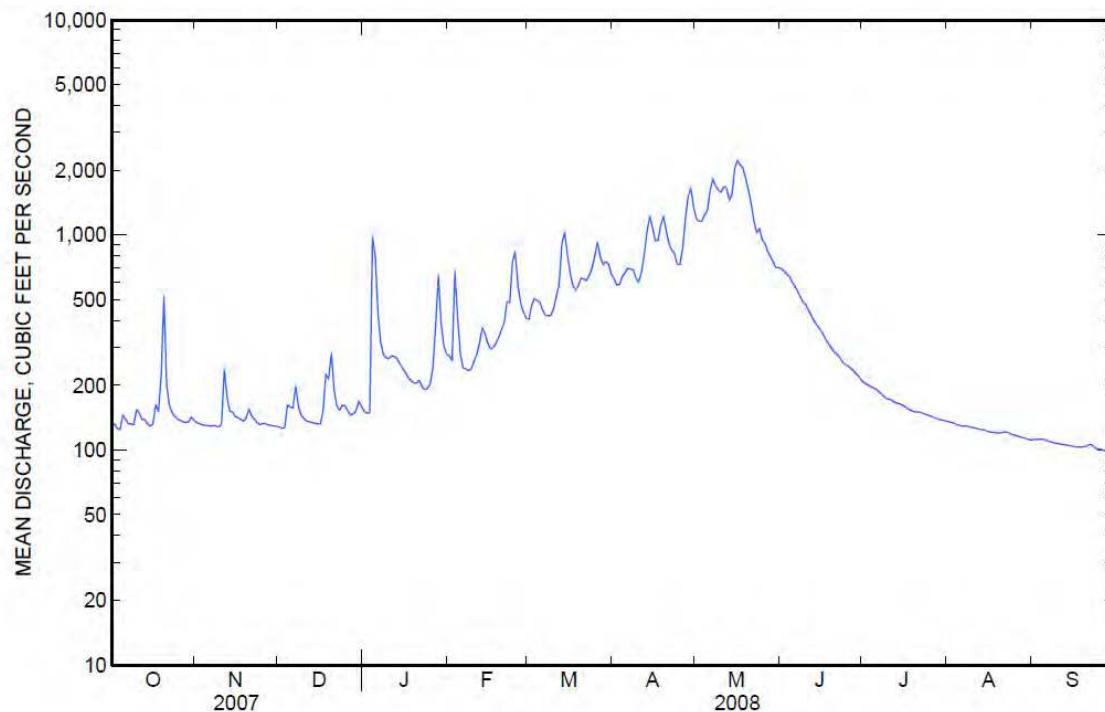
Date	Time	Discharge (ft ³ /s)	Gage height (ft)
May 15	2100	*2,660	*7.21

Water-Data Report 2008

11413000 North Yuba River below Goodyears Bar, CA—Continued

SUMMARY STATISTICS

	Calendar Year 2007		Water Year 2008		Water Years 1931 - 2008	
Annual total	152,426		147,732			
Annual mean	418		404		752	
Highest annual mean					1,566	1982
Lowest annual mean					141	1977
Highest daily mean	3,840	Feb 11	2,220	May 16	29,600	Jan 2, 1997
Lowest daily mean	116	Sep 11	98	Sep 29	60	Sep 7, 1977
Annual seven-day minimum	117	Sep 8	99	Sep 24	60	Sep 7, 1977
Maximum peak flow			2,660	May 15	45,500	Jan 2, 1997
Maximum peak stage			7.21	May 15	25.65	Jan 2, 1997
Annual runoff (ac-ft)	302,300		293,000		544,700	
10 percent exceeds	990		957		1,840	
50 percent exceeds	206		202		331	
90 percent exceeds	126		117		127	



Graph showing 2008 Water flows at Goodyears Bar

It is clear from the two graphs and the high flow events that the sampling discounts the effects of a flood event on the river. Secondly, the extremely limited number of samples calls into question the statistical significance of the data.

A third area of contention with the analysis of the data is provided in the extracted Figure 4.2-14 below. The SEIR attempts to estimate how many dredgers it would take to equal 10% of the assumed background Hg levels reaching the delta. The set up of this analysis is flawed, wildly unsupported and at best could be called spurious.

On page 4.2-42 the authors do not provide substantiation for how so much mercury laden sediment manages to transport over 30 miles to the nearest lake, given that earlier in the SEIR they clearly state that turbidity is zero within 100 meters of the dredge. It's not clear how the authors of the SEIR believe that a specific amount of Hg would reach the lake and what percent of this Hg would settle out during the course of the river, they do not discuss this, but instead leap to the conclusion that apparently 100% of the Hg reaches the lake where only 50% is dropped out, yet the other 50%, I assume it's MeHg is floated on top of the water, passes over the dam and manages to not precipitate or evaporate out at all during the remaining 100 miles of river. This is the assumption they base the graph on to declare that somehow dredging can produce the entire background load of Hg annually.

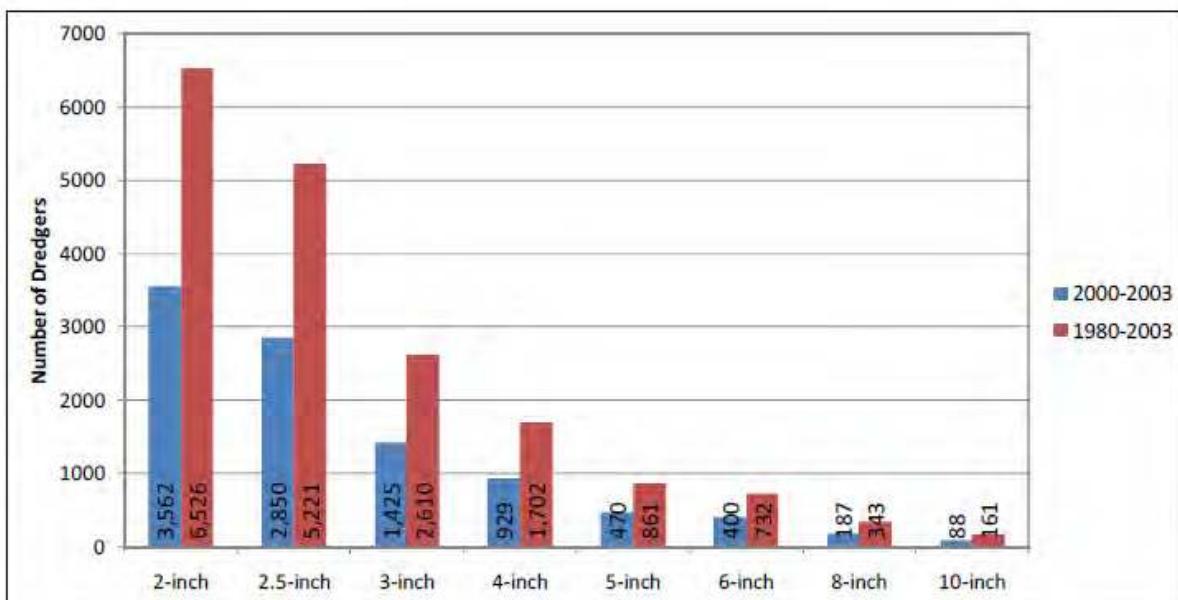


FIGURE 4.2-14. NUMBER OF DREDGERS REQUIRED TO DISCHARGE 10% OF ANNUAL DELTA THg LOAD BASED ON ESTIMATES FOR 2000-2003 AND FOR 1980-2003 DREDGING PIT #2:BC SEDIMENT MERCURY LEVELS (Wood et al., 2008)

It is assumed that 50% of the Hg is deposited in a rim reservoir (e.g., Englebright Lake) and 50% is transported to the Delta.

Figure 4.2-14 from the SEIR

This analysis and conclusions appear to be the weakest part of the SEIR and utilizes strikingly weak data and analysis. The only conclusion the reader can reach is the authors of the SEIR are attempting to bolster a weak argument by preparing charts and graphs based on zero data, but instead are based on wild assumptions and guesses. The charts relating to the amount of Hg introduced into the river should be completely removed from the SEIR as they lack even a minimal amount of substantiating data and clearly show a bias towards results that apparently the authors want to achieve.

If the argument is to be made relative to dams, then the effect of length of river; evaporation of MeHg under different conditions; the settling of Hg; and the effects of multiple dams must be considered. I believe this analysis again shows the cherry picking of data to achieve a pre-determined end.

I am concerned that drastic changes to the dredging regulations are being emplaced when the data appears to show that ***no changes are warranted***. The draft SEIR is clearly biased towards reaching the conclusions it wants to reach. My reading of the SEIR shows that dredging does resuspend Hg/MeHg but it settles out quickly and the absorption of MeHg into animals is really quite low compared to the alarmist writing of the SEIR. The facts simply do not support the conclusions and the resulting changes to the regulation and it would appear that they are quite challengeable by a person with basic statistics knowledge.

In effect the changes to the regulation will result in the taking of hundreds of legal Federal mining claims when an EIR from 1994 found no significant impact, and a 2011 SEIR found no significant impact yet focuses on the impact of Hg/MeHg with essentially spurious data.

Finally, the report completely disregards one important fact which the 1994 EIR considered – suction dredging, regardless of how you measure it – removes Hg from the river. The net effect of dredging is the reduction of existing Hg, both from physical removal of Hg attached to gold and the evaporation of some part of the MeHg that is produced. The study, while it mentions that MeHg will evaporate when exposed to sunlight, fails to mention that all dredging is done during daylight and what percent of MeHg is actually being removed from the river.

Of final concern is that the SEIR ignores previous US Government reports that confirm that suction dredging removes mercury from the stream. Pointedly, the SEIR ignores all reports that are favorable to the removal of mercury by suction dredging and bases its entire conclusion on the sampling of one hole, while disregarding the "impact" which is the measurements of MeHg in fish is quite low compared to national averages. A quick search of the internet turns up numerous previous studies, but the SEIR claims there is no other supporting data except the one test hole. In fact, the US EPA Region 9 came to the exact opposite conclusion:

"Studies and a trial program prove the effectiveness and benefits of the recovery of mercury during suction dredge mining operations. The US EPA Region 9 (San Francisco, CA office) has recognized the benefits associated with suction dredger mining as a method of aiding their efforts in environmental

cleanup at no cost to the tax payer and have touted the benefits of suction dredgers removing mercury from the environment."

An environmental impact study should focus on impact, not conjecture or the gross extrapolation of limited data to a global finding. The data used is extremely limited, the analysis is conjecture and the resulting regulations are an extreme reaction to wrongly interpreted and biased data.

Thank you for allowing my comments; I hope you will carefully consider these issues prior to finalizing your regulations. I have multiple claims that will be affected by your "A" classification. These changes will in effect make my claims worthless; please bear in mind that making these changes, on such limited data and analysis will impact hundreds of claim owners negatively and likely will result in continued lawsuits. The data from the SEIR supports the 1994 conclusions.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Eric Maksymyk".

Eric Maksymyk

Eric Maksymyk
5126 W. Longfellow Avenue
Tampa, FL 33629

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

6 March 2011

Dear California Department of Fish and Game;

This is my second letter in response to the draft SEIR and draft dredging regulations, again I thank you for notifying me of the posting of these documents and I understand you are attempting to comply with the court order.

In my first letter I wanted to address the findings presented by the SEIR and call your attention to inconsistencies in the analysis and the data. I hope you will carefully review the findings prior to issuance of the final regulations.

In this letter I want to more specifically address the results of the SEIR – the draft regulations.

It appears that the draft dredging regulations are closing hundreds of miles of river to dredging, and I have to assume it is because of the finding in the SEIR in regards to mercury. I am personally affected as five claims that I own will be now category "A" – closed to dredging. This broad closing of hundreds of miles of river, based on what I have to assume to be the mercury issue is over-reacting.

My claims on Slate Creek will be worthless based on this decision. The troubling part is the higher in elevation your claim is – the less overburden and more exposed bedrock meaning there is less material that contains mercury. Usually with creeks that show a lot of bedrock you spend the majority of your time working bedrock cracks – not moving overburden. It is confusing how you would reach a different conclusion. You have closed the higher elevation creeks and rivers, while allowing the lower elevation rivers to be open, even though the amount of overburden and material moved is orders of magnitude higher.

I ask that you reconsider the amount of rivers you have permanently closed. This can be accomplished by limiting dredging to low flow periods (summer); limiting the number of dredges on a claim; or further restricting the nozzle size for these areas – but please don't close them entirely.

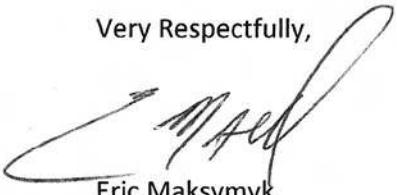
My second concern is the change in regulation from being able to dredge within the high water line, to now restricting it to within 3' of the existing water line. This is unreasonable. On smaller high elevation creeks the entire creek may not be 6' wide, even if it were 10' wide you've left me with 4' that I can

dredge right down the middle. I don't see the basis for this decision in the SEIR. The report states the impact from erosion is less than significant – why is this new change required? The existing rule should remain – the high water line.

Third – limiting the number of permits issued to 4,000 I don't believe will have the intended effect. It would be more effective to limit the number of dredges allowed per claim and not limit the number of permits. By limiting permits you can still allow a high density of dredges in areas, while not allowing legitimate claim owners the right to work their claim. I ask that you reconsider the limitation on permits and consider limiting the number of dredges that can be working a claim at the same time.

Of utmost concern is the closing of hundreds of miles of rivers based on the very small amount of data collected and the poor analysis of that data while not considering multiple other documents that have researched the mercury issue and found results directly opposite – including US EPA and USGS studies. These studies were not reviewed or cited in the draft SEIR. I believe the analysis of mercury in the SEIR needs to be thrown out. The conclusion, based on "impact" is that the fish in gold dredging rivers are actually far healthier than the national average. Based on impact, and 40 years of gold dredging the impact from mercury is insignificant both locally and cumulatively. I ask that you re-examine this data, consult other scientific studies that reach different conclusions and explain how two different outcomes from the 1994 to 2011 study can be presented even though measured levels of mercury are less than national averages.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Eric Maksymyk".

Eric Maksymyk

From: Johnnie Cline <minerjohn47@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 3/7/2011 12:34 PM
Subject: Re: Public Release of Draft Subsequent EIR and Proposed Suction Dredge Regulations

Mr. Stopher,

Thank you for the latest on the SEIR and the Draft Proposed Suction Dredge Regulations.

What a surprise! One of the main questions I have for you is what criteria was used in establishing the closing of so many streams?

Johnnie Cline
310 Melody Ln
Oroville CA 95966
530-534-5451

From: Mark Stopher <MStopher@dfg.ca.gov>
To: Charlie Watson <cwatson@advancedgeologic.com>; Kerwin Krause <kerwin.krause@alaska.gov>; John <jeepest@aol.com>; Joseph McGee <joni4cats@aol.com>; reddy2ctsp@aol.com; Charles Huss <smaltoy@aol.com>; tintateglass@aol.com; Floyd Vaughan <vaughan1896@aol.com>; Bonnie Kriens <mbkriens@att.net>; Chuck Johnson <n6yii@att.net>; Ed <traqngold@att.net>; davemack@attglobal.net; Alison Harvey <aharvey@auburnrancheria.com>; Marc Springer <Marc_Springer@ca.blm.gov>; Gary West <gwest@ci.vallejo.ca.us>; Jim Hart <stanford@citlink.net>; Jeff Shellito <jshellito@comcast.net>; Gary Swayne <PapaGary48@comcast.net>; John Buckley <johnb@cserc.org>; Bernard Aguilar <BAGUILAR@dfg.ca.gov>; Cathie Vouchilas <CVOUCHILAS@dfg.ca.gov>; DFG Suction Dredge <DFGSUCTIONDREDGE@dfg.ca.gov>; Dwayne Maxwell <DMaxwell@dfg.ca.gov>; John Hanson <JHANSON@dfg.ca.gov>; John Mattox <JMattox@dfg.ca.gov>; Julie Means <JMEANS@dfg.ca.gov>; Kevin Shaffer <KShaffer@dfg.ca.gov>; Mike Carion <MCarion@dfg.ca.gov>; Randy Kelly <RKelly@dfg.ca.gov>; Stafford Lehr <SLEHR@dfg.ca.gov>; Tim Howey <THowey@dfg.ca.gov>; Walt Wegner <waltw@earthlink.net>; Ray Nutting <bostwo@edcgov.us>; Dennis Martin <Dennis.Martin@ejgallo.com>; Chip Hess <placergold@email.com>; Steve Evans <sevans@friendsoftheriver.org>; Christine Nota <cnota@fs.fed.us>; Michael Kellett <mkellett02@fs.fed.us>; filterstone@gmail.com; Jarod Ruffo <jr2050@gmail.com>; Ken and Debbie McMaster <mcmasterpiece@gmail.com>; Vince Nelson <nelsonsr@gmail.com>; Petey Brucker <ptb92day@gmail.com>; Eugene Beley <sfvcgpaa@gmail.com>; new49ers@goldgold.com; Blake Harmon <bharmon@goldprospectors.org>; ca-suction-dredge-eir@googlegroups.com; Kevin Fisher <kevin@horizonh2o.com>; Michael Stevenson <Michael@horizonh2o.com>; Rich Linden <danielhasnoemail@hotmail.com>; Steve Lintner <orecar2010@hotmail.com>; sodman77@hotmail.com; Tom Brenner <tbrenner@hrblock.com>; Walt Duffy <Walter.Duffy@humboldt.edu>; Scott Harn <scott@icmj.com>; Herb Miller <miller@jps.net>; Craig Tucker <ctucker@karuk.us>; Pat Keene <pat@keeneeng.com>; Jan Sticha <magyver@magyver.com>; David Dunham <dddunham@me.com>; Lewis Spengler <educoptor.s@me.com>; Richard McCarthy <rmccarthy@mindspring.com>; Wesley Wright <wwright@mwconstructionllc.com>; Heidi Walters <heidiwalters@northcoastjournal.com>; Chris McCord <k942gadget@pacific.net>; Richard Brubaker <brubaker46@peoplepc.com>; Dave Mack <dave@promackmining.com>; Barbara Manganello <bsman@quiknet.com>; Cyndi Hillery <CHillery@crcnnet.org>; Mary Pitto <mpitto@crcnnet.org>; Stephen Kulieke <skulieke@crcnnet.org>; D Ray East <dr.east@sbcglobal.net>; Bill Fisher <goldminerbill@sbcglobal.net>; Scott Fischer <scottfischer@sbcglobal.net>; Paul Nasiatka <scubaflake1@sbcglobal.net>; George Wheeldon <wheeldon@sbcglobal.net>; Carrie Monohan <carrie.monohan@sierrafund.org>; Elizabeth Martin <izzy.martin@sierrafund.org>; Marcia Armstrong <armstrng@sisqtel.net>; Ray Stewart <au1099@sisqtel.net>; Jim Foley <jfoley@sisqtel.net>; Ken Oliver <senchoo@sisqtel.net>; R. Costales <tmbst@sisqtel.net>; Jennifer DeLeon <Jennifer.DeLeon@slc.ca.gov>; Wanda Oliver <mtngutter@sti.net>; CustomerSolutions <CustomerSolutions@united.com>; Charles N Alpers <cnalpers@usgs.gov>; Gerald Hobbs <jerhobbs2@verizon.net>; roaring camp <roaringcamp@volcano.net>; Rick Humphreys <rhumphreys@waterboards.ca.gov>; Don Robinson <goldworld@wildblue.net>; Martin Nielsen <mnielsen@windjammercable.net>; James Coker <jamescoker1954@yahoo.co.uk>; Joseph Greene <greenjc_39@yahoo.com>; Manuel Figueiredo <kenainson@yahoo.com>; Claudia Wise <notsowise_55@yahoo.com>; pdic-1916@yahoo.com; Rachel Dunn

<racheldunn2010@yahoo.com>; Scott Coykendall <scottsspot@yahoo.com>; Jim Madden <upi.gold@yahoo.com>
Sent: Mon, February 28, 2011 8:00:45 AM
Subject: Public Release of Draft Subsequent EIR and Proposed Suction Dredge Regulations

** High Priority **

Interested Parties

Today the California Department of Fish and Game released the referenced documents and has begun the formal public review. The SDEIR, Proposed Regulations, Newsletter, Press Release, and other information is available for your review at <http://www.dfg.ca.gov/suctiondredge/>.

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

voice 530.225.2275
fax 530.225.2391
cell 530.945.1344

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You received this message because you are subscribed to the Google Groups "CA Suction Dredge EIR" group.
To post to this group, send email to ca-suction-dredge-eir@googlegroups.com.
To unsubscribe from this group, send email to ca-suction-dredge-eir+unsubscribe@googlegroups.com.
For more options, visit this group at
<http://groups.google.com/group/ca-suction-dredge-eir?hl=en>.

030711_Graham

From: Tom Graham <tom@bmwvintage.org>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/7/2011 10:30 AM
Subject: Suction dredge comment

In general, it looks like you guys have done a good job with the DSEIR and proposed regulations.

1) I would suggest that your intake hose restrictions be modified in a way to reflect the size of the stream. Larger hose sizes should be allowed on the larger rivers rather than "one size fits all".

2) I am not sure that limiting the permits to 4000 serves any real purpose.

Everything else looks fine. Good Job!

Thomas Graham

126 Vendola Dr.

San Rafael, CA 94903

MAR - 7 2011

Notice of Availability of a Draft Subsequent Environmental Impact Report for the Suction Dredge Permitting Program (SCH #2009112005)

NOTICE IS HEREBY GIVEN that a Draft Subsequent Environmental Impact Report (Draft SEIR) has been prepared by the California Department of Fish and Game (CDFG) for the Proposed Program described below, and is available for public review. The Draft SEIR addresses the potential environmental effects that could result from implementation of this Program. CDFG invites comments on the adequacy and completeness of the environmental analyses and mitigation measures described in the Draft SEIR. Note that pursuant to Fish and Game Code Section 711.4, CDFG is exempt from the environmental filing fee collected by County Clerks on behalf of CDFG.

PROJECT LOCATION: The scope of the Proposed Program is statewide. Suction dredging occurs in rivers, streams and lakes throughout the state of California where gold is present, and CDFG's draft suction dredge regulations identify areas throughout the state that would be open or closed to suction dredging. Most dredging takes place in streams draining the Sierra Nevada, Klamath Mountains, and San Gabriel Mountains. Suction dredging may also occur to a lesser extent in other parts of the state. Because suction dredging may occur throughout the state, it is possible that the activity could occur in a hazardous waste site or listed toxic site.

PROJECT DESCRIPTION AND ENVIRONMENTAL REVIEW: The Proposed Program, as analyzed in this Draft SEIR, is the issuance of permits and suction dredge activities conducted in compliance with these permits, consistent with CDFG's proposed amendments to the existing regulations governing suction dredge mining in California. The environmental assessment of the Program was developed in parallel with amendments to the previous regulations governing suction dredge mining throughout California. To most accurately reflect the environmental effects of the Program, the DSEIR includes an assessment of the suction dredge activities as well as the proposed amendments to the previous regulations.

The Draft SEIR evaluates the potential environmental impacts of the Proposed Program and four alternatives: a No Program Alternative (continuation of the existing moratorium); a 1994 Regulations Alternative (continuation of previous regulations in effect prior to the 2008 moratorium); a Water Quality Alternative (which would include additional Program restrictions for water bodies listed as impaired pursuant to the Clean Water Act Section 303(d) for sediment and mercury); and a Reduced Intensity Alternative (which would include greater restrictions on permit issuance and methods of operation to reduce the intensity of environmental effects).

The analysis found that significant environmental effects could occur as a result of the Proposed Program (and several of the Program alternatives), specifically in the areas of water quality and toxicology, noise, and cultural resources. However, as CDFG does not have the jurisdictional authority to mitigate impacts to these resources, such impacts have been identified as significant and unavoidable.

