

**From:** [Bob](#)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**cc:** [stevigibson@yahoo.com](mailto:stevigibson@yahoo.com); [jarbidge@ccccomm.net](mailto:jarbidge@ccccomm.net); [new49ers@goldgold.com](mailto:new49ers@goldgold.com);  
**Subject:** Proposed Dredging Regulations  
**Date:** Monday, March 21, 2011 12:05:40 PM

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First, let me thank you for your taking time to read my comments! We will not be able to attend any public meetings on this issue, but would like our concerns known. I hope you get a lot of quality comments from other prospectors like me who just want to stay active in our retirement and enjoy the great outdoors in the beautiful State of California.

All of the prospectors I know, save a few, are retired, in their 60's plus, and have found dredging as a great healthy hobby. My wife and I travel full time in a RV and many things factor into where we spend our money in the summer. Losing this hobby of ours in California just means we have no reason to come there.

Here are a few of my comments:

- The proposed regulations call for a limit of 4,000 permits, on a first come, first serve basis. Where is the logic (economically and otherwise) in that?
- I saw no mention of fee's. Are they proposing no change to out of State permits?
- I actually thought, after reading the first paragraph of the draft where it said that .....dredging has no deleterious effect to fish., Y'all could have stopped right there! I thought that was the whole reason for the rewrite in the first place!

After I have the opportunity to get into a more detailed review, I hope to have additional comments during the public comment period. Thanks again for your time.

032111\_Brenner

**From:** "Brenner, Thomas" <TBrenner@hrblock.com>  
**To:** "dfgsuctiondredge@dfg.ca.gov" <dfgsuctiondredge@dfg.ca.gov>  
**Date:** 3/21/2011 11:06 AM

Hi Mark,

I am not familiar with the area on the North Fork American River that is called in the new released regs Clementine Dam to Big Valley Canyon will there be something like a Color Coded Map for the State?

Thanks,  
Tom

**From:** Ken & Mary Campbell <kmcampbell@wavecable.com>  
**To:** <dfgsuctiondredge@dfg.ca.gov>  
**Date:** 3/21/2011 11:25 AM  
**Subject:** Comments on Proposed new Suction Dredging Regulations

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

Dear Mr. Stopher,

I would like to comment on the proposed changes to the gold dredging regulations in California. I am concerned that gold dredging is being blamed for impacts to salmon and other wildlife populations on California Rivers and prompting unnecessary changes to the current regulations. As a resident of the Olympic peninsula in Washington, we are surrounded by Salmon and Steelhead rivers. Most of the headwaters and the entire length of these rivers are within Olympic NP and are minimally impacted by pollution, damming or forestry. The Olympic Peninsula is not a hotbed for gold prospecting and sees no impact from gold dredging. Yet most of our salmon runs are nowhere near what they historically once were. Over fishing by Tribal and non-tribal commercial fishermen as well as recreational fishing has weakened many of these runs. They have not been impacted by gold dredging. I believe many of the rivers in California suffer from the same problem. If the decline in salmon numbers is a major concern then CDF&G should look at all impacts to fish stocks equally including fishing, forestry, water diversion and damming.

CDF&G's salmon counts on the Klamath River from 1978 to 2008 showed an average Chinook run of 104,250. Some reports state that this number may be 10% of historic levels. Escapement averaged 69,393 salmon, fish that hopefully went on to spawn. The average yearly harvest by Tribal and recreational fishermen was 34,357 Chinooks. If half of those salmon were females then 17,178 egg producing fish would have been killed each year. In a study done on the Sacramento River, the average female Chinook salmon built 4 to 5 redds and carried 4,150 eggs. The killing of that number of female Chinooks would result in the loss of more than 68,712 redds and 71,288,700 eggs.

The fact that CDF&G allows the harvesting of salmon at this level shows they feel the salmon population and level of spawning can handle this impact. I would hate to think that CDF&G is putting the need for license sale revenues before fish stock health. In the course of a dredging season it is very unlikely that miners intentionally kill adult or juvenile salmon with a gold dredge. But with a fishing license a person could legally kill more than 250 adult Chinooks during the fall fishing season with a 2 fish per person per day limit.