DFG Suction Dredge Permitting Program SEIR NOA (SCH#2005-09-2070)

PUBLIC REVIEW: The Draft SEIR and supporting documents are available on the CDFG Program website (<http://www.dfg.ca.gov/suctiondredge>) and upon request at 530-225-2275. Copies of the Draft SEIR are available to review at the following county libraries and CDFG offices:

- 601 Locust Street, Redding
- 1701 Nimbus Road, Suite A, Rancho Cordova
- 1807 13th Street, Suite 104, Office of Communications, Sacramento
- 7329 Silverado Trail, Napa
- 1234 E. Shaw Avenue, Fresno
- 4949 Viewridge Avenue, San Diego
- 4665 Lampson Avenue, Suite J, Los Alamitos
- 3602 Inland Empire Blvd, Suite C-220, Ontario
- 20 Lower Ragsdale Drive, Suite 100, Monterey
- County libraries (please see web page listed above for list of County libraries)

PUBLIC COMMENT: Written comments should be received during the public review period which begins on February 28, 2011 and ends at 5 p.m. on April 29, 2011. Comments must be postmarked or received by April 29, 2011. Please mail, email, or hand deliver comments to CDFG at: Suction Dredge Program Draft SEIR Comments, Department of Fish and Game, 601 Locust Street, Redding, CA 96001, Written comments may also be submitted by email: dfgsuctiondredge@dfg.ca.gov (Please include the subject line: Suction Dredge Program Draft SEIR Comments) or by going to the Program website at (<http://www.dfg.ca.gov/suctiondredge>). All comments received including names and addresses, will become part of the official public record.

PUBLIC HEARINGS: All interested persons are encouraged to attend the public hearings to present written and/or verbal comments. Five hearings will be held at the following locations and times:

Santa Clarita: Wednesday, March 23, 2011 at 5 p.m. at the Residence Inn by Marriott, 25320 The Old Road, Santa Clarita, CA 91381

Fresno: Thursday, March 24, 2011 at 5 p.m. at the CA Retired Teachers Association, 3930 East Saginaw Way, Fresno, CA 93726

Sacramento: Tuesday, March 29, 2011 at 5 p.m. at Cal EPA Headquarters Building, Byron Sher Room, 1001 – I Street, Sacramento, CA 95812

Yreka: Wednesday, March 30, 2011 at 5 p.m. at the Yreka Community Center, 810 North Oregon Street, Yreka, CA 96097

Redding: Thursday, March 31, 2011 at 5 p.m. at Shasta Senior Nutrition Program, 100 Mercy Oaks Drive, Redding, CA 96003

If you require reasonable accommodation or require this notice or the DSEIR in an alternate format, please contact the Suction Dredge Program at (530) 225-2275, or the California Relay (Telephone) Service for the deaf or hearing-impaired from TDD phones at 1-800-735-2929 or 711.

attention Mark Stopher,

We own a claim on the North Yuba River. According to the News - paper in Downieville "The Mountain Messenger" we will not be able to dredge again this year, and next year in 2012 our dredging season will not begin until July 1 thru Jan 31-2013.

How can anyone dredge in November-December + January. Not only is there snow on the ground, but the water is so high that the current makes it impossible to dredge at that time, not to mention how cold the water is even with a wet suit.

This is totally unfair to us miners who paid dearly to buy our claim in the first place

II

and then maintained it and cleaned up after uncaring people who dropped all kinds of garbage around and in the water. We also faithfully paid our taxes on our claim.

We have owned our claim since 1972 & in all these 39 years, we have never seen the yellow legged frog anywhere near our claim.

Since August of 2009 when we were told to pull out our dredge, we have continued to pay our taxes on our claim and to do all our paperwork & pay fees with no refund.

Most of the miners we have spoken to feel we are coming out on the short end and feel mistreated.

I certainly hope things change or like the other miners we have talked to, we no longer want to continue to waste our time

Mr & Mrs. Paul Klemenok
Rio Placer claim

Notice of Availability of a Draft Subsequent Environmental Impact Report for the Suction Dredge Permitting Program (SCH #2009112005)

NOTICE IS HEREBY GIVEN that a Draft Subsequent Environmental Impact Report (Draft SEIR) has been prepared by the California Department of Fish and Game (CDFG) for the Proposed Program described below, and is available for public review. The Draft SEIR addresses the potential environmental effects that could result from implementation of this Program. CDFG invites comments on the adequacy and completeness of the environmental analyses and mitigation measures described in the Draft SEIR. Note that pursuant to Fish and Game Code Section 711.4, CDFG is exempt from the environmental filing fee collected by County Clerks on behalf of CDFG.

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PROJECT DESCRIPTION AND ENVIRONMENTAL REVIEW: The Proposed Program, as analyzed in this Draft SEIR, is the issuance of permits and suction dredge activities conducted in compliance with these permits, consistent with CDFG's proposed amendments to the existing regulations governing suction dredge mining in California. The environmental assessment of the Program was developed in parallel with amendments to the previous regulations governing suction dredge mining throughout California. To most accurately reflect the environmental effects of the Program, the DSEIR includes an assessment of the suction dredge activities as well as the proposed amendments to the previous regulations.

The Draft SEIR evaluates the potential environmental impacts of the Proposed Program and four alternatives: a No Program Alternative (continuation of the existing moratorium); a 1994 Regulations Alternative (continuation of previous regulations in effect prior to the 2008 moratorium); a Water Quality Alternative (which would include additional Program restrictions for water bodies listed as impaired pursuant to the Clean Water Act Section 303(d) for sediment and mercury); and a Reduced Intensity Alternative (which would include greater restrictions on permit issuance and methods of operation to reduce the intensity of environmental effects).

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F O L E D
Ernest J. Dronenburg, Jr., Recorder County Clerk

MAR 07 2011
L. Kesian
BY _____ DEPUTY

DFG Suction Dredge Permitting Program SEIR NOA (SCH#2005-09-2070)

PUBLIC REVIEW: The Draft SEIR and supporting documents are available on the CDFG Program website (<http://www.dfg.ca.gov/suctiondredge>) and upon request at 530-225-2275. Copies of the Draft SEIR are available to review at the following county libraries and CDFG offices:

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- 7329 Silverado Trail, Napa
- 1234 E. Shaw Avenue, Fresno
- 4949 Viewridge Avenue, San Diego
- 4665 Lampson Avenue, Suite J, Los Alamitos
- 3602 Inland Empire Blvd, Suite C-220, Ontario
- 20 Lower Ragsdale Drive, Suite 100, Monterey
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Sacramento: Tuesday, March 29, 2011 at 5 p.m. at Cal EPA Headquarters Building, Byron Sher Room, 1001 – I Street, Sacramento, CA 95812

Yreka: Wednesday, March 30, 2011 at 5 p.m. at the Yreka Community Center, 810 North Oregon Street, Yreka, CA 96097

Redding: Thursday, March 31, 2011 at 5 p.m. at Shasta Senior Nutrition Program, 100 Mercy Oaks Drive, Redding, CA 96003

If you require reasonable accommodation or require this notice or the DSEIR in an alternate format, please contact the Suction Dredge Program at (530) 225-2275, or the California Relay (Telephone) Service for the deaf or hearing-impaired from TDD phones at 1-800-735-2929 or 711.

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on MAR 07 2011
Posted MAR 07 2011 Removed _____
Returned to agency on _____
Deputy L. Keslan

030711_Tucker

From: Craig Tucker <ctucker@karuk.us>
To: "mstopher@dfg.ca.gov" <mstopher@dfg.ca.gov>
CC: Earl Crosby <ecrosby@karuk.us>
Date: 3/7/2011 1:49 PM
Subject: Horizon Water and Env. Study for DFG

Mark:

Did Horizon Water and Env produce a water quality report for DFG for purposes of informing CEQA? Can we get a copy of this report?

S. Craig Tucker
Klamath Coordinator
Karuk Tribe
cell: 916-207-8294
home office: 707-839-1982

Follow our efforts to restore the Klamath on twitter by visiting <http://twitter.com/#!/scraigtucker>

www.klamathrestoration.org<http://www.klamathrestoration.org>

030811_Becker

From: Keith Becker <Keith.Bea...@COCONINO.EDU>
To: "dfgsuctiondredge@dfg.ca.gov" <dfgsuctiondredge@dfg.ca.gov>
Date: 3/8/2011 12:49 PM
Subject: comments

I can't believe how ridiculous this whole thing sounds. What a waste of taxpayer monies. I am outraged that DFG has nothing better to do.

Here are my comments:

1. This type of regulation is not needed and is not fair to recreational prospectors. Do you regulate the recreational fishermen and boatmen like this? If you are to be fair to everyone who uses the streams and rivers, then you need to apply similar regulations to the fishermen and boatmen. Everyone should be regulated in a similar manner for it to be fair to all recreational water users. These regulations should only apply to Professional prospectors/miners. You are treating the recreational user to undue hardships that you do not present to other recreationalists.
2. Do you require fishermen and boatmen to only 6 locations? If not, then you should to be fair to all water resource users.
3. Do you require fishermen and boatmen to list the approximate dates they will be fishing and boating? If not then you are not being fair to all water resource users.
4. Do you require fishermen and boatmen to list all their equipment they will be using and the size of that equipment? If not then you are not being fair to all water resource users.
5. Do these regulations apply to seasonal streams and washes? If so, why? There is no impact to fish or boaters.

There are more fish killed by floods, high water, fishermen and boaters than by recreational prospectors. Floods will silt up entire stream and river systems. Floods produce more silt than recreational dredges could ever possibly produce. In addition, floods produce silt for a much longer distance and time period than a recreational dredge. Even more than a whole slew of recreational dredgers could produce. And yet the fish manage to live. I am sure you have spent millions of taxpayer dollars on all kinds of worthless biased studies. I would like to see the study results that evident damage caused by recreational prospectors is as bad or worse than seasonal flooding. If you feel the need to so harshly regulate recreational dredging, then you also need to regulate floods so that they cannot produce harmful stream and river silting.

Recreational prospectors are good for the local economies just like the tourists, fishermen, and boatmen. There is no evidence that they are as bad or worse to fish than mother nature. Please, focus on the professional miners, fishermen, and boatmen. Leave the recreational folks alone. Most of the recreational folks are environmentally aware and I think you should focus on educating the ones who aren't. Education is what is needed, not "over regulation for elimination." The monies wasted on ridiculous studies could be better spent by hiring more people for educating people.

Thank you,

Keith Becker
keith.becker@coconino.edu<mailto:keith.becker@coconino.edu>

030811_Gilbreth

From: Timothy Gilbreth <t.gilbreth@att.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/8/2011 8:47 AM
Subject: proposed suction dredge regulations

I wish to protest the newly proposed suction dredge regulations which serve only to hurt the recreational gold mining community. Studies have conclusively shown that suction dredging benefits the fish population and serves to remove up to 98% of any mercury deposits that may be encountered by suction dredging operations. The regulations that are already in place are more than sufficient

Sincerely,
Timothy J Gilbreth
Member GPAA and New 49er's

From: Rick Kelley <afresearcher@gmail.com>
To: <mstopher@dfg.ca.gov>
Date: 3/8/2011 3:14 AM
Subject: Request for Information for Suction Dredge Permitting Programenvironmental review Public Comment

.To: Mr. Mark Stopher,
Environmental Program Manager

Mark,

I'll be joining the meeting in Yreka on March 30th to see if I can be of any assistance. I am a retired USAF officer and a professional researcher for several government officials who are concerned about the continued economical impacts of mining in the region.

As you know the unemployment, public assistance, home foreclosures, and increasing crime rates have a lot of people on edge. When recreational activities are an outlet for people to get away from their troubles for a while and enjoy nature. When this activity is restricted or ban then the ire of the people becomes unbearable for the electorate.

I'm also a recreational miner but not to some extent that I have seen others who use it as additional source of income. I was recently in Salem, Oregon when Senate Bill 765 was introduced to limit the size of the dredge and increase the permit fees per county. The wave of responses, correct that, the tsunami of responses from miners, prospecting industry, and a political party forced the bill to be redrawn.

The reason for it being withdrawn wasn't emotionalism but for the facts. The bill had several legal issues, manpower problems, and it was discriminatory.

I hope your hearings will be based on FACTS and SCIENCE because so far I've read a lot of innuendo and personal history. Even a little lobby and politics seemed to be asserted in these hearings so far.

But I would still like to find out what the procedure will be for this hearing to offer comment to your committee and in what format?

Will I be allowed to audio and video tape the proceedings in order to take back for others to review?

Thanks

Rick Kelley

From: "ajlondon2002@yahoo.com" <ajlondon2002@yahoo.com>
To: <mstopher@dfg.ca.gov>
CC: <jfoley@sisqtel.net>
Date: 3/8/2011 1:34 PM
Subject: authority of dfg to regulate mining.

Mark, you probably won't remember me but, I am Jim Foley's "large" friend. We met several times over the years, including at two of the PAC meetings. There is information that I require to fully formulate my comments to the proposed EIR. I understand that the State of California and/or CDFG and Federal Government Departments/Agencies have agreements to not duplicate functions, such as the BLM and CDFG regulating mining in the water -- dredging. When you have stated in the past that, "our attorneys have assured me that we have the authority to regulate suction dredging", were you referring to these agreements? You could have been referring to any Federal or State law such as FLIPMA, SMARA, Endangered Species Act.... Could you have been referring to some California State Law or the State Constitution concerning California's possession of the water itself, as in a possessory right? I hope you can understand my confusion in this matter. I am asking that you tell me from what Constitutions, Compacts, Acts, Laws and/or Regulations...,that are you claiming the CDFG derives its authority from to regulate, charge a fee for and limit the access of suction dredging on Federal Land or the mineral estate? Please list them all. The current EIR does not have a section devoted to the law and your authority to regulate suction dredging on Federal Land, unless I just don't understand the draft EIR. I will bring this up at the meeting in Yreka if the draft EIR is lacking. But, I am working on my comments for the meeting and desperately need that information as soon as possible. I understand that what I am asking is an imposition, but a section on CFDG's authority and all the applicable Laws were left out of the EIR. While I fully understand that you did not write the EIR, you are the point of contact for the process. If I have misread the EIR, I owe you an apology for my inability to recognize or find it, but still request you inform me as to the section/s that contains the information that I am seeking. Thank you for your cooperation with this and/or please accept my apology for my ignorance. Sincerely,

A.J. London

08 Mar 2011

TO: CDFG
FROM: Steven Wright

SUBJ: Suction Dredge Program Draft SEIR Comments

I have the following concerns with the proposed program:

1. Streams with use classification of A should be use classified as B or C or F or G depending on the species in jeopardy.

Reasoning:

- A. The number of dredgers has decreased from a high of 12,763 in 1980 to the current 2008 level of 3,479. Yet despite the 73% reduction of dredgers, the fish/aquatic species population has continued to decline, demonstrating that dredging is not a major reason for the declining fish/aquatic species population.
- B. App K identifies the time periods that fish/aquatic species are most vulnerable yet there are time periods when the fish/aquatic species are not in danger.
- C. Dredgers fall into two categories: Large dredges 4" or greater and small dredges less than 4" (survey results). Large dredges are used in rivers and major streams, while small dredges are used in small creeks.

Proposal: A dredging period of smallest duration for the species of concern (use classification of B or C or F or G) and a limitation of the dredge nozzle and hose size to 3" to minimize the amount of material moved.

2. 3 foot band on stream edges and in-stream gravel bars is overly restrictive (§ 228.k.3 Pg 14 line 17-19).

Reasoning: Not all stream/creek edges are comprised of material that could be eroded into the stream.

Proposal: Areas that are solid bedrock would be exempt from the 3-foot limitation.

3. 100 foot storage requirement for gas cans is too restrictive (§ 228.k.10 Pg 15 line 18-21).

Reasoning:

- A. The same requirement is not imposed on boat operators. Marinas have gas pumps on the docks where boats are refueled in the water and gas can are filled on the docks. Boaters carry extra cans in their boats while on the water.
- B. 100 feet from the water would not allow dredgers to keep an eye on their equipment, resulting in possible theft.

Proposal: Use of spill proof containers 10 feet from the waters edge.

4. Requirement to list six dredging sites too restrictive (§ 228.c.2 Pg 4 line 25-27) and limited number of permits issued (§ 228.g Pg 5 line 29-32) can be problematic.

Reasoning:

- A. Not every dredger knows were and when they will dredge, or if the opportunity arises to go somewhere else.
- B. No way of determining if dredging has actually occurred.

C. Unscrupulous individuals may apply for permits and never use them just to prevent dredgers from getting one.

D. Historically, the number of permits is well below the new limited numbers.

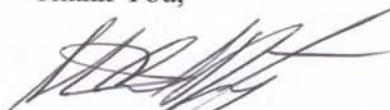
Proposal: Delete the requirement to list sites and adopt the system that Oregon uses. All dredgers must submit a year-end list of places dredged, including the size of dredge and the number of days dredging. This would be a better and more usable tool to determine the impact on areas. Additionally, delete the limitation on the number of permits issued, but include that a permit holder who fails to report their activity after obtaining a permit would be prohibited from obtaining a new permit for 3 years and/or fined.

5. No requirement to review the program to determine if relaxing of program is warranted.

Reasoning: A periodic review is needed to see if the restrictions are unneeded or excessive.

Proposal: Every 3 years a review to determine if dredging has caused any further adverse effects.

Thank You,



Steve C. Wright
18N Summer Star Ct.
Spring, TX. 77380
(281) 419-9116

030911_Arbuckle

From: Tim <tarbuckle2@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/9/2011 10:43 AM
Subject: Suction Dredge Program Draft SEIR Comments

Why did you close down the New River, North fork and EFNF? Looks like you also closed down the smaller tributaries all over the state. You closed down creeks that had very little if any pressure from dredgers. I only had a three month season as it was. That alone limited the number of dredgers. I'm no biologist but I would bet with a 100% certainty that you would not find any measurable effect on those streams (New River, North fork and EFNF) by dredgers. I can guarantee you wouldn't be able to find where the dredges were working come spring. Yet you can justify closing them down?

Go back to the old regulations. They were working just fine.

Tim Arbuckle 2416 California St. Eureka CA

JOHN CARDIN

"A Small Miner"

030911_Cardin

P.O. Box 864
Carnelian Bay, CA 96140
Hm: (530) 546-2031
Cell: (530) 386-3514
smallminer@ltol.com

March 9, 2011

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

Dear Sir,

I have been a claim owner and a dredger since 1984. I dredge the N. Yuba River and Canyon Creek, a N. Yuba tributary.

I want to keep the 1994 regulations alternative in place and season that starts on Memorial Day weekend.

Gold dredgers are not the problem affecting the yellow-legged frog. I have seen fish eating tadpoles and small frogs. Perhaps DFG should raise and stock frogs instead of the trout that eat them.

The purposed Sept. 1 starting date is too late for us as we have to complete our assment work for the year by Sept. 30 and record it at the court house.

Gold Dredging is a summer occupation, not a fall and winter activity.

Respectfully yours,

John Cardin
"A Small Miner"

Memorandum

Date: March 9, 2011

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

From: Robert Coyle
470-590 circle dr.
Susanville, CA
96130

Subject: Proposed Suction Dredging Regulations

I have been dredging for gold in CA for over 25 years. I came out to CA for several reasons from Western NY but primarily to search for gold. I have many friends and family members that are active prospectors. So these proposed regs have a large impact not only on my life but many of my friends, family and business partners. Currently I am involved with 3 active claims that we have dredged on over long periods of time. The new regs as proposed would close all of my claims in Plumas Co. to dredging. I guess just bad luck for us. The proposals bring up a lot of questions as to why and how the various watercourse's are regulated.

- 1) WHY SO MANY CLOSED STREAMS?
 - A) What determined the closures ?
 - 1) The 3 streams in Plumas county that affect us are wolf creek, west branch of lights creek, and silver creek. We definitely oppose these closures and would like some answers as to why they are class "A" streams ?
 - 2) How did the classifications on the seasons for the watercourses occur?
(from a miners standpoint they seem to be backwards ,most of the summer seasons being closed and the winter or colder parts of the year being the proposed new season, specifically class "E" open from September 1 through Jan. 31 in Plumas co ., class "D" catches some of the summer but why such a late start?
 - 3) If you cannot dredge within 3 lateral feet of the water's edge then any stream less than 6 feet wide cannot be dredged, even an 8 foot wide stream leaves a 2 foot strip to work. Is this really the case or am I missing something?
 - 4) Why was the study done during the closed period of time?

To sum it all up I do believe that change is overdue but it seems like the intentions here are to make it very difficult to dredge for gold in CA, a lot of very popular spots are being closed or so regulated it makes it easy for some Govt. official to shut an operator down or give out potential fines as these regs really open the door for interpretation. As an operator we would like to continue to dredge in CA but these regs are not very realistic. For instance a group of six locations to plan on dredging. What if you discover a new spot ? A lot of talk about on site inspections , are there really officers available for that and how long will that take? Almost every site would require an on site inspection. If your intentions are to protect the fish and aquatic environment a little proof that suction dredging does any long term harm to the resident fish would be appropriate. I can understand the possible harm in the salmon spawning zones and other spawning periods but the dredge seasons are already adjusted for that? It seems like mother nature has a much larger impact than suction dredging and continually erases the small holes left behind from a suction dredge. Without doing the studies ourselves I guess as dredgers we don't really know for sure the impact we have on the streams we recreate on , but to be shut down as we have doesn't make it right, most of us are respectable people who take care of the environment and make the outdoors a better place, this is still a free country isn't it? Thanks for your time.

030911_Curley

From: Lewis Curley <lewiscurley@embarqmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/9/2011 5:15 PM
Subject: info

Dear sirs:
I find it unexceptable for you to try and restrict we the people's free
access to mine , weather by dredge or any other means that is ecology
responsible. Your proposed regulations are nothing more than a way to allow
harass and intimidate

Lewis Curley

"we must make the very choices that will bring life,
happiness and joy into our daily lives". Life is a choice not a chance !
<<http://www.income.presenter.net.com>> www.income.presenter.net.com

v

Ralph Cutter
14140 Sunrock Rd.
Nevada City, CA 95959
(530) 470-0284
cutter@flyline.com

March 9, 2011

Mark Stopher
Department of Fish and Game
601 Locust St.
Redding, CA 96001

Regarding: Comments on DSEIR: Suction dredging

Dear Mr. Stopher,

I am writing to comment on the DSEIR document "Suction dredging." As a professional instructor of flyfishing and aquatic ecology for the past 31 years, I have spent thousands of hours studying the ecology and habitats of the rivers and streams at the heart of the area detailed in this DSEIR. I have written several books on the aquatic organisms of these waters and produced an educational video on the macroinvertebrates that inhabit these waters.¹

I wish to express strong support for alternative 6.3.1 the "No Alternative Program".
Suction dredging is a high cost/low benefit activity. The cumulative environmental, health, social, and cultural impacts spread across virtually every watershed in the state are profound when balanced against the barely measurable number of people who stand to gain from the practice. The trickle-down benefits are nil; the trickle-down costs are high. In no way is suction dredging the "most good for the most people."

If, for some reason, the Department's proposed alternative is chosen, it must be amended to mitigate the following severe impacts this alternative would create:

Western Pond Turtle

The Western Pond Turtle *Actinemys marmorata* is a California Species of Special Concern and a Federally listed Species of Concern. The DSEIR claims that suction dredging will have "less than significant impact" on this rapidly disappearing animal; however, it provides no data to support such a claim.

The Western Pond Turtle feeds on both animals and plants that bio-accumulate mercury (Hg) and other heavy metals. Not only does it feed on aquatic organisms such as

macroinvertebrates and fishes, it routinely forages on water hyacinth which is well known for its ability to sequester mercury and methyl mercury (MeHg).²

Methyl mercury accumulates in cattails³ whose shoots and tubers are an actively sought and favored food of Western Pond Turtles. Turtles are known to accumulate mercury. It has even been proposed that snapping turtles, *Chelydra serpentina*, be used as sentinels for mercury contamination⁴. The Western Pond Turtle commonly lives to 40 years and has been documented to live up to 70 years; therefore, it is reasonable to assume that Western Pond Turtles are vulnerable to mercury poisoning.

Western Pond Turtles live in the lower reaches of many, if not most, of the watersheds where dredging will be allowed. It is acknowledged in the DEIS that suction dredging releases considerable amounts of mercury into the environment which can travel vast distances and ultimately accumulate in organisms upon which pond turtles feed.

Western Pond Turtle recruitment has been declining. Western Pond Turtle eggs in Oregon have been shown to contain trace elements including mercury and chromium. Eggs have been found to contain up to 44.9 micro g/g dry weight chromium which is the highest reported in any reptilian egg⁵.

Mercury is well known to affect reproduction in many species including turtles.⁶ Until it can be proven that mercury contamination of Western Pond Turtles is truly "less than significant" *suction dredging in watersheds where populations of turtles occur should not be allowed.*

California Designated Wild Trout Waters

California's Wild Trout Policy provides for the designation of "aesthetically pleasing and environmentally productive" streams and lakes to be managed exclusively for wild trout.

The CFGC recognizes the importance of high quality habitat for the maintenance of wild trout populations and the Wild Trout Policy states: "All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated Wild Trout Waters."

For these reasons the following State designated Wild Trout Waters should be exempt from dredging:

1- Lavezola Creek, tributary to Downie Creek, Sierra County. In most places Lavezola Creek isn't wide enough to accommodate the three-foot set-back from the lateral water line at the bank as required in 228. k 3

- 2- Nelson Creek, tributary to Middle Fork Feather, Plumas County. In most places Nelson Creek isn't wide enough to accommodate the three-foot set-back from the lateral water line at the bank as required in 228. k 3
- 3- East Fork Carson River, Hangman's Bridge to the Nevada State line, Alpine County.
- 4- Middle Fork Feather River, Lake Oroville to Sloat Bridge. Butte and Plumas County.
- 5- North Fork American River, Iowa Hill Bridge to Palisade Creek. Placer County.

Kentucky Ravine

Kentucky Ravine, tributary to the South Yuba River, Nevada County, is an impaired yet unique ecosystem that is home to the only known populations of rifle sculpin *Cottus gulosus* (Opperman) and California Roach *Lavinia symmetricus* (Moyle) in the South Yuba River watershed. These remnant populations are now isolated by Englebright Reservoir – a habitat they cannot pass through. It should be noted that these species were likely extirpated from the rest of the drainage by gold mining activity. To introduce suction dredging to this highly stressed ecosystem could be the tipping point that extirpates these legacy populations. Kentucky Ravine should be given an A (no dredging) designation.

South Yuba River State Park

The DSEIR proposes to open the South Yuba River from the confluence with the main stem to Lake Spaulding. Most of the lower 10 miles is encompassed by the South Yuba River State Park. For ease of conformity and law enforcement, it would make sense to define the lower boundary as the confluence of Rock Creek with the South Yuba River.

¹ Cutter, Sierra Trout Guide (Amato Publications 1984, 1991).

Cutter, Fish Food: A Flyfisher's Guide to Bugs and Bait (Stackpole Books 2005)

Cutter, Bugs of the Underworld: the Natural History of Aquatic Insects (CSF DVD 2009)

² Lehocky, Darlington, Fimmen, et al, "Phytoremediation of Mercury and Methylmercury on Contaminated Sediments by Water Hyacinth (*Eichornia crassipes*)," NRMRL, US EPA.

³ Fay and Gustin, "Investigations of Mercury Accumulation in Cattails Growing in Constructed Wetland Mesocosms," Wetlands, Vol 27, No. 4

⁴ Golet and Haines, "Snapping Turtles (*Chelydra serpentina*) As Monitors for Mercury Contamination of Aquatic Environments," Environmental Monitoring and Assessment Vol. 71, Number 3, 211-220

⁵ Henny, Beal, and Goggans, "Organochlorine Pesticides, PCBs, Trace Elements and Metals in Western Pond Turtle Eggs from Oregon," Northwest Science, Vol 77, No.1. 2003

⁶ Presti, Hidalgo, Sollad, "Mercury Concentration in the Scutes of Black Sea Turtles, *Chelonia mydas agassizii*, in the Gulf of California," Chelonian Conservation and Biology. Vol 3, No. 3, pp 531-533. Dec. 1999

Issues with Proposed Suction Dredge Regulations Amendment

030911_Goldberg

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

FAX: (530) 225-2391
E-Mail: dfgsuctiondredge@dfg.ca.gov

Dear Mr. Stopher,

The following are MY objections to the Proposed Suction Dredge Regulations Amendment. (Word document is also attached.)

As a TAX PAYING, citizen and resident of California I find it appalling that DFG is **Crumbling** and **Succumbing** to the demands a of a FEW uninformed individuals, would-be environmentalists, and generally ignorant people. Ignorant in the facts of the environmentally useful things dredgers in California contribute to the overall benefit of the rivers, streams, and surrounding areas.

Most prospectors, including dredgers, provide significant clean up operations of other people's thoughtless littering. Not only do we pack our own trash out, but we pick up the trash left behind by inconsiderate hikers, campers, fisherman, hunters, etc.

In addition, while dredging, significant amounts of Mercury left over from the early days of the California Gold Rush, are recovered from the rivers and streams and removed. In addition, numerous lead weights and fishing hooks and lures are removed also. I know this first hand, as I have personally found and removed numerous items listed above, thereby cleaning up the rivers and streams.

Please take my objections seriously and enter them in the record for inclusion into the final decision on any SUCTION DREDGE REGULATIONS AMMENDMENTS. Please feel free to contact me for clarification or discussion of any of these objections. I can be reached at:

Gary N. Goldberg
11070 Brentwood Dr.
Rancho Cucamonga, CA 91730

(909) 980-6502 (Home)
(909) 230-2074 (Cell)
garygoldberg@yahoo.com

Issues with Proposed Suction Dredge Regulations Amendment

Objection:

§228. Suction Dredging

Page 2, Lines 9 -11

(2) Motorized. For the purposes of these regulations, "motorized" means a mechanical device powered by electricity or an internal Combustion engine.

Strike the words "electricity or"

Reason: If suction dredging is legal, what reason is it to specify/eliminate "ELECTRICITY"? First off, I know of no dredge that is powered by electricity and isn't electricity environmentally more friendly?? Of course, I would NEVER use electricity in a river anyway. JUST COMMON SENSE – WATER & ELECTRICITY DON'T MIX!

Questions:

Page 2, Lines 16 -17

When will 2011 Suction Dredge Permits be available?

Page 2, Lines 20 – 23

What is the fee for Residents and Non-Residents and define "any Department license sales office."

Page 3, Lines 30 – 33 and Page 4, Line 1

This doesn't seem to make sense...The Automated License Data System is an on-line process, so why do you have to go to a Department License Sales Office to fill out an application?

Objection:

Page 4, Lines 25 – 33

Why limit the number of dredging locations planned to be dredged? Why does the location, Claim Number and proposed dates be submitted?

Reason: As I know, a dredge can only operate on one location at a time. Providing such information is invasive and opens one up to potential "HARASSMENT" from enforcement officers, becomes available to public

Issues with Proposed Suction Dredge Regulations Amendment

access, thereby making one vulnerable to attacks by would-be robbers, as well as tells would-be robbers when your home may be vacant for robbery.

Page 5, Lines 2 – 5

Why must one provide such equipment detail? Isn't enough to limit the size of the intake nozzle? Who cares what engine manufacturer you use, the horsepower, or the model number? Are you going to deny someone who uses a Briggs & Stratton engine instead of a Honda engine???

Page 5, Line 13

On-site Inspection requirements need to be defined here, not way back on page 11, lines 11 – 21

Page 5, Lines 29 – 32

Why the seemingly arbitrary number of 4000? Shouldn't the Dredge Permit Holders who were denied use of their 2009 Permits be automatically issued permits before any new permits are issued?

Question/Objection:

Page 6 – 10, Under (h) Permit Revocation or Suspension

Assistant Chief of Enforcement? Is this an elected position or appointed?

Objection:

Page 12, Line 28 – 32 Pump Intake Screening

Come on!!! Customary pump intake hoses have a screen covering it, do you really have to dictate the exact sizes? This is way too controlling!

Objection:

Page 13. Lines 2 – 7 (5)

Attaching Dredge Permit Number so as to be clearly visible from streambank will allow anyone to copy down that permit number, post it on their dredge, dredge in an “illegal” location and may cause the legal owner to be held responsible. If you want to enforce proper Dredge Permits, make the enforcer come to the dredger and ask him to produce the permit.

Issues with Proposed Suction Dredge Regulations Amendment

Objection:

Page 14, Lines 17 – 19

The three foot requirement from the lateral edge of current water level, including edges of instream gravel bars is way to restrictive. This will virtually eliminate any River, Stream, or Tributary that is six feet wide or less. An Instream gravel bar is just as you call it “IN STREAM” not the banks of the River, Stream, or Tributary water level.

Objection:

Page 15, Lines 18 – 21

100 Feet of current water level? Come on. How is a container of fuel, lubricants, or chemicals going to end up in the water if it is 2 feet from the water level? Containers of these substances should be contained in an approved container, capped and unable to spill anyway. So I have to store my SUNSCREEN 100 feet away because it may contain chemicals????

Objection:

Page 16, Lines 30 – 32 Emergency Closure

So the Department may arbitrarily decide to enact an emergency regulatory action, without warning, or notification???

§228.5. Suction Dredge Use Classifications and Special Regulations

Objection:

Page 17, Lines 14 – 26

Changing the Dredging Open Seasons are preposterous! Some of these make it nearly impossible for the recreational dredger to operate at all since most water temperatures are extremely cold in winter months and water levels are usually at the minimum during those periods.

Objection:

Page 17, Lines 28 – 31 and Pages 18 – 69

Closure of too many waters, Dredging Classes too restrictive, 4000' level ban is absurd! Just leave the current Rivers, and classifications as they are, or at least be fair about the changes. It appears you are trying to appease those who have law suits pending to stop dredging in California.

030911_Hunter

From: Robert W Hunter JR <rwhunter@resolutionprovider.com>
To: 'Mark Stopher' <MStopher@dfg.ca.gov>
Date: 3/9/2011 3:33 PM
Subject: RE: Public Release of Draft Subsequent EIR and Proposed Suction Dredge Regulations

Thank you for taking the time to reply, this sounds real good, I we be at one of the publicly scheduled meeting see you then.

Thank you again,
Sincerely,
Robert and Kathleen Hunter

-----Original Message-----

From: Mark Stopher [mailto:MStopher@dfg.ca.gov]
Sent: Wednesday, March 02, 2011 8:38 AM
To: Robert W Hunter JR
Subject: RE: Public Release of Draft Subsequent EIR and Proposed Suction Dredge Regulations

Robert

No. We will be able to sell permits again once the regulations have been approved by Office of Administrative Law. That will likely occur late next fall, approximately the first of November.

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

voice 530.225.2275
fax 530.225.2391
cell 530.945.1344

>>> Robert W Hunter JR <rwhunter@resolutionprovider.com> 3/2/2011 7:39 AM

>>>

Mark Stopher,

Can I currently apply for a dredge permit?

Robert W Hunter Jr

-----Original Message-----

From: ca-suction-dredge-eir@googlegroups.com
[mailto:ca-suction-dredge-eir@googlegroups.com] On Behalf Of Mark Stopher
Sent: Monday, February 28, 2011 8:01 AM
To: Charlie Watson; Kerwin Krause; John; Joseph McGee; reddy2ctsp@aol.com; Charles Huss; timtateglass@aol.com; Floyd Vaughan; Bonnie Kriens; Chuck Johnson; Ed; davemack@attglobal.net; Alison Harvey; Marc Springer; Gary West; Jim Hart; Jeff Shellito; Gary Swayne; John Buckley; Bernard Aguilar; Cathie Vouchilas; DFG Suction Dredge; Dwayne Maxwell; John Hanson; John Mattox; Julie Means; Kevin Shaffer; Mike Carion; Randy Kelly; Stafford Lehr; Tim Hovey; Walt Wegner; Ray Nutting; Dennis Martin; Chip Hess; Steve Evans; Christine Nota; Michael Kellett; filterstone@gmail.com; Jarod Ruffo; Ken and Debbie McMaster; Vince Nelson; Petey Brucker; Eugene Beley; new49ers@goldgold.com; Blake Harmon; ca-suction-dredge-eir@googlegroups.com; Kevin Fisher; Michael Stevenson; Rich Linden; Steve Lintner; sodman77@hotmail.com; Tom Brenner; Walt Duffy; Scott Harn; Herb Miller; Craig Tucker; Pat Keene; Jan Sticha; David Dunham; Lewis Spengler; Richard McCarthy; Wesley Wright; Heidi Walters; Chris McCord; Richard Brubaker; Dave Mack; Barbara Manganello; Cyndi Hillery; Mary Pitt; Stephen Kulieke; D Ray East; Bill Fisher; Scott Fischer; Paul Nasiatka; George Wheeldon; Carrie Monahan; Elizabeth Martin; Marcia Armstrong; Ray Stewart; Jim Foley; Ken Oliver; R. Costales; Jennifer DeLeon; Wanda Oliver; CustomerSolutions; Charles N Alpers; Gerald Hobbs; roaring camp; Rick Humphreys; Don Robinson;

Martin Nielsen; James Coker; Joseph Greene; Manuel Figueiredo; Claudia Wise;
pdic-1916@yahoo.com; Rachel Dunn; Scott Coykendall; Jim Madden
Subject: Public Release of Draft Subsequent EIR and Proposed Suction Dredge
Regulations
Importance: High

** High Priority **

Interested Parties

Today the California Department of Fish and Game released the referenced documents and has begun the formal public review. The SDEIR, Proposed Regulations, Newsletter, Press Release, and other information is available for your review at <http://www.dfg.ca.gov/suctiondredge/>.

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

voice 530.225.2275
fax 530.225.2391
cell 530.945.1344

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You received this message because you are subscribed to the Google Groups "CA Suction Dredge EIR" group.
To post to this group, send email to ca-suction-dredge-eir@googlegroups.com.
To unsubscribe from this group, send email to ca-suction-dredge-eir+unsubscribe@googlegroups.com.
For more options, visit this group at <http://groups.google.com/group/ca-suction-dredge-eir?hl=en>.

From: "ajlondon2002@yahoo.com" <ajlondon2002@yahoo.com>
To: Mark Stopher <MStopher@dfg.ca.gov>
Date: 3/9/2011 9:06 PM
Subject: still confused

Mark,
just to clarify what is going on with this process. There are many references to various Laws in the DSEIR including FLIPMA, SMARA, etc. Why are they there and how do they apply to CDFG or CEQA, if at all? CEQA refer to an option needing to be feasible. One of the requirement to be feasible is -- that it be legal. Legal according to who or what laws? If all these other Laws are irrelevant because they only need to be legal to CDFG, why are they referenced in the DSEIR at all? I am just trying to grasp this process, it's new to me. Thank you for your help with this.
Sincerely, A.J. London

--- On Wed, 3/9/11, Mark Stopher <MStopher@dfg.ca.gov> wrote:

> From: Mark Stopher <MStopher@dfg.ca.gov>
> Subject: Re: authority of dfg to regulate mining.
> To: ajlondon2002@yahoo.com
> Cc: "John Mattox" <JMattox@dfg.ca.gov>, jfoley@sisqtel.net
> Date: Wednesday, March 9, 2011, 1:13 PM
> Alan
>
> The Department of Fish and Game exists by and derives all
> its substantive regulatory authority from the California
> Fish and Game Code. The same is true of DFG's
> regulatory authority specific to suction dredging. DFG
> regulates suction dredging in "this state" pursuant to Fish
> and Game Code section 5653 et seq. In regard to Federal
> lands or law, the California Constitution prohibits DFG from
> reaching any conclusion regarding the extent of our
> authority absent an appellate court decision to that
> effect. (Art. III, sec. 3.5.) In other words,
> until an appellate court tells DFG that its regulatory
> authority is not as broad as cast in FGC 5653(a) - i.e.,
> "this state" - DFG is bound by and must adhere to the
> controlling statutory authority.
>
>
> Mark Stopher
> Environmental Program Manager
> California Department of Fish and Game
> 601 Locust Street
> Redding, CA 96001
>
> voice 530.225.2275
> fax 530.225.2391
> cell 530.945.1344
>
>
>
>>> "ajlondon2002@yahoo.com"
> <ajlondon2002@yahoo.com>
> 3/8/2011 1:34 PM >>>
> Mark, you probably won't remember me but, I am Jim Foley's
> "large" friend. We met several times over the years,
> including at two of the PAC meetings. There is information
> that I require to fully formulate my comments to the
> proposed EIR. I understand that the State of California
> and/or CDFG and Federal Government Departments/Agencies have
> agreements to not duplicate functions, such as the BLM and
> CDFG regulating mining in the water -- dredging. When you
> have stated in the past that, "our attorneys have assured me
> that we have the authority to regulate suction dredging",
> were you referring to these agreements? You could have been
> referring to any Federal or State law such as FLIPMA, SMARA,
> Endangered Species Act.... Could you have been referring to
> some California State Law or the State Constitution

> concerning California's possession of the water itself, as
> in a possessory right? I hope you can understand my
> confusion in this matter. I am asking that you
> tell me from what Constitutions, Compacts, Acts, Laws
> and/or Regulations...,that are you claiming the CDFG derives
> its authority from to regulate, charge a fee for and limit
> the access of suction dredging on Federal Land or the
> mineral estate? Please list them all. The current EIR does
> not have a section devoted to the law and your authority to
> regulate suction dredging on Federal Land, unless I just
> don't understand the draft EIR. I will bring this up at the
> meeting in Yreka if the draft EIR is lacking. But, I am
> working on my comments for the meeting and desperately need
> that information as soon as possible. I understand that what
> I am asking is an imposition, but a section on CFDG's
> authority and all the applicable Laws were left out of the
> EIR. While I fully understand that you did not write the
> EIR, you are the point of contact for the process. If I have
> misread the EIR, I owe you an apology for my inability to
> recognize or find it, but still
> request you inform me as to the section/s that contains
> the information that I am seeking. Thank you for your
> cooperation with this and/or please accept my apology for my
> ignorance. Sincerely,
>
> A.J. London
>
>
>
>
>
>

From: "Robert M. (Bob) Self" <kk6bob@att.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/9/2011 9:32 PM
Subject: Re: Suction dredge damage

Dear DFG,

As a ten year employee of the USDA/Forest Service in Plumas County and a resident of that same county for over twenty-five years, it has been my sad experience to watch the formerly fine trout stream fishing dissolve into a "Planters for tourists" situation.

Even tho your dredging regulations specifically call for the waters to be restored by the dredge operator to original conditions, your local officers and all of the local fishing public know that is almost NEVER the case.

I can point out many "Claims" that once had fine gravel stream beds and supported an excellent population of NATIVE brown and rainbow trout, have been stripped of that gravel down to mud bottom. They now support crayfish and carp.

The gravel is on the banks not on the stream bed.

Your excellent department is crippled by low budget problems and simply doesn't have the proper number of officers to police this issue as well as the other huge Fish and Game issues of poaching, illegal hunting and fishing, etc.

The only advantage to allowing suction dredging in this state is to enrich those who want a tax free income from summer vacations. Very few suction dredge operators are commercial in nature, hence no tax revenues are generated. It is free gold for recreational dredging.

Poor for our strapped State coffers and an unnecessary burden on scarce resources of nature and DFG, and forces planting where prior to dredging none was required.

Please BAN ALL SUCTION DREDGING IN THE STATE OF CALIFORNIA.

Respectfully,

Robert M. Self
P.O. Box 241
Quincy, CA 95971

(530) 283-0361

031011_Barber

From: Jeff Barber <4barber@digitalpath.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/10/2011 11:32 AM
Subject: restrictions on methods of operation

restriction on methods of operation.(1)motorized winching or the use of other motorized equipment to move boulders logs or other objects is prohibited unless:(a)the department has conducted an on sight inspection and has approved the proposed operations in writing . does cdfg have the manpower to go to hundreds of sites a week or occasionally a day as most dredgers use winches on a fairly regular basis.i live in the sierra nevadas and see many 4 wheel drive pickups with winches attached far more than the amount dredgers in the area and these pickups are not required to have any permits to use them so why have the dredgers been singled out.(3)no person may suction dredge within 3 feet of the lateral edge of the current water level,including at the edge of instream gravel beds or under any overhanging banks.many mountain streams are narrow some only 6-8 feet wide when the levels are high in spring and early summer ,by fall when classification E streams open they are much lower.these streams flow with such force from winter runoff that if we could dredge to the streams high water levels like in past years dredgers presence is removed from year to year as the force of runoff clears everything from year to year.that includes any new vegetation which may have grown during the fall months during the low water season.so in reality mother nature is doing exactly what we would be doing but in a much harsher scale.also this would be a hard regulation to enforce. because the water drops so fast where we may have dredged a week or two earlier and been compliant with the regulations now may be 4 feet or more from the current water level.if you would allow use to dredge to high water levels it would be easy to enforce as you could visibly see by the existing streambed, and as mentioned earlier mother nature is going to do it anyway with the heavy spring runoff.(5) no person may cut,move or destabilize instream woody debris such as root wads , stumps or logs. at what size is considered a log 2inches, 3inches, 10 inches in diameter, also any woody debris in the stream bed will be moved in the spring runoff anyway.

031011_Brubaker

From: rick <brubaker46@peoplepc.com>
To: Mark Stopher <MStopher@dfg.ca.gov>
Date: 3/10/2011 4:13 PM

Dear sir,I would like to know who will accept the liabilities for the proposed new dredging regulations?Much to my shock if I've read the proposals correctly, winch use must be approved by fish&game personnel? what a crock you have one person in nevada county to do the approvals if refused permission and one person is injured or worse dies from a big rock falling on him or her you will be held responsible both personally and your dept.another one, dredging not as the old rules state inside the high water mark but in only the present water course?get real there quite a bit more I have to say but I'll save it for the meeting.you've used the moritorium as an excuse to take away more of our rights, the test results prove that you should be more lenient towards dredgers not prove yourselves to be some sort of dictators.You are employed due to taxpayers keep pushing and you might find the unemployment lines more to your liking if theres any money left richard k brubaker

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

From: leo surfer <leocichowicz@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/10/2011 2:47 PM
Subject: SB 670 EIR

Hi Mr Mark Stopher,

I have to start out by saying thank you very much for your time in this matter :-) I all so have to say that I am not one of those people that hates taxes, regulations, and/or the Government. All of these things and many more provide our society as well as our future generations with a great, safe, and productive place to live. With out them it would be real chaos... on the same note - no one is perfect nor is any one system.

Just to let you know where I stand, my friends and I routinely pick up other peoples trash while we are out in the great outdoors on our prospecting endeavors. I consider myself a very "green" person and I care very very deeply about our environment and what we are doing to it - with our bad use of energy and our carbon output.

On to the EIR - there are a few things that bother me about this new EIR :

1 - Why are we ONLY allowed to dredge six locations all year

How are we going to *"hunt/find/prospect"* for gold if we can only look in six little places per year...

Common sense says that we have to go to a river and then hunt around for the best spots...

I DON'T KNOW WHERE I'LL FIND THE SPOTS - UNTIL I GET THERE - LET ALONE AT THE BEGINNING OF THE YEAR !!!!

This makes it VERY hard for us to have any freedom in our pursuit of happiness with dredging... plus it shows personal/private information about where and when well be somewhere - both *NOT GOOD* !!!

2 - Why is there only 4000 permits per year... ? Why put a cap on something that has a de minimis effect on our river systems... and has even been shown to support local aquatic wildlife... ?

3 - Only dredging up to three feet from the edge of the river... what if the stream/creek is only five to six feet wide. Now we can't dredge there any more !!!! *Not fair and it knocks out 50% of places - all most all of the class H streams !!!*

4 - Why are there not more class H rivers... ? I go up to the East Fork of the San Gabriel River as well as the Kern - why are they not class H any more (not 100% sure about Kern)... ? I would TOTALLY understand if we need to stop for a few months for any spawning endanger fish, but as far as the San Gabriel River - I do not believe there are any endangered spawning fish up there and that goes for any other river system across the state - if there are not endangered spawning fish - why can't we have more areas of class H. *I'm not asking to open up the whole state and/or river systems, just a fair shake and a fair amount of area's to go year round - MORE CLASS H rivers !!!*

Did the new reports/EIR show us doing anything extremely bad or harming... ?
NO NO NO NO NO !!!!!