I reviewed Bret Harvey's and Thomas Liele's paper "Effects of suction dredging on streams" and though it says salmon eggs were killed by passing through a dredge (under controlled conditions), it doesn't show in that paper or any other paper that I could find, that observations of fish kills have ever been made under field conditions. I also could not find any reports of enforcement actions taken on small scale gold dredging to stop on-going fish kills. I also could not find any studies that document negative effects on fish by gold dredging.

California Fish and Game issues nearly 2.2 million sport fishing licenses each year with no limits on the number of licenses issued. CDF&G's proposal to limit dredge permits makes little sense if there is no limit on the number of Tribal and non-tribal commercial or recreational fishing licenses issued. Setting permit levels for gold dredging could lead to environmental activists buying permits to prevent prospectors from enjoying their rights to this activity. In the Mission Statement of CDF&G it says that it manages the resource for the "Enjoyment by the public". I hope that CDF&G does this for all user groups equally and fairly. As a former NH Fish and Game Fisheries Biologist, I care very deeply for our wildlife resources. I think that gold dredging is one of the least harmful activities that CDF&G is blaming for the decline in salmon. I have never dredged in California but hope to in the coming years.

Thank you for your consideration in this matter.

Ken Campbell

2446 E. Hidden Way Rd.

Port Angeles, Washington 98362

Dear Mr. Stepher

march 21 / 2011

for 25 years I have belonged to the 49ers, GPAA and San Diego prospectors (SPMA). All these clubs teach respect your waterways and your streams. In 2007 the 49ers turned in pounds of lead sinkers, shot, fish hooks and (16) pounds of mercury to the ranger station in our area. We pick up garbage left by others. No dredging last summer hurt a lot of small businesses in northern California. I miss dredging alot. Man to man - ~~these~~ Please open up dredging this summer. I love my wife but us men need to get away from them once in a while.

Sincerely yours  
Frederick Duffy

**From:** Mike Elster <mike.elster@yahoo.com>  
**To:** <dfgsuctiondredge@dfg.ca.gov>  
**CC:** <melster@ulink.net>  
**Date:** 3/21/2011 9:30 AM  
**Subject:** Comment on DSEIR for Suction Dredge Permits

Attn: Mark Stopher

Hi Mark, My name is Mike Elster and I'd like you to represent my comments and recommendations regarding Suction Dredge Permits. I am retired from Intel Corporation (Folsom, CA) and have been a Fishing Guide at Whiskeytown and Shasta Lake for the past 5 years. I've worked with Marty Courier at DFG to assist him with recording King Salmon caught at Shasta Lake. My primary residence is in Roseville, CA during the winter months, however I own a cabin in Douglas City (Trinity County) and this is my retirements sanctuary from April through October (when I do my guiding). My cabin is on Deer Lick Springs Rd. and my property line crosses the road and extends halfway into Browns Creek. It's just a small, simple place but so quiet and peaceful, all you hear is the creek, birds, crickets and frogs and other various wildlife and nature sounds. This is the primary reason I bought the place. Two years ago those sounds were interrupted for weeks on end, morning till dark with the sound of a gas motor running a dredge. The dredgers were issued a valid permit (even with the moratorium) for that area of Browns Creek. I was amazed at the constant irritating noise and disruption to the clarity of the creek. I could only imagine how the small steelhead and other species of fish and wildlife in the creek tried to survive the disruption to their environment, as well as mine. My comment is: If suction dredging in small creeks, streams and rivers is allowed, then the permitting process must consider the privacy of the residence withing the vacinity of the dredging claim. I would recommend that any dredging claim must be at least 400 yards from any residential property. In my particular case, the dredgers were less than 100' off my back porch. In closing, I am asking that the Suction Dredge Permitting process prioritizes the privacy and safety of the residence within the claim area. Thank you in advance for representing my comments and recommendations.