So it makes NO sense that the rules are changing so much !!!
**

Here is another point of view :

How ironic is this?

According to the Center For Biological Diversity in a Jan 25, 2010 news release....

""Mountain yellow-legged frogs are adapted to high-elevation habitats without aquatic predators. Widespread stocking of nonnative trout in high-elevation Sierra lakes by the California Department of Fish and Game has been the primary cause of decline for the species. Introduced trout prey on tadpoles and juvenile frogs and change the food web of the aquatic ecosystems frogs depend upon. "

The CBD even filed suit on DFG over this issue in 2006.

Read more here, then write a letter to DFG about their new restrictions on dredging areas:

http://www.biologicaldiversity.org/news/press_releases/2010/mountain-yellow-legged-frog-01-25-2010.html

My comment would be:

OK. Let's see. DFG kills of millions of yellow-legged frogs with poor management practices by stocking non-native trout to appease the million+ fishermen who buy spot fishing licenses every year. So, now dredgers are going to be in violation of law if we inadvertently suck up a tadpole and place it unharmed 20ft downstream. *Get Real!*

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On the plus side of the EIR I think that the smaller intake screen size does make really good common sense :-)

**

Please give us a fair shake in this matter - we are not doing anything worse than any other American - so why are we being so limited in our prospecting in the state with *NO PROOF* of wrong doing.

Dredging is *NOT bad for the local aquatic wildlife* and if fact it supports it if done within at least the 1994 regulations... that is what this mess was all about and the proof is out there so please give us back at least something really really close to what we had before we were so wrongly accused and banned with *NO PROOF.* If there was hard proof of us doing great harm - I would NEVER want to dredge. I grew up in the Ocean and I have surfed all over the planet for over 24 years. The fact is I know we have de minimis effect on our river system. Can we as a society ever get together and tackle the real big problems that we are facing... or are we going to stay with this age old process of stereotyping people and groups....

* *
**
**

I LOVE TREES AND FISH !!!!! - they both taste good as well... :-)

Once again please get us back to more of the 1994 regulations - *we've done nothing wrong*,
Thank You again for your time and work,

Ostilio Cichowitz RT (R)
American Independent Party

825 Santa Paula St
Oceanside, Ca 92058
**

To: D.F.G.

You PEOPLE want my input? I'll BE AS HONEST AS I KNOW HOW. TO START, I HAVE A QUESTION.
"WHAT would you think if BECAUSE of A FEW BAD CAR AND TRUCK DRIVERS IN THE STATE, A GOVERNMENT AGENCY TOOK your LICENSE TO DRIVE AWAY?" you HAVE NOT COMMITTED ANY CRIME OR ANY TYPE OF VIOLATION YET you WERE PUT INTO A CATEGORY of CRIMINALS! THAT'S HOW I FEEL! I do my part WHEN I AM IN THE FIELD LOOKING FOR GOLD OR OTHER VALUABLE ORES. I PACK OUT WHAT I TAKE IN AND MORE! I ALWAYS TAKE OUT SOMEONE'S TRASH THAT WAS LEFT BEHIND. I don't WANT A PATH ON THE BACK AND I don't WANT TO BE PUT IN A BOX ALONG WITH CRIMINALS. I ALWAYS FILL IN MY HOLES NO MATTER HOW SMALL OR LARGE THEY ARE. I ONLY GO WHERE IT'S LEGAL TO BE. I DO MY RESEARCH AND PREPARATION BEFORE I GO INTO A NEW AREA. YET HERE I AM, WRITING A LETTER THAT PROBABLY won't BE LOOKED AT OR EVEN CONSIDERED FOR IT'S content or MERIT. You PEOPLE TOOK A SOURCE OF POSSIBLE INCOME FROM ME AND I don't DESERVE THIS! I can't SPEAK FOR OTHERS, only myself, But you PEOPLE ARE IN FOR A ~~RUGGED~~ RUGGED AND PRECARIOUS TIME in your LIVES. You PEOPLE HAVE A RING in your nosie and

Follow without question or reason. THERE WAS A TIME WHEN I WELCOMED THE ADVICE FROM YOU PEOPLE BUT NO MORE! Your attitude HAS HAD A LASTING BAD EFFECT on my opinion of our GOVERNMENT AGENCIES. I WILL CONTINUE TO DO WHAT IS EXPECTED OF ME WHILE I AM IN THE FIELD, But my HICKLES WILL go up and STAY UP IF NEEDED!

YOU PEOPLE DESPERATELY NEED TO EDUCATE YOUR FIELD PEOPLE. Some of them THAT I HAVE ENCOUNTERED don't know what a HIGH BANKER is or if it's legal to OPERATE. How about a SLUICE, long TON, DOLLY POT? What about dry WASHING? What about a CLOSED SYSTEM? As you people can probably sense by now, I AM NOT AT ALL HAPPY WITH A GOVERNMENT AGENCY THAT LUMPS ME INTO A BALL THAT I DON'T FIT INTO! I HOPE YOU PEOPLE SEE YOUR PANTS BEFORE A CLASS ACTION IS BROUGHT TO YOUR DOORSTEP.

Now for my opinion on CREEK, STREAM OR RIVER DREDGING. I suppose the first thing would BE knowing your AREA and what are the REGULATIONS for that specific AREA. NEXT on my list of CONCERNES is WATER CLARITY. NEXT would BE LEAKS of GAS OR OIL from THE DREDGE WHILE IN THE WATER. How about a SPILL & LEAK PROOF GAS AND OIL SYSTEM?

ON WATER CLARITY it's A PROBLEM that can BE EFFECTIVELY handled. PRIOR TO LAUNCHING of the DREDGE, A prospector SHOULD TAKE THE TIME TO FIND OUT HOW MUCH "CLEAN MATERIAL" CAN BE RUN BEFORE THE THICK MUD COMES INTO PLAY. MUD OR CLAY IS A DREDGER'S WORST ENEMY. IT ROBS THE GOLD IN THE SLUICE AND BLOCKS OUT A BLACK MASTY STREAM THAT FOUls VISABILITY and POTENTIAL FISH BEDS. THE CLAY-MUD SHOULD BE TOTALLY AVOIDED. THE ~~LITTLE~~ LITTLE BIT OF GOLD you may find IS NOT WORTH THE MESS IT MAKES.

NOW ABOUT THE DREDGE HOLES. HOW BIG and DEEP SHOULD THEY BE? THAT IS A HARD-COMPLICATED PROBLEM but GENERALLY SPEAKING COMMON SENSE SHOULD DICTATE THESE ANSWERS. I can say from PERSONAL OBSERVATION that DREDGE HOLES ARE a Godsend to FISH and OTHER CRITTERS during the HOT SUMMER MONTHS. GOOD FISHING can ALWAYS BE EXPECTED AROUND THESE DREDGE HOLES. SHOULD THE DREDGER FILL IN HIS HOLE? NO is my answer. LET NATURE PUT HER HAND TO WORK during THE WINTER AND SPRING TIME. I know spots that YEAR AFTER YEAR THE DREDGE HOLES FILL IN AND ARE NO MORE. OTHER AREAS THE HOLES ARE THERE YEAR ROUND. NO TWO WATER COURSES ACT THE SAME.

ALL VEGETATION ABOVE THE WATER AND BELOW THE WATER SHOULD ALWAYS BE LEFT ALONE. Always.

NOW ABOUT BOULDER REMOVAL. THESE BOULDERS ARE FROM 250 POUNDS TO UP TO 25,000 POUNDS!

Personally I don't mess around with THESE Huge
Boulders, But lots of dredgers do. I don't think it's a
good idea to mess with THE BIGONES due to the fact
that something that big should be left alone. You move a
boulder of that size and who can say what ~~could~~
happen to the water course? It's really dangerous to
put cables or straps under that kind of strain. Most
folks don't really understand how to do a "safe" move and
aren't interested in knowing the "safe" way. ~~see~~

I will thank you for prompting me
to start a "prospector's" school. IT WILL BE
hands on and rule/regulation oriented.
And yes I'll have all required license as well as
a bond and anything else needed. THANKS FOR
THE PUSH!

BRAD CRANE

From: Darrell Griner <darrellgriner@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 3/10/2011 7:38 AM
Subject: dredging on a federal claim

Mr. Mark Stopher,

I wished to express my concerns with regards to the proposed dredging regulations. I and my son in law, have a claim on the south fork of the Salmon River in Siskiyou county. We have not dredged on our claim " yet " as we were waiting for the new study to be completed and thought that purchasing a dredge from Keene would be premature in case suction size would be altered etc. etc. In viewing the proposal put forth from the DFG, I see that the DFG has proposed that no dredging take place on my federal claim even though it is the only realistic way to work our claim. Before we had from about mid July till Sept. We are located between French Creek and St. Clair Creek on the south fork of the Salmon River. We purchased our claim for about 40 thousand dollars. Would the DFG purchase our federal claim considering that we will not be allowed to work it? I didn't see any science presented for that area that would cause the change. I did see that friends of the friends of the River, at Forks of Salmon, were wishing to put up codos in the area. But that is altogether a different issue.

I would like very much for the DFG to address my situation. We are or would be, one dredge for a quarter of a mile on that section of river.

Respectfully submitted,
Darrell Griner

031011_Haynes



1-800-922-4868

3-10-11

MR Stopher

I AM totally Against
your new Dredge 'Regs'
Just what PROOF do you
have That you need To
change From the one
we had

Richard Haynes



Richard Haynes
7916 Cold Creek Ct.
Bakersfield, CA 93313-4113

HMAZ0019

031011_Lee

From: <Ramjet1947@comcast.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/10/2011 7:42 PM
Subject: Suction dredging

Hello I am a long time small scale dredge operator and I have some thoughts for you. When you consider the turbulence in the average stream during the winter snow melt the dredge has little effect on the stream. I understand the problems when young fish are in the stream but the average fish during dredging season likes the dredging operation. They swim up to your mask and eat bugs you uncover. The mercury problem is the same. The winter storms churn it up and the dredge recovers a lot of it from the stream. I think it is self evident that small dredges do more good than harm and should not be evicted from the streams. I think most dredgers are fisherman also and so we think protecting endangered fish should be the top priority, however we also think we can coexist with the fish, and hope you reach the same conclusions.

Thank You Roger Lee

031011_London

From: "ajlondon2002@yahoo.com" <ajlondon2002@yahoo.com>
To: Mark Stopher <MStopher@dfg.ca.gov>
Date: 3/10/2011 8:42 PM
Subject: Re: still confused

Mark,

I would like to take this opportunity to thank you for answering the questions I had, so quickly and fully. So, thank you. I do not know your personal views on the subject of suction dredging. Nor, do I want to know them at this time. But, I sincerely hope that you would tell me after the EIR is finalized just for the sake of my own curiosity.

A Professor in a ethics class asked a question of the class one day that has stuck with me since.

"If you were the manager of a Department within a business, and your supervisor asked you to do a cost analysis to determine if your Department's functions should be outsourced. You accomplish the analysis. The analysis clearly indicates that your Department should be outsourced. What do you do -- Cook the books or tell the truth?"

If you personally believe that suction dredging should be banned and still you helped me, you did your job in an efficient and competent manner and are an extremely moral and ethical man. If you have no opinion on the subject, you did your job in an efficient and competent manner. If you personally believe that suction dredging should be protected, you did your job in an efficient and competent manner and I welcome you to the struggle.

Regardless, I personally think you are credit to your Department, CDFG, and should be rewarded in some way for your outstanding service to the Public. I, however, will not tell anyone or make mention of your assistance because I do not know how that could affect your job. If you tell me your opinion on this subject at a later date, I will know how much to respect you.

However, I do have one more question for you. I do not know if you are allowed to answer it or have the information readily available. During the PAC meetings people were asked to sign a statement binding them to only telling the truth. Can you forward to me the names of the people who signed and/or did not sign the statements? I already have everyone's names and the Organizations' that they represented from the SEIR itself. If it is an inconvenience or not allowed -- don't send it. The information is a nicely for my presentation, not a must.

Thank you again for setting me straight as to the CEQA process, the purpose of the EIR and the authority / responsibility of the CDFG. By answering my questions I believe that my presentation should be at least "interesting," to say the least. Some of it you will like. Other parts of it you may or may not appreciate, but that is life. That will depend on your personal views concerning suction dredging, if any. Whatever I say, I truly hope the Miners who are there at least understand my message, realize what I now know, and stop blaming and yelling at you and CDFG. Because, it is not your fault -- you are just doing your job.

Once again -- thank You,

A.J. London

--- On Thu, 3/10/11, Mark Stopher <MStopher@dfg.ca.gov> wrote:

> From: Mark Stopher <MStopher@dfg.ca.gov>
> Subject: Re: still confused
> To: ajlondon2002@yahoo.com
> Date: Thursday, March 10, 2011, 2:18 PM
> A.J.
>
> The CEQA Guidelines, particularly sections 15120 through
> 15132 describe the required and recommended contents of
> EIR's. For example, section 15124(d)(1)(c) states: "A
> list of related environmental review and consultation
> requirements required by federal, state, or local laws,
> regulations, or policies. To the fullest extent possible,
> the lead agency should integrate CEQA review with these
> related environmental review and consultation
> requirements."
>
> An EIR is an informational document intended to provide
> sufficient background and analysis so that a reader can
> understand, among other things, the context in which the
> project occurs, including other legal considerations,
> whether those authorities are within the jurisdiction of the
> CEQA lead agency, in this case DFG, or not. For some readers
> this results in more information than they want and we err
> on the side of including more information, rather than
> less.
>

> In short, the fact that we described other legal
> considerations in no way implies that DFG has authority over
> those laws or that those laws affect our statutes.
>
>
>
> Mark Stopher
> Environmental Program Manager
> California Department of Fish and Game
> 601 Locust Street
> Redding, CA 96001
>
> voice 530.225.2275
> fax 530.225.2391
> cell 530.945.1344
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>> Mark Stopher
>> Environmental Program Manager
>> California Department of Fish and Game
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> itself, as
>> in a possessory right? I hope you can understand my
>> confusion in this matter. I am asking that you
>> tell me from what Constitutions, Compacts, Acts,
> Laws
>> and/or Regulations..., that are you claiming the CDFG
> derives
>> its authority from to regulate, charge a fee for and
> limit
>> the access of suction dredging on Federal Land or the
>> mineral estate? Please list them all. The current EIR
> does
>> not have a section devoted to the law and your
> authority to
>> regulate suction dredging on Federal Land, unless I
> just
>> don't understand the draft EIR. I will bring this up
> at the
>> meeting in Yreka if the draft EIR is lacking. But, I
> am
>> working on my comments for the meeting and desperately
> need
>> that information as soon as possible. I understand

> that what
>> I am asking is an imposition, but a section on CFDG's
>> authority and all the applicable Laws were left out of
> the
>> EIR. While I fully understand that you did not write
> the
>> EIR, you are the point of contact for the process. If
> I have
>> misread the EIR, I owe you an apology for my inability
> to
>> recognize or find it, but still
>> request you inform me as to the section/s that
> contains
>> the information that I am seeking. Thank you for your
>> cooperation with this and/or please accept my apology
> for my
>> ignorance. Sincerely,
>>
>> A.J. London
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031011_Mckee

From: Dave Mckee <dmckee@digitalpath.net>
To: Fish & Game -Mark Stopher <dfgsuctiondredge@dfg.ca.gov>
Date: 3/10/2011 1:58 PM
Subject: Concerned..

Hello,

I'm Dave Mckee, a life-long resident of Quincy, CA. Being born and raised here in this still beautiful area, I had the opportunity to 'grow up with the streams and creeks' in Plumas County. I started swimming in Spanish Creek, Greenhorn Creek, and all the branches of the Feather River about 50 years ago and still swim in them. The Feather River used to be FULL of trout and crawdads. Now, when swimming with a mask, I see 80 to 90% less fish and the water clarity is also much less. Each year it seems to get worse.

I am aware that of course there are other polluting factors involved besides dredge mining, but I've always thought that these invasive operations are greatly detrimental to our waterways. Even if dredging accounts for only part of the pollution in our streams (and therefore lakes), we need to COMPLETELY STOP this part of the damage immediately! We have future generations to think about. There are other ways to find gold.. In reality, isn't a clean, clear running stream that's teeming with life more of a 'golden find' compared to a few gold nuggets?

Sincerely,

*****David Mckee

031011_Wentling

From: Daniel Wentling <daniels-13@live.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/10/2011 6:48 AM
Subject: dredge regs

good morning

I had a stream bed alteration permit to dredge on a seasonal creek in Sierra Co I only have water when I have snow the site is about a mile from a year around creek what will the new laws do to me

Thank you
Daniel Wentling

From: Terry Cato <tcrosco@hotmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/11/2011 10:33 AM
Subject: dseir comment

mark stopher

i beliieve that the total closure of some tributaries of the trinity river, especially the east fork-north fork need to be modified to reflect some dredging season verus the proposed plan of total closure.

i will be sending a letter requesting that these closures bbe addresses in the final draft.

terry cato
po box 790
weaverville, ca 96093
5306233783

031111_Coleman

DFG

Friday, March 11th 2011

Thank you for the opportunity to ask my questions. Can you please tell me how did the DFG determine that the North Fork & East Fork of the Trinity River to be class (A) CLOSED to dredging?

I am interested to know because my family has three (3) mining claims on those rivers. The only mining I do is suction dredging. I am 65 years old and have been dredging since 1961. Closing of these rivers will take away my rights to mine the mineral in those rivers.

Has anyone taken into account that dredging could actually help the fish and aquatic animals and plants? In my 50 years experience with dredging, we start in an area and see no fish etc. and as we dredge the holes we make actually fill up with fish of all kinds. They seriously seem to enjoy the water movement and opening of bigger and deeper holes. In all these years, returning to the same locations, I have never seen a dead or injured fish or animal from suction dredging. Returning year after year, the aquatic plants seem to thrive in the area's we have previously dredged.

By closing down mining in any area the history of California is being taken away, not only from me, but from all the children to come. Where else can you go and actually live out an actual part of history?

I appreciate your time and I am interested in your response to the North and East Fork mining closures. If at any time the DFL would like any further mining knowledge or information due to my vast experiences on the topics, or to participate and learn about suction dredging, please feel free to contact me.

Respectfully,



Larry A. Coleman

From: Gerry Wade <wadeg@plateautel.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/11/2011 9:53 AM
Subject: New Regulations?

Having lived in the State of California for most of my 70 years, I am wondering why this is happening! I have dredged in the 1960s and 1970s and never had a problem. So, tell me: Why is there a problem today? Understanding the liberals have taken over this once-great State leads me to believe that you are bowing to them. Where were the fish/salmon/steelhead when I was dredging? As little amount of dredging that is done, other than for recreational purposes, I would think that this is overkill and will cost the State for more enforcement. Seems that Governor Brown is not spending money, what with his turning off the government-paid cellphones. I think you will find a lot of people will attempt to break the law, what with the price of gold being over \$1400./ounce and the price of gasoline going through the roof. I, myself, am over that phase..too cold for these bones, but I still like to pan and metal detect and belong to a Club that loves to dredge. Why would the silt hurt the fish today and not yesteryear? I am a fisherman and I have fished along side of a dredger and did not have trouble catching fish. The dredge kicks up more food for the fish and a good flyliner can take advantage of this! Thanks for the forum, Gerald H. Wade wadeg@plateautel.net

From: <rdozier1@aol.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/12/2011 7:16 AM
Subject: New proposed dredge rules.

You have asked for our input to the new Dredge regulations, here's what I think should be changed or omitted,

1 The list of dredging periods for each river in California is WAY too complicated, almost certain that most folks will not understand them nor follow them. Let's stay with the way it was before, it too was complicated then as well, but not as bad as this section of the new proposed regs.

Why is there a restriction above 4000 feet elevation? If there is no gold up there, I doubt if you'll see many dredges running up that high. This is one of those changes I think was added simply to satisfy the Left, and make it look like you changed something, even if it has no direct bearing on anything, other than to add another restriction to an already heavily restricted occupation. Last time I checked gold did not discriminate by altitude, neither should you.

2 Listing the places you are planning to dredge is downright stupid. I rarely know where I might be using the dredge. Unless you allow us to list, say Eldorado county, Placer county, Plumas county, Etc. (I can safely say somewhere in Nor-cal usually, but I have traveled far beyond that region at times.) Unless you have a claim to put your equipment on, you'd have no idea where you'd be working., I go where ever I can to dredge, sometimes by invite or I find an unclaimed area to work. This rule is too limiting, and once again, really doesn't accomplish anything but add more paperwork, and make it look like you changed something. What do you intend to do with the info that said I will be working on river "X" this season anyhow?

3 The requirement to have registration numbers on your dredge is another non starter. First of all, most 2.5 or smaller dredges don't really have room for such a thing Especially the backback dredges. Most of the time we are down in some canyon on the river, so you'd not be able to see the numbers from the road anyhow. If you got close enough to read the numbers, why not simply ask for their permit. I can see that if this rule is established, that someone could simply put on another persons numbers on their dredge, and go rip and tear to their hearts content, and therefore an innocent person would be getting blamed for the actions of others doing things illegally. The old permit system worked well, don't mess with what works. Or maybe you should limit the numbers to the larger ones only such as 5 inches and above, or only for those dredges that plan on working more than 30 days straight during the season I.E. Full time use of a dredge. After all a 2.5 does just about the same amount of work as a shovel can in a day. Are you planning on requiring registration numbers on shovels next?

4 The 6 foot stream width requirement is another stupid idea. When were you planning on measuring the creeks width? And where? During winter flooding, or summer drought. Every river in this state is less than 6 foot wide someplace along its length. What about where a larger creek goes into a tight spot? I have seen the North Yuba less than 6 foot across in tight areas, only to open back up to 20 foot or more. A lot of places I use my dredge, actually dry up during the peak summer months. I doubt if a lot of folks will be working that small a drainage either. That part of the regs needs to be removed all together. It simply is not needed in the big scheme of things.

After reading these new proposals, it looked like you were making changes, just to make changes. To show someone or some party that you did something about this so called problem.

No one asked you to re write the entire dredge regulations. You were simply tasked with doing an EIR on dredging and then making SOME CHANGES if needed. What you have done, is thrown the baby out with the bath water, and re written the whole damned thing. It is simply not needed!

You should make as little changes as possible. I figured just a simple limit on dredge size and mucking with the dates the season is open would fix everyone's concerns All the rest of the changes proposed are unneeded, and simple fluff legislation, totally useless, and sometimes plainly an attempt to satisfy the Left.

Sincerely submitted,
 Rick Dozier
 Dredger, Vacaville, CA

031211_Kelly

From: Tony Kelly <tony_kelly@starstream.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/12/2011 2:01 PM
Subject: Suction Dredge Program Draft SEIR Comments

I am supportive of things like no larger than 4" nozzle and no damage to vegetation above the water line (within reason). I also am supportive of avoiding spawning seasons (I like to fish too and I can understand the concerns around salmon spawning areas). These basics maybe along with the "density" of # of dredgers in any stretch of river, are really all that is needed to minimize / limit "damage".

However I think some of the recommended modified / new provisions are quite excessive:

* No dredging within 3 feet of the lateral edge of the current water level – first off, what does that even really mean? Secondly including in stream gravel bars seems excessive. What makes a significant difference of “within the current water level” and “within 3 feet of the lateral edge of the current water level”? Spring run-off will alter banks anyway, especially gravel bars. Also the smallest dredges (ex. 2") often do not have the suction power for longer hoses or air compressors to allow dredgers to go beyond a few feet deep ... this could squeeze out use of those types of dredges in many cases.

* 14 day limit seems excessive, how about 60 day or at least 30 day? And how does this work for “weekenders” like me? Do only days I dredge count or is the permit only good for consecutive 14 days? In any event, can the date range be “reserved” or does it start immediately when purchased? That could squeeze out people that want to dredge later in the season like August.

* 4000 permit limit might be okay, but going significantly lower seems excessive – there are MANY other things as or more damaging to nature ... the run off from the gas / oil / etc. from roadways ... the sewage leaking from local towns in the streams ... the lead fisherman lose (that dredgers take out!) and the monofilament line as well, trash by disrespectful people in general For all the mercury being claimed we stir up, we remove mercury too.

* Silt and Clay layers – Clay layers are where gold can exist and were put there by spring run-off ... both will settle out ... especially with smaller and fewer dredges turbidity shouldn't be significantly impacted.

I am environmentally and safety conscious ... but I also do not want to have overly restrictive rules placed on my “recreation”.

Thanks for taking these comments into consideration and putting in place reasonable provisions.

Tony Kelly
916-415-1303
tony_kelly@starstream.net

031211_West

From: west gene <genepwest@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/12/2011 10:11 AM
Subject: New Dredge Regs

Mark, I've just gone through the new dredge regs, and as seems to be usual, they look like the Sierra Club wrote them. How on earth can a prospector pick a few locations and only dredge in them? We have a right to go whereever we like in this state, within legal limits. Making us preplan to this extent is a terrible idea. Also, having a four inch limit is remaking dredging into a recreational "sport". Perhaps that's the purpose? I make my living prospecting, and can't do it with a four inch. Next, how do you expect to have the personnel to visit each site that wants a six inch permit? It'll take months, and the rest of the miners that try to follow the rules will be S.O.L.

If you wanted to make some sense out of the mining "problem" the State thinks they have, I could suggest a few commomsense ideas that would be simpler and less onerous:

- 1: All motors must have an absorbant pad under them.
- 2: Switch over to a boat fuel container to eliminate in-stream refuelling. I'm already doing that to eliminate this problem. Plus, it simplifies refuelling, and makes the motors lighter.

I suggest leaving the size limit at at least a 5" restrictor ring, and forget the four inch idea. That is an illegal takings to all of the claim owners, and will be sure to cause unneseccary litigation for the State.

Thanks for your time, Gene West.

031311_Laier

From: Mike Laier <rivieraauto@hotmail.com>
To: <mstopher@dfg.ca.gov>
Date: 3/13/2011 6:13 PM
Subject: new dredging regs

As a claim owner on the upper middle fork of the yuba river your suggest new regs would allow dredging form sept. 1 thru jan. I used to use the labor day weekend to pull my dredge out because of winter snow coming this is not fair. Also as a member of the new 49ers my small 4 inch dredge only works in smaller creeks feeding the klamath not the main larger bodies of water. Again the regs would keep me from dredging as I have in the past. Then I see that you have closed off all of slate creek near laporte. My club the auburn gold hounds has a claim at American House which I have been dredging at for about 7 years. I can only assume that this is because of the mercury issue. In all of the years that I have dredged there I have never come across any mercury in the creek so the spreading of it is not a issue at all. I believe this is because of the many years that the areas that have access have had the mercury removed by dredgers like myself. I am sure that Patrick Keene has been in contact with you about his counters to your studies claims of possible harm that dredging could cause if this or that should possible happen under just the rite circumstances but this all seems to be a case of to many changes for no good reason. I believe that only a return to the 1994 regs is fair based on the new study and will continue to support those that fight for this with my dollars and voice. Thank You Michael Laier 9759 Broadmoor Way Kelsyviile Ca 95451 707-277-9582

Mr. Mark Stopher,

Rules and Regulations regarding the assault on dredging in California's waterways.

As yet, and I have been reading current proposals, there has been no justification for the over reach and over regulation of the mining community, other than the Government's desire to control another aspect of our lives.

I will be honest with you, (which is more than I can say for our Government), I am not currently, nor have I ever been, a dredger. However, I am a recreational prospector that has had the privilege to be involved with various dredgers.

As a group and as individuals, I have witnessed the cleaning up trash left by others that use the same public lands. Such as: mercury, broken glass, empty cans and bottles, lead from hunting and fishing (along with fish hooks and line), and miscellaneous other things.

Being able to go out onto our PUBLIC lands gives us a chance to TEACH our children to enjoy and respect nature, and get some exercise.

There was very little wrong with dredging rules of 1994 and therefore should be what is used without "further control or restrictions" by the State Government.

The greed for control and biased actions to restrict mining has been detrimental to the economic recovery in this state, and has caused undue hardship on those that depend on the mining industry.

I was very pleased to read that Senator Gaines is trying to re-introduce some common sense back into our State Government.

As a retired California Utility Construction Supervisor (40 years with the company), I experienced the greed for control first hand. Although well intended, it can and does suffocate the economic recovery.

Please use REAL FACTS and COMMON SENSE in the regulations.

Ed Burchard

Cc: Senator Ted Gaines

031411_Davis

From: Brian Davis <briandavis@centex.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/14/2011 8:40 PM
Subject: specific regulation

Hi,

My name is Brian Davis I am from Texas and,
I think a specific regulation on dredging for
gold and prospecting don't make sense and it
will force Me Brian Davis to cancel any
future vacations in CA if You don't change
regulation I think the common man should be
able to prospect on all public land!!!

From A Man With A Voice

Brian Davis
PO BOX 93
Mullin,TX 76864

031411_Flanders

From: "Flanders, Robert" <Robert.Flanders@qwest.com>
To: "dfgsuctiondredge@dfg.ca.gov" <dfgsuctiondredge@dfg.ca.gov>
Date: 3/14/2011 9:45 AM
Subject: Trinity Suction dredging

To whom it may concern,

I would like to know in detail the reasons for the selection of the North and East fork of the Trinity River being closed to suction dredging. I appreciate your timely response. This decision has adversely effected many people in my extended family and would like to have more information on the reasoning behind this decision.

Sincerely,
Robert Flanders

Thank you,

Bob Flanders
303-308-5062
Qwest Buyer

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From: Ken & Debbie McMaster <mcmasterpiece@gmail.com>
To: Mark Stopher <MStopher@dfg.ca.gov>
Date: 3/14/2011 12:03 PM
Subject: Re: Public Release of Draft Subsequent EIR and Proposed Suction Dredge Regulations
Attachments: DFG SDEIR comments.pdf

Mr. Stopher,
These are my initial comments regarding the Suction Dredge, SDEIR proposed regulations. Please accept these comments into the official record.
Ken McMaster

On Feb 28, 2011, at 8:00 AM, Mark Stopher wrote:

> ** High Priority **
>
> Interested Parties
>
>
> Today the California Department of Fish and Game released the referenced documents and has begun the formal public review. The SDEIR, Proposed Regulations, Newsletter, Press Release, and other information is available for your review at <http://www.dfg.ca.gov/suctiondredge/>.
>
> Mark Stopher
> Environmental Program Manager
> California Department of Fish and Game
> 601 Locust Street
> Redding, CA 96001
>
> voice 530.225.2275
> fax 530.225.2391
> cell 530.945.1344
>
>
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>

Mr. Stopher,

These are my initial comments regarding the Suction Dredge, SDEIR proposed regulations. Please accept these comments into the official record.

These proposed regulations will adversely and severely impact my right to economically mine on mining claims that I own. Actually, these proposed regulations eliminate my rights. These mining claims are located on the North Fork of the Trinity River, within the Trinity Alps Wilderness Area, above Hobo Gulch. On these mining claims, I have had past dredge permits, special suction dredge permits, onsite/DFG inspections and approved plans of operation by the U.S. Forest Service. On these claims, RMH #1 and Upper North Fork Mining Claim, I have the rights guaranteed by the Mining Law of 1872 and the Wilderness Act of 1964. Those rights include: exclusive possession and the right to mine through proven valid existing rights (through validity examinations and Surface Use Determinations), among other rights. Being within a wilderness area, the only economical and viable method of mining is by dredging. The proposed regulations closes this area to suction dredging... this is not acceptable!

I own the only mining claims above Hobo Gulch. There are no other mining claims within the sections above Hobo Gulch, along the N.F. Trinity River within the Trinity Alps Wilderness. The DFG does not have the authority to close a wilderness to mining, only Congress does. By designating the entire N.F. Trinity River Class A, No dredging permitted at anytime, the DFG has exceeded their authority.

I have USFS documentation that shows that the only economically viable alternative that I have to mine the mineral deposits within the wilderness is with a suction dredge. The SDEIR is flawed in that it does not take into account the seriousness of the takings implications that this proposed action will encounter. I have proven valid existing rights and a valuable mineral deposit... taking those rights away is not acceptable and court action for a takings would commence upon a final, adverse decision making process.

I also believe others will take this same action, taking the DFG to court for a takings of their valuable mineral deposit and mining rights. This will be a socioeconomic and financial burden on all tax payers, having to pay claimants for takings.

I have had onsite inspections of my mining claims by the DFG in the past and all of my DFG authorized dredge permits within this area state that dredging on these claims will not be deleterious to fish, as no salmonid eggs or fry should be in the stream gravels during the periods of my proposed operations (then Class D, July 1 to Sept. 15. This is a letter from Randall Benthin of May 1988, the onsite inspection performed by Bernard Aguilar/DFG and Robert Taylor/DFG.

In the Executive Summary, on page 3 it is stated, "With respect to proposed amendments to the previous regulations, CDFG is charged by the Fish and Game Code to issue suction dredge permits where CDFG determines, consistent with the regulations, that the operation will not be deleterious to fish (Fish & G. Code, § 5653, subd. (b).)." What deleterious effects will one dredge, as I am the only one who can dredge in that water, have upon an entire drainage (a 10 mile stretch of the N.F. Trinity River) when that dredging would occur when no redds or fry are present? All previous onsite inspections and analysis have shown that my dredging will not be deleterious to fish... the closure is in direct conflict and contrary to previous analysis. Where is the evidence to support this closure?

So, my questions for this are, have the salmon changed their migratory and spawning habits within this localized habitat since the late 90's? And if so, what is the supporting documentation specific to this habitat? If the salmonid eggs and fry were not there in the late 90's, they most likely will continue to not be there during those same timeframes in the coming years, which would mean that any dredging that I would propose would still have no deleterious effect on the fish!

And, since I am the only person who has an active mining claim within the entire Trinity Alps Wilderness portion of the N.F. Trinity River, how can one dredge have any deleterious effect on fish when they aren't even spawning or laying eggs or fry when I might be there?

The DFG must not close those portions of the N.F. Trinity River that my mining claims are on. To do so would be a complete takings of my valid existing rights... and simply wrong. These claims on the N.F. Trinity River should be classed, at a minimum, according to the new Class F, Open to dredging from July 1 to Sept. 30.

DFG also needs to make another Suction Dredge Use Classification, denoting it as (9), Class I. This class would allow waters to be open to dredging, pending an onsite inspection. To class entire drainages as closed is wrong. It is not the mining community that is at fault here. If DFG is going to promulgate regulations, they should have the ability to process such, not just categorically close entire streams because they believe it to be too much work and a burden on the agency.

It is also wrong to limit the amount of dredge permits to 4000. I do not see in the DFG fishing license program any restrictions on the amount of fishing licenses, licenses that allow the killing of fish. Dredging does not kill fish. Where did this arbitrary number come from? By allowing only 4000 dredge permits, it could foreseeably deny legitimate claimants from dredging their claims... if they don't immediately rush to get theirs before others, they could be denied a permit through the DFG number game. And, what is to stop an anti-mining group from submitting enormous numbers of dredge permit applications with the intent to not dredge, but to reduce the amount of legitimate miners who would like to do so (It has already happened by anti-oil groups at lease auctions for oil, where they bid up the cost and/or outright buy the lease with no intent to find oil).

Under (f)(k) Restrictions on Methods of Operation it states, at (3), "No person may suction dredge within three feet of the lateral edge of the current water level, including instream gravel bars or under any overhanging banks." This provision, too, is a taking of mineral property. Calculating 3 feet on each side of a stream, is 6 feet total along an entire length of a mining claim that is now being banned from dredging the mineable deposit. If a stream is only 6 feet wide, this is an absolute prohibition on dredging and a partial prohibition on all others. And to include instream gravel bars, the area most likely to hold some of the best deposits of gold is tantamount to purposeful regulations to make dredging uneconomical.

Who decides what denotes an instream gravel bar? Is it any thing behind a boulder, a sand bar, a gravel bar, how big in size? All materials within a stream could be labeled as an instream gravel bar. Does this mean submerged gravel bars or gravel bars above the current water level? Either way, this too is a taking of mineral property, for mining properties are real property in the fullest sense.

I need to address too, the Fish and Game Code 5653, (d) that makes it unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that

are closed to the use of vacuum dredges. This is an onerous code, one that makes a criminal of law abiding citizens. There are many highways and roads that are within 100 yards of potentially closed waters and this law makes it illegal to transport a dredge through these areas to another location. In my instance, I also own another mining claim within the Trinity Alps Wilderness on Grizzly Creek, a tributary to the N.F. Trinity River. According to the proposed regulations, Grizzly Creek is not a closed water, but is classed as Class F, Open to Dredging from July 1 to Sept. 30. The only reasonable access to this area is via the N.F. Trinity River Trail that commences at Hobo Gulch and is always within 300 feet/100 yards of a proposed closed area, the N.F. Trinity River. The code at 5653 thus makes it a crime to transport a dredge through an area closed to dredging to legitimately access an area that is open to dredging. The DFG cannot legally deny this access to a mining claim, they cannot legally deny the transport of legal mining equipment to a legal site.

Additionally, by not allowing a mining claimant or person the right to possess a dredge within 100 yards/300 feet of a closed water, it effectively takes away 300 feet of my mineral rights on Grizzly Creek, as this mining claim is adjacent to the N.F. Trinity River. This is a takings of a valuable mineral deposit. According to the Code at 5653 (d), I cannot dredge this 100 yard stretch of Grizzly Creek because it would be within 100 yards of a closed water. This is unacceptable and is a taking of my mining property and I would again take the DFG to court on this action and would prevail in court. This Code must be changed to accommodate legal access. The 500 foot closure at thermal refugia locations is also a takings of ones mineral rights, and just compensation should be made accordingly, if this stands.

I would also like to know where to find the definitions for the many abbreviations found in the proposed regulations found at 228.5 (b). For example, what does SONCC Coho mean or KT Spring-run Steelhead? Why is there no index for this? And where is the accompanying reasoning for each river description and Action Species... there is no reference to find the reason for each individual stream closure or classification. Specifically, why is the N.F. Trinity River closed because of SONCC Coho?

I also find it directly offensive and unconscionable that the proposed regulations require all permitted dredge applicants to have to display their suction dredge permit number to all permitted dredges at all times, in such a manner to be clearly visible from the streambank or shoreline... and that this lettering must be at least three inches in height and maintained in such condition as to be clearly visible and legible!!! This is reminiscent of the Nazis and marking Jews at concentration camps. Does every fisherman need to do this too? Does every hunter have to do this, too? I can just see each hunter's rifle with 3" lettering on the end of the barrel or each fisherman with 3" letter attached to the end of his/her fishing rod. Why not just have us sew the numbers on our diving suit, like a prisoners wear. It is ludicrous, an affront to legitimate miners who will comply with effective regulations... this makes the innocent guilty before even being accused. Does a game warden have to wear such numbers in the field to clearly and legibly denote that he/she is really an state agent? It is ridiculous that I have to use absurdity to expose the absurd nature of these regulations!

When I go to the DFG website and look for fishing regulations, it is not necessary for a fisherman, who kills fish to have to display their sport fishing license on their outer clothing. A dredge does not kill fish. And the person using the dredge is supposed to

have a dredge permit in their possession, so why is it that it is necessary for a dredge owner to have to additionally create unnecessary signage for their dredge. And, the proposed regulations state that every person who operates a dredge shall have a dredge permit in his/her immediate possession... is the DFG making all the permits waterproof, able to withstand hours of a liquid environment? How is immediate possession going to be defined? A reasonable person would have their permit reasonably available, but probably not in their immediate possession.

At 228 (c) (2), Permit application, it states that location information shall include "base, and meridian". What is meant by base and meridian? Where does one find that information?

I also object to the new proposal that limits suction dredge intake nozzle size to four inches. I have a 5 nozzle size and the difference in performance and economics of my operation would be adversely affected if I have to reduce the nozzle to 4 inches. It could possibly make my operation uneconomical. Where is the justification for this and/or the science?

I realize that the proposed regulations might allow a larger size intake nozzle than 4 inches, but only if an onsite inspection is conducted and approved. This is a terrible plan. It will increase the costs associated with mining, this is not needed. As a matter of fact, this will create more burden and bureaucracy for the DFG, when they state that they can't perform onsite inspections in closed areas as they are limited in funds and personnel. Many, many dredgers will need to have costly and unnecessary onsite inspections just to use a 5 inch intake nozzle. Where is the extra DFG personnel going to come from to implement this excessive regulation?

Additionally, why does the an applicant, if having to request an onsite inspection in order to "be allowed" to use a 5" intake nozzle have to also, according to (j) Equipment requirements at (C), "The permittee has in their possession documentation of compliance with Fish and Game section section 1602, subdivision (a), for the proposed suction dredging operation, including a copy of his/her notification to the Department..." According to DFG Code 1602, it requires any person to notify DFG before beginning any activity that will substantially divert or obstruct the natural flow of any river or stream and/or substantially change or use material from the bed, channel, or bank of any river or stream. Does this apply to all dredge applicants, even those who apply for a dredge permit for use with a 4" or less intake nozzle... or has it been determined that only an intake of more than 4" will substantially divert, obstruct or change a river or stream? Where is the evidence for this? Again, I object to this provision and it should be removed from the proposed regulations.

I also own mining claims on the S.F. Salmon River, in Siskiyou County, above 4000 feet elevation. According to the new proposed regulations, this section of the river is Class H, Open to dredging throughout the year. What is the reasoning for a Class H above 4000 feet? Why is only a 4" intake nozzle allowed, if obviously there are no special regulations applicable there? What possible change will happen when a 5" intake was used previously? An onsite inspection should be unnecessary in such an instance. It is a terrible bureaucratic plan to require only 4" intake nozzles statewide, unless an onsite inspection is performed and of course at added expense to the claimant. One size fits all should not be the solution, certainly not in the instance of so

few areas in the state open throughout the year, those areas should not have the 4" restriction.

Why is there new regulations pertaining to Pump Intake Screening? What is the purpose for that? Where in all the studies is the reasoning for this?

At (k)(2), Winching, whether motorized or hand powered, it states that boulders may only be moved within the current water level. Does this mean that if a boulder is located above the current water level, i.e. it shows any part of it above the water, that this boulder can not be moved, that it can only be moved if it is completely under the water or "current water level"? And at (D), it states that cobbles and boulders can not be removed from within the current water level... does this mean that rocks cannot be thrown or placed on tailings, what if the boulder being moved is removed and cannot be placed anywhere but out of the current water level? These regulations make it almost impractical and impossible to move any boulders except in the largest of rivers, the majority of streams are smaller and shallow and most boulders are already exposed above the "current water level". This too will make it impossible to dredge.

Basically, these new proposed dredging regulations are purposefully aimed at eliminating all reasonable and practical dredging practices. They deprive legitimate mining claimants from the legal economic use of their property... mining claims are legal property in the fullest sense. Those rights are being taken away through these onerous regulations.

Please accept these comments and respond to the questions being asked.
Please cite exactly where the requested information can be found.

Thank you

Ken McMaster

Sir

this note is a simple request to
reinstate section dredge mining in
California.

Respectfully,

The Mueller family.

M. Mueller

From: cliff robinson <hmgrnl@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 3/14/2011 10:12 PM
Subject: suction dredging

Hi Mark

I would like to see the dredge regulations put back to the 1994 regs. After reading over the proposed changes I see that they would prevent me from working my claim that I have had for over 15 years Its an upper fork of the American River but not over 6ft wide. Most of the area that I dredge there is bedrock bank to bank. It also limits the season to just the month of Sept. when the water is getting low and very cold up over 4000 ft elevation.

Clifford Robinson
3327 65th ave
Oakland,CA
EBPC

031511_Cato

From: Stephen Cato <tsminin@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/15/2011 1:58 PM
Subject: Comment on DSEIR/dredging

Hello Mr. Stopher

I would like you to reconsider a complete shutdown of dredging on the E. Fork of the N. Fork of the Trinity River. As you know, that stream is heavily controlled with limitations on seasonal days, nozzle size, and access. And with the recommended regulations dredging will be even more heavily impacted/controlled. I understand, by reading your comments in the Trinity Journal, that coho salmon live in the stream all year long and that dredging 'may' disrupt their habitat. I personally feel, after years of working our claims on the E. Fork, that our services have improved the habit for the good of the environment - including fish and humans... I would agree that the N. Fork should be a concern as it is a much larger and longer feeder river to the Trinity than is the E. Fork. Even Canyon Creek, the next major tributary up stream on the trinity, I should think is a coho concern too - but 'it' remains open to dredging... Whereas I disagree with your decision to completely stop all dredging on the E. Fork, I would like you to consider a shortened season or even a split season - even on a trial basis. Give, we the miner's, an opportunity to show that suction dredging can be environmentally friendly too. I am hoping that the Public Input process does work on behalf of all of us who have concerns in maintaining a way of life in cohesion with our environment, endangered species, and natural habit.

Thank you for your consideration.

Stephen Cato
530-713-4568

March 15, 2011

Dear Mark Stopher,

Let's take another look - PLEASE take another look at what is and is not deleterious to the coho salmon in the east fork of the north fork of the Trinity River in Trinity county.

Moving or disturbing the spawning or roe at any time is understandable. This event only takes place during November through January. At all other times, i.e. the summer months, dredging has proven to be harmonious with supporting the habitat of the fingerlings (fry).

After July, the water becomes very shallow and warm. The fingerlings move into cooler water which would be deep pools or into the north fork which is cooler and has a larger flow of water.

Dredging brings up food, deepening the holes which contributes to their survival. In forty years of dredging, I have yet to suck up one fish in my nozzle!! Now that we are limited to a four inch nozzle, it is even more ludicrous to build that hypothesis!!

Let's be somewhat sensible, and, at least, go back to the designation of prior class E dates, July 1st to September 30th in this area, except for the north fork of the Trinity River which has always been class A.

Let's just add again, dredgers do not kill fish and you know that! Fishermen, commercial and sport, dip netters, low flow waterways and dams are all deleterious to fish.

Let's be honest Mark Stopher and do an honest study. A simple solution is to go back to the 2008 regulations. Stop throwing mud up against the wall - just to see what sticks!! Politicians, environmentalists, and college desk jockeys, are not your backbone. Stand up and tell the truth.

I would appreciate a second look and consideration in this matter. Also, the government, in their infinite wisdom, has taken my federal mining rights away and the ability to remove the mineral.

Sincerely,



Darrell DeMontes

530-432-9380

From: Gary Goldberg <garyngoldberg@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/15/2011 10:54 PM
Subject: Additional Objections to Proposed New Dredging Regulation Amendments
Attachments: Dredge04-08.pdf

Mark Stopher
Department of Fish and Game601 Locust Street
Redding, CA 96001

FAX: (530) 225-2391
E-Mail: dfgsuctiondredge@dfg.ca.gov

Dear Mr. Stopher,

Please add this to my previously submitted list of objections:

228.5 Suction Dredge Use Classifications and Special Regulations.

Page 17, Line 17: Remove September 30 and reinsert October 15

Page 17, Line 20: Remove September 1 and reinsert July 1

Page 17, Line 23: Remove September 30 and reinsert June 30

Page 17, Line 24 Remove September 1 and insert June 1

In addition, I attach the Dredging Regulations from 04/2008. These were agreed to and adhered to. Why complicate everything? Go back to these Regulations and stop trying to appease the FEW, when the MANY do not agree

Please enter these objections into the record.

Sincerely,

Gary N. Goldberg
11070 Brentwood Dr.
Rancho Cucamonga, CA 91730

(909) 980-6502 (Home)
(909) 230-2074 (Cell)
garyngoldberg@yahoo.com



TO: All Suction Dredge Permittees

Attached at the end of this document are the Department of Fish and Game's current regulations applicable to suction dredging in rivers, streams, and lakes. To use the regulations, follow the steps below.

Step 1: Review the general regulations on suction dredging Section 228, Title 14, of the California Code of Regulations (CCR), especially the sections on "Equipment Requirements" (Section 228(e)) and "Restrictions on Methods of Operation" (Section 228(f)).