Cordially,  
Mike Elster

**From:** <elleonore.hizon@thomsonreuters.com>  
**To:** <mstopher@dfg.ca.gov>  
**CC:** <RKelly@dfg.ca.gov>  
**Date:** 3/21/2011 1:35 AM  
**Subject:** Request for a Copy of ProposedText Relating to Suction Dredge Mining Regulation Amendments

To Whom it May Concern:

I am looking for the proposed text for the following rules, published in California Regulatory Notice Register March 18, 2011/Volume 11-Z:

Suction Dredge Mining Regulation Amendments

The proposed rule's action:

The regulations (14 CCR 228 et seq.) proposed in this rulemaking action consider the best information currently available regarding the condition of fish populations

in California and the reasonably foreseeable effects of suction dredging on fish. The proposed regulations would authorize CDFG to issue permits to persons allowing them to engage in motorized suction dredging, with specific restrictions intended to avoid effects which would be deleterious to fish. The proposed regulations are more restrictive than those that were in place prior to establishment of the moratorium. Additional restrictions include specific equipment and operational requirements and shorter operating seasons or closures for various rivers, lakes and streams.

Please send a copy at your earliest convenience.

Thank you.

Best Regards,

Elleonore Hizon  
Publishing Specialist

Phone: +63 2 789-5369

Mobile: +63 917-3815234

Email: elleonore.hizon@thomsonreuters.com

We help the legal system perform better. Everyday. Worldwide.

Larry and Gretchen Koch  
18776 Country Hills Dr  
Cottonwood, CA 96022

March 21, 2011

Mark Stopher, DFG  
601 Locust St.  
Redding, CA 96001

Dear Mr. Stopher:

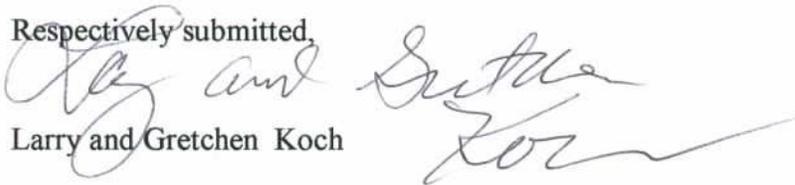
This letter is in regard to the proposed lifting of the ban on suction dredging in California's rivers and streams.

We are strongly against removing the ban as we have seen first hand the damage the dredgers have done to the streams and surrounding environment. We have fished and hiked on several rivers and streams and the Yuba River in particular has been decimated in some areas. Some dredgers are probably conscientious, but we believe the majority will do whatever they need to do to get gold, with no regard for damage to the environment, fish, and wildlife.

Don't know why they can ruin the rivers and decimate the fish populations for the rest of us who enjoy what nature gave us.

Respectively submitted,

Larry and Gretchen Koch

Handwritten signatures of Larry and Gretchen Koch in cursive script, written over the printed name.

**Department of fish and game****Attn: Mark Stopher****Suction Dredge Program Draft SEIR Comments****601 Locust Street****Redding CA 96001**

Canoes, kayaks, and rafts made up only 2% of all boating accidents in California in 1998, according to the Department of Boating and Waterways Boating Safety Report. The vast majority of accidents involved watercraft of other kinds, with open motorboats accounting for 42% of the mishaps. Still, there were nine whitewater deaths. The report cited heavy spring run-off and operator inexperience as the primary causes. Seven of the nine who died were wearing PFD's, emphasizing the need to assess river conditions carefully before attempting a run, as even lifejackets have their limitations in the face of overwhelming odds.

Source: <http://www.nationalrivers.org/states/ca-news.htm>

I have saved two people from overturned rafts while dredging on the Yuba River in the past 11 years on one of my mining claims. Rafters walk in and out of shallow waters at many locations on all rivers.

Many of these overturned rafts have Cameras and cell phones, Batteries included which are known to contain mercury

Batteries contain heavy metals such as mercury, lead, cadmium, and nickel, which can contaminate the environment when batteries are improperly disposed of.