Step 2: To determine the season during which suction dredging is allowed and any special restrictions that apply to the river, stream, or lake in which you intend to suction dredge, complete the following steps:

- A. Note the classifications (Classes A–G) in Section 228.5(a), Title 14, of the CCR under "Suction Dredge Use Classifications and Special Regulations." The classifications specify the time period when suction dredging is allowed.
- B. Find the name of the river, stream, or lake in which you intend to suction dredge in Section 228.5(d), Title 14, of the CCR. Any special restrictions will be listed. If the river, stream, or lake is not listed by name in Section 228.5(d), go to Step 3.
- C. In Section 228.5(b), Title 14, of the CCR, find the county where the river, stream, or lake you intend to suction dredge is located and note the classification. The classification for that county will govern when you may suction dredge.

Step 3 Carefully read the attached "Additional Information Concerning Suction Dredging" for more information. If you have any questions regarding suction dredging, contact the Department regional office that serves the county where you intend to suction dredge. The regional offices are listed in the general and special suction dredge applications and at www.dfg.ca.gov/licensing/officelocation.html.

ADDITIONAL INFORMATION CONCERNING SUCTION DREDGING

1. General Information

The regulations in Sections 228 and 228.5, Title 14, of the California Code of Regulations generally govern suction dredging in California. In addition to those regulations, other laws, regulations, and policies may apply, including, but not limited to, the following:

- A suction dredge permit does not allow trespassing. Be sure you have permission from the landowner or the land managing agency before entering private and public lands.
- Substantially altering the flow, or the bed, bank, or channel, of a river, stream, or lake may require a Lake or Streambed Alteration Agreement. Contact your regional Department of Fish and Game office for details.
- Waters in National Parks, National Monuments, State Parks, and designated wilderness areas may be closed to suction dredging. Contact the appropriate agency for details.
- Some waters in the San Gabriel Mountains are closed. Contact the Angeles National Forest before suction dredging in those waters.
- Portions of the Sequoia and Sierra National Forests, designated as the Kings River Special Management Area, are closed to suction dredging. Contact the appropriate U.S. Forest Service office for details.
- The Auburn State Recreation Area has special restrictions on suction dredging. Contact the Auburn State Recreation Area office for details.
- Suction dredging may be restricted in waters designated under the state and federal Wild and Scenic Rivers Acts. Waters designated under the acts include portions of the American River (North Fork and Lower American River), Big Sur River, Eel River, Feather River, Kern River, Kings River, Klamath River, Merced River, Sespe Creek, Sisquoc River, Smith River, Trinity River, and the Tuolumne River. Contact the state Resources Agency or federal land managing agency for details.
- Fish and wildlife species protected by the California and federal Endangered Species Acts - may be present in areas where suction dredge mining is permitted by state law. A suction dredge permit does not authorize "take" of species protected by those acts, including take of spawn, ova and other life stages of protected fish species. For purposes of state law, "take" means hunt, pursue, catch, capture, or kill, or the attempt to do any such activity (Fish and Game Code Section 86). All persons who suction dredge must avoid take of state- and federally-protected species unless they obtain an incidental take permit or other appropriate take authorization under applicable state and federal law. For information regarding fish and wildlife species protected by state and/or federal law that may be present in areas where suction dredging is currently authorized under state law, please contact the applicable Department regional office or visit the Department's web page at www.dfg.ca.gov.

2. Ongoing Litigation Regarding Suction Dredging

The suction dredge permitting program administered by the Department is the subject of ongoing litigation. The litigation may affect suction dredge permits issued by the Department and the suction dredge permitting program generally. The Department will update this information sheet if the litigation will affect suction dredge permits issued by the Department.

DEPARTMENT OF FISH AND GAME
REGULATIONS CONCERNING SUCTION DREDGING

Sections 228 and 228.5, Title 14, California Code of Regulations

§ 228. Suction Dredging.

For purposes of these regulations, suction dredging (also called vacuum dredging) is defined as the use of a suction system to remove and return material at the bottom of a stream, river, or lake for the extraction of minerals. Suction dredges may only be used pursuant to the following provisions:

(a) Permit requirement. Every person who operates the intake nozzle of any suction dredge shall have a suction dredge permit in his/her immediate possession. Suction dredge permits shall be valid from the first of the year for one calendar year or if issued after the first of the year, for the remainder of that year. The department will charge a fee for each suction dredge permit pursuant to Section 5653(c), Fish and Game Code. Permits may be obtained at any Regional office or at the License and Revenue Branch office.

Any person with a qualifying disability under the Americans with Disabilities Act, who presents a Disabled Person DMV registration or other State, or Federal approved documentation of disability, and who requires assistance in operating a suction dredge may also apply for an assistant suction dredge permit. Any assistant suction dredge permit issued by the department to such disabled person shall be in the disabled applicant's name and shall be issued at no charge. The disabled permittee must be present at the dredge site while the assistant is operating the suction dredge. The assistant shall have the assistant suction dredge permit in his/her immediate possession while assisting the disabled permittee in suction dredging activities. Any assistant may be prosecuted for a violation of the laws or regulations pertaining to suction dredging. The disabled permittee may be prosecuted for a violation of the laws or regulations pertaining to suction dredging committed by his/her assistant.

(b) Special Suction Dredge Permits.

(1) Submission of Written Plan. Any person may apply for a special suction dredge permit to operate a suction dredge with a nozzle larger than prescribed in subsections 228(e)(1), 228.5(c) or 228.5(d) by submitting a written plan detailing the proposed operation. If the department determines that no deleterious effect to fish may occur, the special permit shall be issued with conditions prescribed by the department to protect fish resources. A special permit will be issued or denied within 30 days upon receipt of a complete written plan detailing the proposed operation unless the time is intended by mutual agreement. If the special permit is denied, the justification for denial will be provided.

(2) Appeal of Denial. The denial of a special suction dredge permit may be appealed in writing to the director or his/her designee (hereinafter referred to as director). If the director determines that no deleterious impacts to fish may occur, the director shall authorize the issuance of the permit. The director shall respond to an appeal within 45 days from receipt of notice of request to appeal.

(c) Permit Revocation or Suspension. Any suction dredge permit, assistant suction dredge permit, or special suction dredge permit may be revoked or suspended by the

regional manager or his/her designee (hereinafter referred to as regional manager) for any violation of the laws or regulations pertaining to suction dredging. The regional manager may, in his/her discretion, revoke or suspend the permit or permit renewal or permanently revoke the renewal of a permit based on past citations or convictions of such laws or regulations. A regional manager's decision to revoke or suspend a permit or permit renewal may be appealed to the director. Any revocation or suspension of a permit or permit renewal shall be in accordance with the following provisions:

(1) Hearing When Permittee Convicted of Violation. In the case where the permittee has already been convicted of a violation of Section 5653 or 5653.3 of the Fish and Game Code or any regulation pertaining thereto permitted by said code, the regional manager shall schedule a hearing to consider the revocation or suspension of his/her permit or permit renewal:

(A) Notification. The regional manager shall notify the permittee, by certified letter, of the intent to consider the revocation or suspension of his/her permit or permit renewal at the hearing. The certified letter shall include the following information:

1. Name of permittee and last known address.
2. Date, time and place of scheduled hearing.
3. Reason for impending action, including a statement as to date and fact of conviction(s).
4. A copy of Section 228, Title 14, California Code of Regulations.
5. A statement that the permittee has the right to appear and to be represented by legal counsel.

(B) Recording. The proceedings of the hearing shall be recorded by an electronic tape recording system.

(C) Reading of Documents. At the hearing, the regional manager shall read the conviction documents. The department shall provide the regional manager with the background information regarding the violation(s) and conviction(s) and shall submit into the record a copy of the document(s) which include(s) the facts of the conviction(s) of a violation of the regulation(s) or statute.

(D) Statement by Permittee. The permittee shall make his/her statement regarding the violation (s) and conviction(s), and may argue that extenuating circumstances were such as to not warrant the loss of his/her permit or permit renewal.

(E) Questioning. The permittee or the department personnel may be questioned by the regional manager.

(F) Findings. At the conclusion of the hearing, the regional manager shall make a decision which contains findings or reasons for the proposed action.

(G) Notification by Certified Mail. After the hearing, the regional manager shall provide the permittee, by certified mail, a copy of the final decision.

(H) Appeal. The permittee may request an appeal in writing to the director within 30 days of the date of receipt of the regional manager's decision. The director shall respond to an appeal in writing within 45 days from receipt of notice of request to appeal.

(I) Judicial Review. The permittee may request judicial review by filing a petition for writ of mandate in accordance with provisions of the Code of Civil Procedure within 30 days from the date of the decision. The record of the proceedings shall be prepared by the department and delivered to the petitioner within 30 days after receipt of petitioner's request and upon payment of the fee specified in Section 69950 of the Government Code.

(2) Hearing When Permittee Cited but Not Convicted. In the case where the permittee has not been convicted of a violation of Section 5653 of the Fish and Game Code or any regulation pertaining to suction dredging permitted by said code, but has been cited by

the department, the regional manager shall schedule a hearing to consider the revocation or suspension of his/her permit or permit renewal:

(A) **Notification.** The regional manager shall notify the permittee, by certified letter, of the regional manager's intent to consider the revocation or suspension of his/her permit or permit renewal at the hearing. The certified letter shall include the following information:

1. Name of permittee and last known address.
2. Date, time and place of scheduled hearing.
3. Reason for impending regional manager's action, including a concise statement of the acts or nonactions of the permittee which constitutes a violation of Section 5653 or 5653.3, of the Fish and Game Code or regulations made pursuant thereto.
4. A copy of Section 228, Title 14, California Code of Regulations.
5. A statement that the permittee has the right to appear and to be represented by legal counsel.

(B) **Recording.** The proceedings of the hearing shall be recorded by an electronic type recording system.

(C) **Presentation of Evidence.** The permittee and the department have the right to present evidence at the scheduled hearing as follows:

1. Oral evidence shall be taken on oath or affirmation.
2. Each party may call and examine witnesses, cross-examine opposing witnesses on any relevant matter, may rebut evidence against him/her, and may orally argue the matter.
3. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons would rely in the conduct of serious affairs.
4. The permittee or the department may be questioned by the regional manager.

(D) **Findings.** At the conclusion of the hearing, the regional manager shall make a decision based on the evidence presented at the hearing and shall issue written findings containing reasons for the decision and the evidence relied upon.

(E) **Notification by Certified Mail.** After the hearing the regional manager shall provide the permittee, by certified mail, a copy of the final decision.

(F) **Appeal.** The permittee may request an appeal in writing to the director within 30 days of the date of receipt of the regional manager's decision. The director shall respond to an appeal in writing within 45 days from receipt of notice of request to appeal.

(G) **Judicial Review.** The permittee may request judicial review by filing a petition of writ of mandate in accordance with provisions of the Code of Civil Procedure within 30 days from the date of the director's decision. The record of the administrative proceedings shall be prepared by the department and delivered to the petitioner within 30 days after receipt of petitioner's request and upon payment of the fee specified in Section 69950 of the Government Code.

(d) **Special Approval for Use of Suction Dredges in Lakes and Reservoirs.** No suction dredging is permitted in any lake or reservoir without written approval from the lake operating agency, the Regional Water Quality Control Board and an on-site inspection and approval by the Department.

(e) **Equipment Requirements.**

(1) **Nozzle Restriction.** No suction dredge having an intake nozzle with an inside diameter larger than six inches may be used unless:

(A) Otherwise provided under special regulations of Section 228.5, Title 14, California Code of Regulations, or

(B) A constricting ring with an inside diameter not larger than six inches has been attached to the intake nozzle. This constricting ring must be of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle. It must be welded or otherwise permanently attached over the end of the intake nozzle. No quick-release devices are permitted.

(2) Hose Restriction. The inside diameter of the intake hose may not be more than four inches larger than the permitted intake nozzle size.

(f) Restrictions on Methods of Operation.

(1) Winching is permitted under the following provisions:

(A) Boulders and other material may only be moved within the existing water line. No boulders or other material shall be moved outside the water line.

(B) Winching of any material embedded on banks of streams or rivers is prohibited.

(C) Winching of any material into a location which deflects water into the bank is prohibited.

(D) No power-winches activated shovels, buckets or rakes may be used to excavate materials in the stream course. Nets and other devices may be used to collect cobbles and boulders by hand for removal from dredge holes providing the materials are not removed from within the water line.

(E) No woody streamside vegetation shall be removed or damaged. Trees may be used as winch and pulley anchor points provided that precautions are taken to ensure that trunk surfaces are protected from cutting or abrasions.

(2) No person may suction dredge into the bank of any stream, lake or river.

(3) No person shall remove or damage woody riparian vegetation during suction dredge operations.

(4) No person shall move any anchored, exposed woody debris such as root wads, stumps or logs.

(5) No person shall divert a stream or river into the bank.

(6) No person shall dam or otherwise obstruct a stream, river or lake in such a manner that fish passage is impeded.

(7) No person shall import any earthen material into a stream, river or lake.

Operating outside these Restrictions on Methods of Operation may require compliance with Fish and Game Code sections 1600 – 1607, which govern lake and streambed alterations.

(g) Compliance with Other Laws. Nothing in any permit issued pursuant to these regulations authorizes the permittee to trespass on any land or property, or relieves the permittee of the responsibility of complying with applicable federal, State, or local laws or ordinances.

(h) Emergency Closure. The Department may initiate emergency regulatory action pursuant to Government Code Section 11346.1 to close any water to suction dredging.

§ 228.5. Suction Dredge Use Classifications and Special Regulations.

(a) Suction Dredge Use Classifications. For purposes of these regulations, the following classes of suction dredge use restrictions apply in California's lakes, reservoirs, streams and rivers as specified:

(1) Class A: No dredging permitted at anytime.

- (2) Class B: Open to dredging from July 1 through August 31.
 (3) Class C: Open to dredging from the fourth Saturday in May through October 15.
 (4) Class D: Open to dredging from July 1 through September 15.
 (5) Class E: Open to dredging from July 1 through September 30.
 (6) Class F: Open to dredging from December 1 through June 30.
 (7) Class G: Open to dredging from the fourth Saturday in May through September 30.
 (8) Class H: Open to dredging throughout the year.

(b) Special Closures by County. Except as specified in subsections (c) and (d) below, the suction dredge class restrictions for each county are as follows:

(1) Alameda	Class H.
(2) Alpine	Class C.
(3) Amador	East of Highway 49 is Class C, the remainder is Class H.
(4) Butte	Class C.
(5) Calaveras	East of Highway 49 is Class C, the remainder is Class H.
(6) Colusa	Class H.
(7) Contra Costa	Class H.
(8) Del Norte	Class E.
(9) El Dorado	East of Highway 49 is Class C, the remainder is Class H.
(10) Fresno	Within the external boundaries of the National Forests is Class C, the remainder is Class H. (Kings River Special Management Area has been closed to suction dredging by the U.S. Forest Service. Contact Sequoia National Forest for details.)
(11) Glenn	Class H.
(12) Humboldt	Class E.
(13) Imperial	Class H.
(14) Inyo	Class A.
(15) Kern	Class H.
(16) Kings	Class H.
(17) Lake	Class H.
(18) Lassen	Class C.
(19) Los Angeles	Class H. (Portions of the San Gabriel Mountains may be closed to suction dredging by the U.S. Forest Service. Contact the Angeles National Forest for details.)
(20) Madera	Within the external boundaries of the National Forests is Class C, the remainder is Class H.
(21) Marin	Class A.
(22) Mariposa	Within the external boundaries of the National Forests is Class C, the remainder is Class H.
(23) Mendocino	Class A.
(24) Merced	Class H.
(25) Modoc	Class C.
(26) Mono	Class A.
(27) Monterey	Class A.
(28) Napa	Class A.
(29) Nevada	East of Highway 49 is Class C, the remainder is Class H.
(30) Orange	Class H.
(31) Placer	East of Highway 49 is Class C, the remainder is Class H.

(32) Plumas	Class C.
(33) Riverside	Class H.
(34) Sacramento	Class H.
(35) San Benito	Class A.
(36) San Bernardino	Class H. (Portions of the San Gabriel Mountains may be closed to suction dredging by the U.S. Forest Service. Contact the Angeles National Forest for details.)
(37) San Diego	Class H.
(38) San Francisco	Class H.
(39) San Joaquin	Class H.
(40) San Luis Obispo	Class A.
(41) San Mateo	Class A.
(42) Santa Barbara	Class H.
(43) Santa Clara	Class H.
(44) Santa Cruz	Class A.
(45) Shasta	Class C.
(46) Sierra	Class C.
(47) Siskiyou	Class E.
(48) Solano	Class H.
(49) Sonoma	Class A.
(50) Stanislaus	Class H.
(51) Sutter	Class H.
(52) Tehama	Class D.
(53) Trinity	Class E.
(54) Tulare	Within the external boundaries of the National Forests is Class C, the remainder is Class H.
(55) Tuolumne	East of Highway 49 is Class C, the remainder is Class H.
(56) Ventura	Class H.
(57) Yolo	Class H.
(58) Yuba	Class H.

(c) Eight-Inch Nozzle Size. An eight-inch diameter intake nozzle size is permitted on the following rivers unless otherwise specified in Section 228.5(d):

- (1) American (Placer, Nevada, and El Dorado counties)
- (2) Cosumnes (Sacramento, Amador and El Dorado counties)
- (3) Feather (Butte, Plumas, and Yuba counties)
- (4) Klamath (Del Norte, Humboldt and Siskiyou counties)
- (5) Merced (Mariposa and Merced counties)
- (6) Mokelumne (Amador, Calaveras and San Joaquin counties)
- (7) New (Trinity County)
- (8) Scott (Siskiyou County)
- (9) Trinity (Trinity and Humboldt counties)
- (10) Yuba (Sierra and Yuba counties)

(d) Special Regulations by Water. In addition to the classifications listed in Section 228.5(b) and (c), the special regulations below apply to the following waters:

- (1) American River (Sacramento County). The main stem American River from the Sacramento River upstream to Nimbus Dam is Class A.
- (2) American River, Middle Fork (El Dorado and Placer counties). The main stem American River Middle Fork from its junction with the North Fork of the American River upstream to the confluence with the Rubicon River is Class C. (Note: Recreational

dredging is allowed in the Auburn State Recreation Area on an interim management basis. Contact the Auburn State Recreation Area for instructions.)

(3) American River, North Fork (Placer County). The main stem North Fork American River from Folsom Reservoir to the Colfax-Iowa Hill Road Bridge is Class C. From the Colfax-Iowa Hill Road Bridge upstream to Heath Springs (T16N R14E S26) is Class A. (Note: Recreational dredging is allowed in the Auburn State Recreation Area on an interim management basis. Contact the Auburn State Recreation Area for instructions.)

(4) American River, South Fork (El Dorado County). The main stem South Fork American River from Folsom Reservoir upstream to the Highway 49 Bridge at Coloma is Class C.

(5) American River, South Fork Tributaries (El Dorado County). All tributaries to the South Fork American River from Folsom Reservoir upstream are Class C.

(6) Antelope Creek and Tributaries (Placer County). Antelope Creek and its tributaries are Class B.

(7) Auburn Ravine and Tributaries (Placer County). Auburn Ravine and its tributaries are Class B.

(8) Bear River (Placer County). The main stem Bear River from Forty Mile Road to the South Sutter Irrigation District's diversion dam is Class D.

(9) Big Chico Creek (Butte County). The main stem Big Chico Creek from Manzanita Avenue in Chico to the head of Higgins Hole (T24N R3E S31) is Class A.

(10) Big Creek and Tributaries (Fresno County). Big Creek, tributary to the Kings River, and its tributaries are Class A.

(11) Big Creek (Trinity County). The main stem Big Creek is Class A.

(12) Blue Creek and Tributaries (Del Norte and Humboldt Counties). Blue Creek and its tributaries are Class A.

(13) Butte Creek (Butte County). The main stem Butte Creek from the Sutter County line upstream to the Durham-Oroville Highway Bridge is Class H, and from the Durham-Oroville Highway Bridge upstream to the intake of Centerville Ditch (T23N R3E S10) is Class A.

(14) Calaveras River and Tributaries (Calaveras and San Joaquin Counties). The Calaveras River and its tributaries below New Hogan Reservoir are Class B.

(15) Canyon Creek (Yuba County). The main stem Canyon Creek from its mouth upstream to the Sierra-Yuba County line (T20N R8E S25) is Class C.

(16) Cherry Creek (Tuolumne County). The main stem of Cherry Creek is Class B.

(17) Chowchilla River (Madera and Mariposa counties). The main stem Chowchilla River from Eastman Lake upstream to the West and East forks of the Chowchilla River is Class A.

(18) Chowchilla River West Fork (Madera and Mariposa counties). The main stem West Fork Chowchilla River from its mouth upstream to the Highway 49 Bridge is Class A.

(19) Clavey River (Tuolumne County). The main stem Clavey River is Class A.

(20) Clear Creek and Tributaries (Siskiyou County). Clear Creek and its tributaries are Class A.

(21) Colorado River and Tributaries (Imperial, Riverside and San Bernardino counties). The main channel and all side sloughs and tributaries of the Colorado River are Class A.

(22) Cosumnes River (Sacramento, Amador and El Dorado counties). The main stem Cosumnes River from the Western Pacific Railroad Bridge about $\frac{1}{4}$ mile above the mouth upstream to the Latrobe Highway Bridge is Class D, and from the Latrobe Highway Bridge upstream to the confluence with the North and Middle forks of the Cosumnes River is Class H.

- (23) Cosumnes River, North Fork (El Dorado County). The main stem North Fork Cosumnes River from the Middle Fork of the Cosumnes River upstream to the Somerset-Pleasant Valley Road Bridge is Class H.
- (24) Cosumnes River, Middle Fork (El Dorado County). The main stem Middle Fork Cosumnes River from the North Fork Cosumnes River upstream to Bakers Ford on the Aukum-Somerset Road is Class H.
- (25) Cosumnes River, South Fork (Amador and El Dorado counties). The main stem South Fork Cosumnes from Middle Fork Cosumnes River upstream to the County Road Bridge at River Pines is Class H.
- (26) Cow Creek and Tributaries (Fresno County). Cow Creek and its tributaries are Class A.
- (27) Curtis Creek (Tuolumne County). The main stem Curtis Creek is Class C.
- (28) Deep Creek (San Bernardino County). The main stem Deep Creek is Class A.
- (29) Deer Creek (Nevada County). The main stem Deer Creek from Ponderosa Way below Rough and Ready Falls (T16N R7E S13) upstream to Highway 49 is Class C.
- (30) Dillon Creek and Tributaries (Siskiyou County). Dillon Creek and its tributaries are Class A.
- (31) Dinkey Creek and Tributaries (Fresno County). Dinkey Creek and its tributaries are Class A.
- (32) Eagle Creek (Tuolumne County). The main stem Eagle Creek is Class C.
- (33) Eastman Lake (Madera and Mariposa counties). Eastman Lake is Class A.
- (34) Eel River, All Forks and Tributaries (Mendocino County). The Eel River, all forks and its tributaries upstream of the Humboldt/Mendocino and Trinity/Mendocino County lines are Class A.
- (35) Eel River, Middle Fork and Tributaries (Mendocino and Trinity counties). The Middle Fork Eel River and its tributaries are Class A.
- (36) Feather River (Butte County). The main stem Feather River from Honcut Creek (T17N R3E S27) upstream to the Highway 70 Bridge is Class B, and from the Highway 70 Bridge upstream to Oroville Dam is Class A.
- (37) Feather River, South Fork (Butte and Plumas counties). The main stem South Fork Feather River from Oroville Reservoir upstream to Little Grass Valley Dam (T22N R9E S31) is Class C.
- (38) Flat Creek and Tributaries (Shasta County). Flat Creek and its tributaries are Class H.
- (39) French Creek (Trinity County). The main stem French Creek is Class A.
- (40) Grapevine Creek (Tuolumne County). The main stem Grapevine Creek is Class B.
- (41) Horton Creek (Tuolumne County). The main stem Horton Creek is Class A.
- (42) Hunter Creek (Tuolumne County). The main stem Hunter Creek is Class B.
- (43) Independence Creek and Tributaries (Nevada and Sierra counties). Independence Creek and its tributaries from Independence Lake upstream are Class A.
- (44) Jawbone Creek (Tuolumne County). The main stem Jawbone Creek is Class B.
- (45) Kaweah River (Tulare County). The main stem Kaweah River upstream of Kaweah Reservoir is Class A.
- (46) Kern River and Tributaries (Kern and Tulare counties). The Kern River and its tributaries from Isabella Dam upstream are Class A.
- (47) Kern River, South Fork and Tributaries (Kern and Tulare counties). The South Fork Kern River and its tributaries are Class A.
- (48) Kings River and Tributaries (Fresno and Kings counties). The Kings River and its tributaries from Tulare Lake upstream to Pine Flat Dam are Class A.

(49) Klamath River, Main Stem (Del Norte, Humboldt and Siskiyou counties). The main stem Klamath River from the mouth upstream to the Salmon River is Class G, from the Salmon River upstream to 500 feet downstream of the Scott River is Class H, from 500 feet downstream of the Scott River upstream to Iron Gate Dam is Class G, and from Iron Gate Dam to the Oregon border is Class A.

(50) Knights Creek (Tuolumne County). The main stem Knights Creek is Class C.

(51) Lavezola Creek (Sierra County). The main stem Lavezola Creek is Class C.

(52) Little Rock Creek and Tributaries (Los Angeles County). The main stem Little Rock Creek and its tributaries from the Sycamore Campground in the Angeles National Forest upstream are Class A.

(53) Little Swede Creek (Trinity County). The main stem Little Swede Creek is Class A.

(54) Macklin Creek (Nevada County). The main stem Macklin Creek from its confluence with the Middle Fork Yuba River (T19N R12E S16) upstream is Class A.

(55) Malibu Creek and Tributaries (Los Angeles County). Malibu Creek and its tributaries are Class A.

(56) McCloud River (Shasta County). The main stem McCloud River from the southern boundary of Section 16, T38N, R3W, upstream to Lake McCloud Dam is Class A.

(57) Merced River (Merced County). The main stem Merced River from the San Joaquin River upstream to the Crocker-Huffman Dam (upstream from Snelling) is Class A.

(58) Merced River (Mariposa County). The main stem Merced River is Class C.

(59) Merced River, North Fork (Mariposa County). The main stem North Fork Merced River is Class C.

(60) Miner's Ravine and Tributaries (Placer County). Miner's Ravine and its tributaries are Class B.

(61) Minnow Creek (Tuolumne County). The main stem Minnow Creek is Class A.

(62) Mokelumne River (Amador, Calaveras and San Joaquin counties). The main stem Mokelumne River from Burella Road upstream to Camanche Dam is Class A, from Camanche Dam upstream to Pardee Dam is Class H, and from Pardee Dam upstream is Class C.

(63) Mud Creek (Butte County). The main stem Mud Creek from Big Chico Creek upstream is Class C.

(64) Nelson Creek (Plumas County). The main stem Nelson Creek is Class C.

(65) New River and Tributaries (Trinity County). New River and its tributaries upstream from the East Fork New River are Class A.

(66) New River East Fork and Tributaries (Trinity County). The East Fork New River and its tributaries from the New River upstream are Class A.

(67) Piru Creek and Tributaries (Ventura and Los Angeles counties). Piru Creek and its tributaries are Class A.

(68) Pit River and Tributaries (Lassen and Modoc counties). The Pit River and its tributaries are Class A.

(69) Poor Man Creek and Tributaries (Tuolumne County). Poor Man Creek and its tributaries are Class A.

(70) Portuguese Creek and Tributaries (Madera County). Portuguese Creek and its tributaries are Class A.

(71) Rock Creek (Butte County). The main stem Rock Creek from Big Chico Creek upstream to the Butte/Tehama County Line is Class C.

(72) Rock Creek and Tributaries (Shasta County). Rock Creek and its tributaries are Class H.

- (73) Rose Creek (Tuolumne County). The main stem Rose Creek is Class C.
- (74) Rubicon River and Tributaries (El Dorado and Placer counties). The Rubicon River and its tributaries are Class C. No dredge with an intake larger than four inches may be used.
- (75) Sacramento River and Tributaries (several counties). The main stem Sacramento River from the San Francisco Bay upstream to Shasta Dam is Class A. The Sacramento River and its tributaries from Shasta Lake upstream to Box Canyon Dam are Class A.
- (76) Salmon River (Siskiyou County). The main stem Salmon River is Class D.
- (77) Salmon River, North Fork (Siskiyou County). The main stem North Fork Salmon River from the South Fork Salmon River upstream to the Marble Mountain Wilderness boundary is Class D.
- (78) Salmon River, South Fork (Siskiyou County). The main stem South Fork Salmon River from the North Fork Salmon River upstream to the Trinity Alps Wilderness boundary is Class D.
- (79) Salt Creek and its Tributaries (Riverside County). Salt Creek and its tributaries are Class A.
- (80) San Felipe Creek and its Tributaries (Imperial and San Diego Counties). San Felipe Creek and its tributaries are Class A.
- (81) San Gabriel, East Fork and Tributaries (Los Angeles County). The East Fork San Gabriel River and its tributaries from Cattle Canyon upstream are Class A.
- (82) San Gabriel River, West Fork and Tributaries (Los Angeles County). The West Fork San Gabriel River and its tributaries from the Rincon Guard Station upstream are Class A.
- (83) San Joaquin River (several counties). San Joaquin River from the Delta upstream to Friant Dam (Millerton Lake) is Class A.
- (84) San Juan Creek and Tributaries (Orange and Riverside counties). San Juan Creek and its tributaries from its mouth upstream are Class A.
- (85) San Mateo Creek and Tributaries (San Diego, Orange and Riverside counties). San Mateo Creek and its tributaries from its mouth upstream are Class A.
- (86) Santa Ana River and its Tributaries (San Bernardino County). The Santa Ana River and its tributaries from the mouth of Bear Creek upstream are Class A.
- (87) Santa Clara River and Tributaries (Los Angeles and Ventura counties). The Santa Clara River and its tributaries from the Los Angeles/Ventura County line upstream are Class A, except that Texas Canyon Creek is Class H.
- (88) Santiago Creek and Tributaries (Orange County). Santiago Creek and its tributaries within the Cleveland National Forest are Class A.
- (89) Saxon Creek (Mariposa County). The main stem Saxon Creek is Class A.
- (90) Scott River and Tributaries (Siskiyou County). The Scott River and its tributaries are Class G.
- (91) Secret Ravine and Tributaries (Placer County). Secret Ravine and its tributaries are Class B.
- (92) Sespe Creek (Ventura County). The main stem Sespe Creek from the Los Padres National Forest boundary upstream to its confluence with Tule Creek is Class A.
- (93) Shay Creek and Tributaries (San Bernardino County). Shay Creek and its tributaries are Class A.
- (94) Shasta River and Tributaries (Siskiyou County). The Shasta River and its tributaries are Class A.
- (95) Sherlock Creek (Mariposa County). The main stem Sherlock Creek is Class A.
- (96) Silver King Creek and Tributaries (Alpine County). Silver King Creek and its tributaries are Class A.

(97) Six-Bit Creek and Tributaries (Tuolumne County). Six-Bit Creek and its tributaries are Class A.

(98) Smith River Middle Fork (Del Norte County). The main stem Middle Fork Smith River is Class D.

(99) Stanislaus River (Calaveras, San Joaquin, Stanislaus and Tuolumne counties). The main stem Stanislaus River from the San Joaquin River upstream to Goodwin Dam is Class A, and from New Melones Dam upstream, excluding New Melones Reservoir, is Class C.

(100) Sullivan Creek (Tuolumne County). The main stem Sullivan Creek is Class C.

(101) Sutter Creek (Amador County). The main stem Sutter Creek from Highway 49 upstream to Pine Gulch Road is Class H.

(102) Sycamore Creek and Tributaries (Fresno County). Sycamore Creek, tributary to the Kings River, and its tributaries are Class A.

(103) Texas Canyon Creek (Los Angeles County). The main stem Texas Canyon Creek is Class H.

(104) Trinity River, Main Stem below Lewiston Dam (Humboldt and Trinity counties). The main stem Trinity River from the Klamath River upstream to the South Fork Trinity River is Class A, from the South Fork Trinity River upstream to the North Fork Trinity River is Class H, from the North Fork Trinity River upstream to Grass Valley Creek is Class D, and from Grass Valley Creek upstream to Lewiston Dam is Class A.

(105) Trinity River, Main Stem and Tributaries above Lewiston Dam (Trinity County). The Trinity River and its tributaries above Lewiston Dam are open to dredging from July 1 through October 15.

(106) Trinity River, North Fork and Tributaries (Trinity County). The North Fork Trinity River and its tributaries upstream from Hobo Gulch Campground are Class A.

(107) Tuolumne River (Stanislaus County). The main stem Tuolumne River from the Waterford Bridge upstream to La Grange Dam is Class A.

(108) Tuolumne River, North Fork, and Tributaries (Tuolumne County). The North Fork Tuolumne River and its tributaries are Class B.

(109) Turnback Creek and Tributaries (Tuolumne County). Turnback Creek and its tributaries are Class A.

(110) Wolf Creek (Nevada County). The main stem Wolf Creek from the Tarr Ditch Diversion (T15N R8E S10) upstream is Class C.

(111) Woods Creek and Tributaries (Tuolumne County). Woods Creek and its tributaries from Harvard Mine Road (Jamestown) downstream are Class C, from Harvard Mine Road upstream are Class A.

(112) Wooley Creek and Tributaries (Siskiyou County). Wooley Creek and its tributaries are Class A.

(113) Yuba River (Yuba County). The main stem Yuba River from its mouth at Marysville upstream to Highway 20 is Class B, and from Highway 20 upstream to Englebright Dam is Class A.

(114) Yuba River, North Fork (Sierra and Yuba counties). The main stem North Fork Yuba River from the Middle Fork of the Yuba River upstream to Fiddle Creek is Class H.

031511_Maksymyk

From: Eric Maksymyk <emaksymyk@gmail.com>
To: <mstopher@dfg.ca.gov>
Date: 3/15/2011 9:37 AM
Subject: SEIR comments
Attachments: SEIR response30001.pdf

Dear Mr. Stopher;

I know you're probably receiving hundreds of comments both for and against the Draft SEIR and regulations, so I appreciate you taking the time to read my comments.

I only ask that you consider the impact, especially on those of us that dredge in some pretty remote areas. My attached letter provides more detail, but in general I think that we can protect the yellow-legged frog and still allow dredging in those areas. As I describe in the enclosed letter I dredge in the Slate Creek area, this area is so rugged that very few people mine there, but those that do are all claim holders so the density of dredges, and the size of those dredges is limited. I think CDFG should consider density when they implement the rules, in the higher elevations where the canyons are very steep, there are few dredgers and they are widely dispersed. I ask that you reconsider the "A" classification for Slate Creek and the tributaries. There are very few dredgers in this area - about 32 total claims. Additionally, I ask that you reconsider the 3' rule as this rule severely impacts the smaller creeks, such as Slate, while not impacting the bigger rivers. Finally, I think you should restrict the number of dredges per claim versus restricting the number of permits issued, it would be more effective by limiting density of dredges.

Again, thanks for taking the time, hopefully we can dredge again soon.

V/R

Eric

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

15 March 2011

Dear Mr. Stopher;

Thank you for the recent notification of the release of the Draft Subsequent Environmental Impact Report and Draft Dredging Regulations.

The material is a lot to digest and I appreciate allowing the 60 days to review it and provide comments.

In my first letter I wanted to specifically address the results from the mercury analysis – Chapter 4.2 of the SEIR and my review of the analysis in regards to mercury.

In this letter I want to address the closing of Slate Creek and All tributaries in Sierra County. As a claim owner with multiple claims on Slate Creek or its tributaries this has great impact on me.

The key regulations I would like to see modified are:

- Change Slate Creek and Tributaries from "A" to "H" or at worst "C".
- Keep the current dredging restriction to "within the high water limits" not 3' from current water level
- Do not restrict permits to 4,000 per year

From Appendix L the reason for classifying Slate Creek and its tributaries as "A" is due to the Sierra Nevada yellow-legged frog. While I support efforts to restore this species I don't believe the impact from dredging has anything to do with the decline of the yellow-legged frog. There are about 32 registered claims in this area which is 21 miles in length. This provides about 1 dredge per 3/4 mile if every claim owner was dredging on the same day, however, from experience I can tell you that at most there may be ten dredges on the entire length of the river or about 1 dredge per two miles of river.

The Slate Creek area and tributaries are considerably diverse. In the upper elevations it's largely exposed bedrock surrounded by steep, rocky canyons. While there may be areas where the yellow-legged frog reproduces and lives, those areas are not areas that are typically targeted by dredgers. The majority of dredging is done on bedrock – not the banks. The tributaries of Slate Creek are typically

small feeder streams with sharp drops in elevation, again, primarily exposed bedrock creeks. Dredging in these areas is normally in the creek on the bedrock.

From the BLM database you can see that the entire length of Slate Creek, and all tributaries have active claims on them. As I've argued before, claims actually protect the river as they limit the dredging access. The remoteness and inaccessibility of this region further limits the activity. My opinion is this area is so remote, and so rugged that the density of dredges is extremely limited. Again, from experience I've seen one other dredge on the river in ten years. It doesn't mean they're not there, but rather they are widely dispersed and in some fairly remote areas.

As you know the SEIR finds minimal impact from most dredging activities. In the Slate Creek Area there are very few places, typically near the bridges, where people can camp and access to claims is by foot trail. To classify the entire length of Slate Creek and all its tributaries as Class "A" seems extreme. From what I can read on the Sierra Nevada yellow-legged frog its populations have been impacted primarily by the introduction of non-native trout. You may want to consider telling dredgers how to create habitat for the frogs, some people would actually do it. Further, I'd be willing to do population counts while I'm out and report this information back to you. There are very few people that access this area by foot for any reason, this area, and rivers like it are exceptionally well protected for habitat due solely to their inaccessibility.

A second issue I take exception with is the proposed rule to limit dredging within 3' of the current water level. The areas I dredge in are often best suited for a 2.5" dredge – it's pretty rare to have 6' total of width across the stream – so just imposing 3' of setback on both sides leaves nowhere to dredge. I think the current rule of within the high water marks is fine. In the time I've been dredging I've never dredged into the bank for a simple reason – it's too much overburden to move. I think you'd find most people would tell you the same thing. I'm sure there are some people who dredge into the bank, but they probably wouldn't do it for very long, a 4" dredge just isn't built to move that much overburden. With a 2.5" dredge you could never move that much overburden – so it's a self limiting behavior. If you could keep the same rule as currently exists I think the results would be the same – the amount of dredging into the bank would be a very small percentage of the total dredging. The spring floods always fill the areas by shifting the gravel bars.

A final issue is limiting the number of permits. I believe that a claim owner should have at least an opportunity to buy a permit if he has a valid claim. I don't believe you need to restrict the number of permits, however, if your intent is to limit the number of active dredgers then you can achieve the same goal by limiting the number of dredges allowed per claim. Again, this becomes self regulating. By implementing the rule of listing the claims you are going to dredge you can limit the number of dredges and achieve the goal of limiting the density. I'm sure from your studies you know that some areas have much higher densities of dredges than other areas. As I said above, the Slate Creek area is a very rugged and inaccessible area so the number of dredges is limited by the accessibility.

Thank you for taking the time to consider these issues. While dredging may be largely recreational we shouldn't forget that in and of itself it is historical. I imagine if you surveyed dredgers on the location of historical resources you would find a wealth of information. Personally, I've mapped out large sections of old flume trails; have discovered countless undocumented old mines; the remains of historical cabins and as a group we could probably identify most of the old historical roads and trails.

I understand this is a statewide program, but each area is significantly different from another and the environmental impact of dredging is largely insignificant and I argue beneficial. Dredgers remove mercury and lead from the waterways; rarely leave trash; discover and report illegal activities; protect rivers through the ownership of claims and for the most part are good stewards of the land.

I ask that you let dredging continue.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric Maksymyk".

Eric Maksymyk

031511_Mendoza

From: Angelica Mendoza <amendoza@fs.fed.us>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/15/2011 4:13 PM
Subject: SBNF comments

Hello,

Here are comments submitted by Kathie Meyer from the San Bernardino National Forest. She is on maternity leave and asked me to submit this for her.

Make sure DFG didn't miss important creeks that we thought should be excluded... such as Cajon Wash due to Arroyo Toads. Seems like they just didn't realize they were there so we should tell DFG. Also, there were several other creeks that you put forward (that had SWFL and SASU habitat I think). Not sure if those creeks have seasonal restrictions or how they were dealt with. From the aquatics side, the occupied MYLF and ARTO creeks as well as their DCH and all dace creeks were most important.

AM

Angelica Mendoza
Wildlife Biologist
San Bernardino National Forest
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San Bernardino, CA 92408
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amendoza@fs.fed.us

031511_Treece

From: ED TREECE <shelbytreece@msn.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/15/2011 5:26 PM
Subject: Gold Dredging In California

I just read an article in the Plumas County News titled: "DFG Study Blasts Dredge Mining". At the end of the article, it says to direct comments to this email address. After reading the article and noting that California is considering restricting the amount of dredging, I decided to comment.

I have been a hobbyist gold dredger since I bought a two inch backpack dredge about 1970. I had a full time job and a (mostly) understanding wife during all those years so I only did it a few days at a time and only when I had some time off. After all those years of dredging, I doubt that I have \$100 worth of gold so I obviously didn't do it for the money but I did enjoy finding a few yellow specks which I keep in three or four small gold sample bottles - none of which contain much gold. I have always been convinced that I am not harming the environment when I dredge or I wouldn't have done it, but have I followed the discussion over the years. Several years ago while surfing, I came across a website that contains a ton of information about studies done on the effects of dredging. I don't know the background of the site but it appears to be a mining company based in Alaska that has pulled together a database of studies covering many years on dredging done at many locations. I am assuming these are legitimate studies but a few calls to the agencies named would quickly verify legitimacy. They were done by, to name a few, The Washington State Department of Ecology, the US Environmental Protection Agency, the US Dept of the Interior, The U.S. Geological Survey, the U.S. Army Corps of Engineers and many others. I hope you would agree these are organizations with a huge amount of credibility and after you read the studies, I think you will agree that none of them found an adverse effect on the environment or fish from dredging. Several of them include detailed scientific measurements, charts and graphs etc to support the conclusions by people with "Dr." in front of their names. While I am not a scientist, they look impressive to me and I think they would be extremely hard to refute or disprove. Not only did they conclude it was not harmful, some of them concluded that dredging is actually beneficial to the environment and fish - specifically to spawning salmon.

The website is at this link:

<http://www.akmining.com/mine/study.htm><<http://www.akmining.com/mine/study.htm>>

It appears the California DFG studies have reached the exact opposite conclusion of the studies listed at the website and before someone goes off half cocked and decides to limit dredging, I think you have a moral if not a legal obligation to explain why your results are right and all the others are wrong. In fact, with all the extremely competent studies out there, I find it hard to understand how DFG justifies spending the money and man hours I assume you spent on a study - unless it is a case of "Not Invented Here" mentality. The question should have been addressed by doing a Google search like I did and telling the court why there is no basis for concern.

Ed Treece
Simi Valley, Calif.

031611_Callaway

From: dave callaway <callaway62@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/16/2011 1:56 PM
Subject: Dredge permit application

3-16-11

To whom it may concern:

At this time I would like to know when can I get an application sent to me for a dredging permit ?If and when they can be sent out I would like one sent to
PO box 8249 Pittsburg,Ca. 94565

Been permitted every year since 1992 and very concerned about the limit(4000) in your new report

Thanks for your time

Dave Callaway.

031611_Huss

From: <Cowgrldream21@aol.com>
To: <mstopher@dfg.ca.gov>
Date: 3/16/2011 6:38 PM
Subject: (no subject)

To whom it may concern.Regarding suction dredging permits. My name is Charles Huss i have been dredging for about 30 yrs,I am 67 years old and on disability i have a bad back i can dredge but can hardly pan.My wife and i looked for this property we own for about three yrs . We own roughly 5/8 of a mile of the south fork of the Mokelume river in Calavaras county.I have about \$20,000 in equipment just sitting here I already have gotten several ounces from here with low income every little bit helps with the gold prices now it helps to pay my taxes. I talked to my realtor and she said it hurts the value of my property. I have the mineral rights when i bought the property. I am a life member of the North American fishing association.So i am on both sides. We have no mercury to my knowledge in he South Fork we do not disturb the fish, So please let us have our permits back. thank you
Charles Huss

031711_Allen

From: Mike Allen <mallen7711@yahoo.com>
To: <mstopher@dfg.ca.gov>
Date: 3/17/2011 9:05 AM
Subject: An easy DSEIR question

Hello Mr Stopher,

Thank you for taking the time to help me with this.

I would like to submit comments regarding the Proposed Suction Dredge Regulations during this Public Comment period. So I need to ask 2 questions to save me and you a lot of time during this process, by addressing the correct issues that led to the changes.

1. Does DFG have a public record of the reasoning used and scientific backup relied upon to justify each of these new Regulations?
2. If you do, could you please tell me how to get a copy, or direct me to a website where it can be reviewed. If you don't, may I ask why?

Thanks,
Mike Allen

031711_Ruppel

From: jim ruppel <j.ruppel@sbcglobal.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/17/2011 10:09 AM
Subject: Proposed Suction dredging laws

Hi,

This is in reference to using motorized winching to move rocks out of the current water level unless the dept. has inspected the work to be done.

I have and wish to in the future move realatively small to medium sized rocks several feet with my truck winch so I can retrieve and pan the material under the moved rock. I only move a rock that is near the waters edge, not near the bank. There is no dredging involved.

Will this be allowed and if not then can I request a inspection from the dept. for approval of the work desired ?

Jim Rupel
916-933-3965
El Dorado Hills Ca

031811_Edwards

From: T Edwards <t_edwards@pacbell.net>
To: <mstopher@dfg.ca.gov>
Date: 3/18/2011 7:51 PM
Subject: Can obtain a dredge permit

When can my wife and I purchase a permit. Where do I do to apply for a permit. How much is a permit for a 2.5 inch dredge? I cannot make out to the public hearings.

Have a great day! Proverbs 3:5&6

031811_Kevin

From: Kevin <auburnrain916@gmail.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/18/2011 8:09 PM
Subject: hand dredge and backpack sluice box

Hello, my name is Kevin and I was wondering about the rules for prospecting in California, with all the regulations brought forth.. My first question is about a hand operated dredge, that is a suction pump about the size of a baseball bat, and if it is legal or if a permit is required?? My second question is the same, but about a sluice box that can fit in a backpack, and neither of these items have motors.. Thanks..

031811_Norman

From: Tammy Norman <tjmn5@frontiernet.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/18/2011 5:13 PM
Subject: Suction dredge comment for draft seir

To whom this may concern. I have dredged in Cal. since 1979. I have never seen any frog or fish beds in the creeks or rivers I have dredged. I have dredged during the old regulation seasons before the moratorium. You will hear many reasons to let dredging continue so I won't argue them here. I think we should keep the regulations the way they were before the moratorium until more research has been done. If not I would prefer the proposed regulations for my second choice. I would be happy to participate in future testing. Sincerely Jim Norman. P.O. 923 Greenville Ca. 95947 530-284-7609

031811_Parker

To whom it may concern:

The mandate that the DFG was ordered to do has resulted in the DFG's release of a Draft Subsequent Environmental Impact Report (DSEIR) which takes away "property rights" granted by the Mineral Estate Trust Act of 1866 and the Mining Law of 1872. The taking of such rights is a blatant violation of due process guaranteed by the 5th amendment as it applies to the Federal Government and to the 14th amendment as it applies to states. The taking of "property" without just cause or compensation is illegal and will continue to be pursued in lawsuits filed by many affected miners and this litigation will continue to be pressed forward regardless of the outcome of these proposed new regulations.

DFG is in the middle trying to find a balance which best benefits all stakeholders.

The miners want to resume dredging as identified in the 1994 Regulations.

DFG feel these current regulations don't take into consideration the up-to-date special status species and habitat information and by not using this information may, supposedly, create adverse impacts on special status species. I think a simple solution would be to modify the 1994 Regulations in such a way that the miners can find ways to work with the DFG and help improve the environment we all are working in. Let's work together, rather than severely limiting our rights due to "potential concerns".

Recognizing the General Mining Law of 1872 and also recognizing that other issues within the forests have arisen since the enacting of that 1872 law, there should be some way for both parties to reach some sort of common ground without putting

more restrictions on the dredgers without scientific proof for putting these restrictions on the dredger

On the mercury problem your solution is leave it there. The dredgers collect 99% of it in their dredges. If left there the storms, like we are having now, stirs it up worse then 500 dredgers. It does not make sense!!!!

What startles me the most from reading the new proposed new regulations is the fact that the DFG has made no effort to try to work with the miners to find a way to address the complaints of the other recreational users. Rather than trying to get some sort of voluntary compliance with the miners, you immediately go to severe restrictions.

Some adverse restrictions:

1. Dredging 3 ft. away from the bank.

This put on to protect the foothill yellow legged frog without proof that is even in my area.

Some of my dredging spots are not 3 ft. wide

2. Making my area class E and expecting me to dredge in the colder mths. and dredging

in the lost water level when it does the most damage and in most cases not enough

water to dredge. All based on the foothill yellow legged frog habitat, when there

is no proof that they are even in my area.

There is alot of other issues that are put into effect without any Scientific proof.

We need to go back to the 1994 regs, that was backed by Scientific Proof.

Thomas R. Parker
10371 Dixon Rd.
Grass Valley, CA
95945

Mark Stopher
DENS OF FISH & GAME
601 LOCUST ST
Redding, Ca. 96001

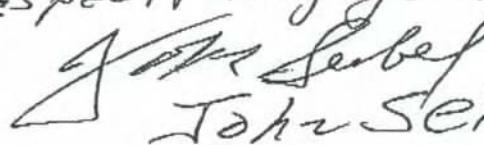
031811_Seibel

Dear Sir,

I've been dredging in Plumas County For 20 yrs. and my brother 20 before that. I dredge in the smaller streams, don't think there has been for a long time nor will there ever be a Salmon. I cannot think of a negative thing coming about by our dredging. In fact the best place to stream trout fish is behind the dredge, all the bags that go through the fish love it.

I hope your findings will provide for the least impact on dredging as possible.

Respectfully yours


John Seibel

P.O. Box 27
Quincy, Ca. 95971

031811_Sheppard

From: Susy Sheppard <sms@velotech.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/18/2011 7:52 AM
Subject: proposed dredging regulations of main stem Trinity River

This is in response to the proposed dredging regulations involving the main stem of the Trinity River. After reading the article on the the draft report in the Mar. 9, 2011, "Trinity Journal" it prompted the question of how many "restoration" projects and human activities do the Trinity River Restoration agencies think the main stem Trinity can sustain. As one who has known the Trinity River before it became necessary to use a raft or boat to enjoy it, the fact that over fifty percent of its flow is diverted into the Sacramento seems to be ignored by the agencies responsible for overseeing it.

I also see on a daily basis the unregulated drift boat operators claim the river from Junction City to Helena, consequentially, I consider singling the recreation dredgers for regulations unfair. It is "bogus", in my opinion, to infer that the Karuk's lawsuit's main concern is for the small aquatic creatures and not about harvesting salmonids. The tribe has chosen the group with the least political organization rather than confront the Bureau of Reclamation or the fishing organizations.

By putting the dredgers in the main stem, they will need bigger dredges than they are using in the tributaries. They will be competing with all fishing on the Trinity, since the tributaries are closed, and with the rafting companies. There already have been clashes between dredgers and rafters because the bigger dredges frequently involve stringing cables across the river claims.

The greatly restricted flow into the Trinity River has turned it into a sluggish vegetation choked stream. Although, thousands of dollars have and are being spent by state and federal agencies to restore the river to pre-dam days this is an unrealistic goal. The failure of these "restoration" projects is evident from Poker Bar to Hocker Gulch as witnessed by the brush covered gravel bars that were recently well sculpted with big equipment by-pass channels.

Agency time would be better spent, it appears, if regulations were established for all users of the main stem Trinity taking into consideration that it s no longer a wild river. Drift boat and rafting operators, most from outside Trinity County, are neither limited to numbers of crafts nor number of days they can use the river. They are, also, not required to have plans for taking care of the human waste that their clients generate. In short, they use the main stem Trinity as their private domain to the detriment of bank fishermen and other casual day users, including gold miners.

In conclusion, it is my belief that there is a limit to the amount of human use the main stem Trinity with its regulated flow can handle. All users, drift boat and rafting companies included, should be supervised by the Trinity River Restoration agencies; not only recreation dredgers. The tributaries are beautiful and should be used by gold miners and not just marijuana growers.

Sincerely, Susan Sheppard
P.O. Box 220
Junction City, CA 96048

031811_Thompson

From: Stephen Thompson <stephenthompson654@yahoo.com>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/18/2011 5:46 PM
Subject: DSEIR

I have a claim (Rich Bar Too) on the East branch of the north fork of the feather (Plumas) It is not clear which Class this falls into.

The class E listed as September 1 to January 31 is very strange. This leaves no reasonable season to dredge.

Also January 31 is the next years permit.

Class D listed as July 1 to January 31, I could live with this time frame.

Please reply with clarification.

Thanks

Steve

032011_Cato

From: Terry Cato <tcrosco@hotmail.com>
To: stopher <dfgsuctiondredge@dfg.ca.gov>
Date: 3/20/2011 3:23 PM
Subject: active trinity survey

mr stopher

the trinity journal paper in weaverville has actually run/is running the only survey i have seen concerning gold dredging. where did your public information come from..please address that issue in the final draft. what studies show that the coho is endangered from the dredging in the totally closed areas in trinity county. just because "they should be there doesn't mean they are"

the results have been ongoing for over a week but out of 118 votes the majority would favorite no restrictions to some restrictions on the dredging season. NOT COMPLETE CLOSURE

your final draft needs to expose thewre studies and any miner surveys the agency took to come to the recommendations that are now in place

terry cato
box 790
weaverville ca
5306233783

From: Director
To: Mattox, John; Stopher, Mark
Date: 3/21/2011 10:10 AM
Subject: Fwd: Draft Subsequent Environmental Impact Report.

Hi John and Mark,
This came into the director's spam account. FYI.
Sarah Monteverde
Receptionist
Director's Office

>>> Kenny Hall <deadwood@sti.net> 3/20/2011 10:46 AM >>>

Sunday, March 20, 2011
Dear John McCamman, Director of the Department of Fish and Game

My name is Kenny Hall and I live in Oakhurst, Ca.
I'm righting to you because of the Draft Subsequent Environmental Impact Report.
The way it looks, you will have the last word on this Draft Subsequent Environmental Impact Report.
I just want to let you know a little bit about my self, and my bother.
I am 59 and my bother is 61 years of age and I had to stop work because of a back energy and my bother retired from his work as well.
We have our own mining claim that we started to work in 2008 and 2009 and we were stop in 2009.
I have my bother and friends unload every thing we need to dredge with and camp with at the claim. I am on disability and the only thing that I can do is dredge because of my back, after the dredge is in water my bother start a hole that I can float in and the rest is up to me.
My bother was making it by with the gold that we found, that wasn't much but it help, with the money he gets from his retirement.
Our claim is above 4000 ft and there are no Salmon in the waters.
This is the only thing that I can get out and do for 4 or 5 months a year, it keeps me alive and we keep our claim clean and the roads kept up and all the trash that other people leave behind, so we do take care of our forests.
I know that you will have other question from other miners as well and they are important as well.
All I am saying is before you make your diction on this matter please look in to your hart and put your self in the miners place and ask your self can I put all these people out of dredging and mining. The people that the miners buy there food and gas and all the other things it takes to go camping and mining.
I think if you keep the dredging down where the Salmon are it will be better.
This will be a big thing if you pass the dredging the way they want it know and I don't think it will help any body to do this.
Please send me an e-mail back to let me know that you have read this, it is important to me.

Sincerely Kenny Hall

To: Mr. Mark Stopher
Dept of Fish and Game
601 Locust Street
Redding, CA 96001

March 20, 2011

From: Mr. Dion La Rosa
7057 Garden Grove Ave
Reseda, CA 91335
dlarose@usc.edu

Subject: DSEIR corrections and amendment request(s) for the public comment period.

Dear Mr. Stopher,

I have been a resident in the State of California for 38 years and I enjoy many pursuits outdoors. I have served honorably in the United States Military, I have been in the Public Safety career field for over ten years and I am currently a staff member at the University of Southern California. I would like to submit the following amendments and request(s) for the public comment period on the Draft Supplemental Environmental Impact Report (DSEIR):

- 1) I would first like to address the term(s) used, "Significant and unavoidable impacts" as well as, "Negative impacts" stated throughout certain chapters within the DSEIR. I submit, all streams and rivers are geologic ongoing processes of erosion. Erosion within this environment is a combination of weathering; which is the chemical or physical breakdown of the minerals and rocks in a hydrological environment, and gravity with the two occurring concurrently. The warmer atmospheric temperatures observed over the past decade are expected to lead to a more vigorous hydrological cycle, including more extreme rainfall events. Studies on soil erosion suggest that increased rainfall amounts and intensities will lead to greater amounts of erosion. Thus, if rainfall amounts and intensities increase, natural erosion of the rivers and streambeds will also increase up to and including suspension of the entire bed load during flood stage(s) being transported downstream as we have seen in the recent past. Studies by Pruski and Nearing in the Journal of Soil and Water Conservation 2002 indicate we can expect an approx 1.7% change in soil erosion for ea 1% change in total precipitation under normal climate change. Therefore, I have concluded any dredging activity; as defined within sct. 228, in such a geologically transitory environment are not significant and would not have a negative impact. Respectfully, I also find these terms are intentionally deceptive and misleading.

- 2) P 35, block 4 sct. (19) Los Angeles County area San Gabriel River, East Fork main stem and all tributaries upstream to Cattle Canyon Creek (CCC)-class E. I recently visited The E Fork and noted from the reservoir upstream to CCC as written is approx 4.75 mi, 2 mi of which are private property and approx 2 mi of

which are inaccessible. This leaves approx just over .5 mi of area to dredge within a 100 mile radius to the next county north. I also noted the area is multi-use used by swimmers, campers, hikers, and fisherman as well as people just wanting to get outdoors by driving through the mountains.

In order to alleviate crowding by all user groups enabling everyone to have an educational or a memorable experience; which is in line with the current administrations' Outdoors Initiative Campaign, I request the boundary of Cattle Canyon Creek be amended to a location known as Shoemaker Canyon. This new boundary of Shoemaker Canyon is approx (2) mi upstream on the E Fork from CCC and it is far downstream of the wilderness boundary as it joins the main stem at approx Allison Gulch. The area proposed is NOT designated scenic or critical habitat and is consistent with Title 14 sct(s) 550 & 630 CCR as it relates to dredging in Wildlife Areas and Ecological Reserves. I also request the area be re-amended to class H as it is currently.

3) As I was reading the draft of the DSEIR noting its overall tone, I saw many of the proposed restrictive measures had no basis or reasoning for additional restrictions from the current regulations; such as the applicant listing information similar to a Plan of Operation or a Notice of Intent which is not normally required... with up to a 4" dredge without inspection if you can get (1) in ONLY 4000 permits issued annually in a state of over millions of residents? If I may suggest, I would caution keeping your current strategy while deciding the final draft. I am citing such proposals are oppressive to the citizens of the State of California. Also, I find they are unconstitutional and in violation of current mining law.

In closing, I think the above amendments would show your office is working for the greater good for all user groups and not unjustly regulating one or another creating an unnecessary hostile environment in light of there being no findings of 'deleterious effects' to fish or scientific proof supporting the terms, "Significant and unavoidable impacts" or "Negative impacts" found from studies within the DSEIR on suction dredging.

My suggestion on moving the E Fork San Gabriel river area North boundary would alleviate recreational crowding from being in a confined area and also, it is away from the main traffic flow and main camp sites along East Fork Road. This would ensure minimal inconveniences to the dredge operator who can be more in compliance within Suction Dredge Regulations and in line with DFGs Best Management Practices. Thank you for your consideration in this matter.

Respectfully,



Dion La Rosa

3/20/11

To: Mark Stopher

Department of Fish and Game

601 Locust Street

Redding, CA 96001

RE: Draft Subsequent Environmental Report (DSEIR)

After reading the DSEIR, I had several concerns. One concern was that dredgers would be limited to only six locations a year. As long as we follow all dredging rules and only dredge in open areas, during the correct season, why should we be limited to only six areas? Anyone who has dredged knows that often times you are “trying out” an area to determine if it is worthwhile to dredge there. You may need to move numerous times if you are not locating gold in that spot. Also there are often other factors that may come into play such as high or low water for the time of year, road construction or closures into the proposed dredging area and forest fires in the area. All of which could be unforeseen events at the time that you apply for your permit. The DSEIR notes that you may submit an amended permit at no cost, but is unclear what you can amend. Also, for me personally to go to a field office to submit a permit, it is a six hour round trip drive. I feel that this is an undue inconvenience. As long as you follow the laws concerning dredging, you should be free to move from site to site.

Though I don't agree with the limits on the nozzle size, I do feel that the DSEIR has provided language which allows dredgers to utilize equipment they already own by modifying the nozzle size. Therefore I am able to use my dredges I currently own with a modest financial investment for modification. Also the requirement to affix the permit number to my dredge does not present an undue hardship, as I have always obeyed the law and bought permits as required.

My next concern is not specifically about dredging, but mining in general as I also utilize sluices, vacuums, crevicing tools, metal detectors and panning. The statement “may not import any earthen material into the stream” when taken as the letter of the law implies that I cannot take any of the material that I vacuum from cracks on the shore and either pan or sluice it. For that matter, a sluice would be totally illegal without a plan of operation as one does not generally take stream material from the water to run into the sluice. Perhaps the DSEIR should be more specific in regards to sluicing and panning (unless it is the intent to abolish these activities?). I do not feel that the amount of material that a person could run through a sluice or pan in a day causes a significant amount of turbidity in the water.

My feelings in general concerning the DSEIR are that this proposal and the studies to support it have been dominated by the environmentalist community, disregarding any input from the mining enthusiasts. For example the lawsuit began as a means to identify whether or not dredging was deleterious to fish, specifically salmon. Therefore I was surprised by the impact to the areas where I frequently dredge. Some are totally closed to dredging and many have a much shorter season. None of the areas where I dredge have salmon. I did further research to determine the reason for this by reading some of the studies, etc. What I found was that the restrictions were actually put in place due to a different "impacted species" called the Yellow Legged Frog.

It is difficult for me to understand how I will be impacting a frog by dredging in the middle of a river (over three feet from a bank or overhang). Perhaps this is just one more opportunity for the DFG to gain a foot hold to close mining activities for good? I don't really think that any government agencies really support any recreational activity these days. As one observes the land grabbing promoted by Mr. Salazar of the Department of the Interior, the road closures continually proposed by the USFS and now further restrictions on mining in California, it is apparent that we, as citizens of the U. S. and California, not just miners, need to keep an eye on the government agencies and the environmentalists before we lose all of our rights to our public lands and recreational activities.

Julie Owen

PO Box 464

Janesville, CA 96114

March 20, 2011

Mark Stopher
Environmental Program Manager
California Department of Fish & Game
601 Locust St.
Redding CA 96001

Subj: Proposed Dredging Regulations

I have some comments concerning the proposed dredging regulations, specifically Section 228.

(3) Why the restriction on dredging within three feet of the lateral edge of the current water level. Dredging to the lateral edge can be conducted without harming or undercutting the bank.

(8) Does "no person shall import any earthen material into a stream, river or lake" mean sluicing and panning is now banned?

(12) How far from the water level constitutes a bank?

These proposed regulations seem to leave a lot to interpretation. Nothing should be left to interpretation by law enforcement as when that happens the prospector always loses until the matter gets to court.


Michael E. Rafferty

36743 Hillview Road,
Hinkley, CA. 92347

032011_Robertson

From: peggy roberson <peggyr9388@att.net>
To: <dfgsuctiondredge@dfg.ca.gov>
Date: 3/20/2011 11:08 AM
Subject: reply to hearing on suction dredging

Sine 1980 my family has held claims on the Trinity River & these claims are very important to us.

Getting gold was never at the top of our list, but, of course, it was great when we found some. There are people who made their living mining & their needs & reasons were different than ours. Which is important for you to realize this.

We have had the greatest experince with our mining. When we ran a very large 8" dredge we flew our American Flag and it was a welcome sign for people to stop and visit our claims. We had people from different countries visit and also people from all over the country stopping and many going under water, doing what they would never have a chance to do.

The issue of harming the salmon has been studied before & was proven that the dredging DID NOT HARM THE FISH. The fact of the matter was the dredging stirred up feed for the fish. A person could see schools of fish feeding behind the dredge. The holes the dredging made a resting place for the salmon to rest in when they were running.

As for fuel in the water, most of the miners we met were very carefull in regards to spilling fuel of any type in the water. Of course, sometimes there could be accidents which were taken care of very quickly.

In any given situation there are people who just don't care.

If you would really consider the oil/ fuel hitting the rivers, look to the highway running next to them. Cars & trucks leave traces of fuel on these roads & in the winter rains these are washed into the rivers.

As for the fish count, go to any mouth of the river were the fish run and look at the banks ware the fishermen are lined up elbow to elbow catching the fish. Look to the Indians running drag lines hauling in countless fish.

We started mining with our children, 5 years of age were all part of our mining operation, learing to care about the river, respecting the rules to keep the river safe. Now these children have children who are following in their shoes.

In all the years mining we worked with the fish & game& BLM to keep be able to keep the river safe & clean for the children coming up now.

When can we start mining.

Sincerely

Peggy Roberson

To Mark Stopher

3/20/2011

Sir: I recently received the Suction Dredge update. I find that maintaining the 1994 regulations the only alternative to be viable. All the other proposals are ridiculous and unacceptable. Do you {DFG} limit the amount of fishing licenses sold each year? To do so in regards to Suction Dredgers would be discriminatory, and subject to a civil rights lawsuit. Can you make a living wage only working 14 days a year, again a civil rights case.

Do you have any hands on experience suction dredging for gold?. It's obvious from your DSEIR that you do not. I on the other hand have been dredging since 1966, and for 35 years of that time I made a modest living with the gold nuggets I recovered, the rest of the time I invested in learning how to turn my gold into a living wage. { the college of hard knocks, so to speak}

With your lack of hands on experience, I find you are not qualified to be objective in doing your DSEIR study. The only information regarding the actual use of a suction dredge comes from hearsay you have probably garnered from the Enviro's who are trying to stop the practice in the quest of their own agenda, what ever it might be. Most of them I have had contact with are only trying to line their own pockets with green money so they don't have to go out in the real world and get a real job. Enough of the anti-enviro rant.

I also want to know how you do a study on the effects of suction dredging when there haven't been any dredgers allowed to work the last two years. It doesn't make sense to me if you cannot observe the operations first hand.

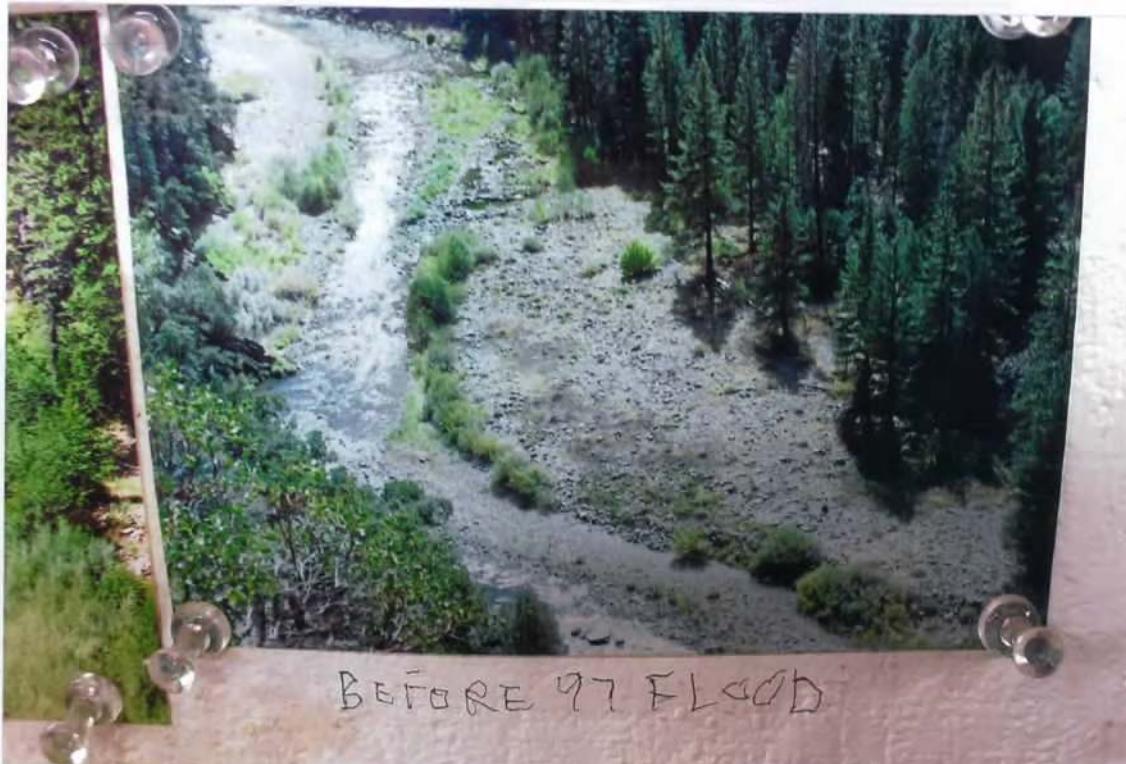
I want you to pay attention to the 4 pictures I sent and answer this question. With the catastrophic damage to the rivers and surrounding land mass, how is it that the fish and other aquatics survived the events of the 1986 and 1997 floods. The abnormal concern with the minuscule amount of turbidity generated by suction dredging is ludicrous, when compared to the natural high water events. As I said in one of the picture descriptions, there is more turbidity in one high water event then in all the dredging over the years since it's inception. Even the tremendously large Bucket line dredges of the 1920s and 1930s did not create as much turbidity in the rivers as the flood of 1997. Especially so when you consider that the turbidity and tailings were contained in the large ponds that the dredges were working in.

In closing, I again see the alternatives to the 1994 regulations to be unacceptable. Those regulations are restrictive enough, and they take care of the environment just fine.

Gordon Wieczorek
PO Box 1517
Quincy Ca 95971
530/283/1763

Top picture: Gravel and boulder bar in place before the 1997 flood. This bar was close to a 1000 feet long, about 70 feet wide, with a depth on average 8 feet of overburden.

Bottom picture: This is a picture of the high water from the 1997 flood two weeks after the crest, first time we were allowed down the highway 70 canyon. The location is a mile as the crow flies west of Rich Bar. The flood took out the gravel and boulder bar and moved it downstream somewhere. The bar contained an estimated 560.000 cubic feet of material. This means that 20,740 yards at a weight of 72,592 pounds of material was removed from this small site when compared to the river as a whole. The 1997 flood was catastrophic in the damage it did.



Top Picture: shows the area of the boulder bar after the 1997 flood removed the overburden. We have been dredging there since the summer of 1997. You can readily see the exposed bedrock that the flood exposed when the flood took the overburden away. This of course means less work for the dredges in sucking up the overburden to expose the crevices that contain the gold nuggets we are after. Year of picture 2004.

Bottom picture: The same section of river with the high water on 3/16/2011. Notice the turbidity in both high water pictures. This amount of turbidity exceeds the total amount generated by all the suction dredges since their inception around 1958. The concern over suction dredge turbidity is completely overblown. DFG studies have shown that suction dredging is not deleterious to the river environment. The same studies show that suction dredging is helpful to the environment.