**Attn: Mark Stopher.**

Source: <http://www.green.ca.gov/EPP/Batteries/Default.htm>

Your study is flawed the rules and regulations proposed vague

I favor 1994 regulations alternative

Frank

**From:** [john.mortensen](mailto:john.mortensen)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**cc:** [golddvr@yahoo.com](mailto:golddvr@yahoo.com);  
**Subject:** Fw: Re: Fw: Re-Write..A solution to many environmental problems  
**Date:** Monday, March 21, 2011 4:11:00 PM

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Hi Mark,

I'm hoping we'll be able to allow us to dredge as normal. Thousands of dollars are spent on our operation. As I have stated earlier the Scott has improved over the years as we had 12 reds the past few years. I have seen the Buck Salmon protect them from the steelhead.

My friends and I will attend the meeting in Yreka and hopefully DFG will allow us to operate in an appropriate fashion.

I know what has caused the initial problem; Came from Happy Camp and the disposal of Meth drugs that killed the fish....Then the rush to blame dredging. The economical impact on the local communities have taken a terrible hit also!

Sincerely, John Mortensen

P.S. Me and my partners have well over \$20,000 invested on our claims and we spend more each year locally.

--- On **Thu, 10/21/10, Dave Mack**  
**<dave@promackmining.com>** wrote:

From: Dave Mack <dave@promackmining.com>  
Subject: Re: Fw: Re-Write..A solution to many environmental problems  
To: "john.mortensen" <golddvr@yahoo.com>  
Date: Thursday, October 21, 2010, 3:31 AM

This is good!

We will likely want to introduce it the ongoing California Administrative process once DFG releases its draft EIR.

Dave Mack

At 05:07 PM 10/12/2010 -0700, you wrote:

Dave, letter, hope to publish. Letter from Richard originally and I modified it some. John

--- On **Fri, 10/8/10, john mortensen**  
**<golddvr@yahoo.**  
**com>** wrote:

From: john mortensen <golddvr@yahoo.com>  
Subject: Re-Write..A solution to many environmental problems  
To: Gnelson@mailtribune.com  
Cc: golddvr@yahoo.com  
Date: Friday, October 8, 2010, 4:51 PM

Washington(State) has set up a program in cooperation with suction miners to collect harmful metals and debris. Over a 12 month period they took out over a150# of mercury and turned it over to the Dept. of Ecology. Collecting this highly poisonous metal from our river system by dredging is very effective and economical to the taxpayers. Cost to taxpayers-nothing.

Lead has accumulated in Western rivers for over 100 years. Many are responsible. I have removed by dredging, sinkers, fishing gear, old battery parts and other lead bearing materials. Lead is a poison which accumulates in the gills of fish and is harmful to all living creatures. I have removed several pounds in 1 season. I appreciate locally what some others have done.

Trash in the form of monofilament line, plastics, steel and iron from cars and machinery is removed by dredging. Sunlight decomposes the plastic and the rest which releases harmful chemicals into the water. Thousands of pounds are removed by dredgers at no cost to the taxpayers. I have even had to remove a culvert pipe from the

river at it blocked the natural flow.

Algae-covered, packed rock : The water temperature rises as the day-time temperatures heats up and the river flow decreases. Algae bloom as this process goes on and eventually covers the river bed from bank to bank. The algae slick rocks make it almost impossibel for fish to form a bed (redd) in which to lay their eggs. A dredge leaves a clean trail of clean aerated area in which to spawn. On my claim a lone there were 12 redds alone, where they spawned and the fry in the spring is now 10 fold.

The high water temperatures of late spring , summer and fall can be partly modified by the deep holed left by dredgers. The water at the bottom allows them to rest and cool off. Predation on the fry is also deminished as to provide cover from the predators.

As far as human waste is concerned, we have cleaned up feces, remains of lunches, clothing etc. from our mining claims. Chloroform bacteria does not help water quality at all.

In conclusion, the river of where salmon spawn, suction dredging offers economical solutions to environmental problems. Also the economy of the small communities where they buy supplies, fuel etc. Stores along the klamath, food shelves are almost empty and the trailer parks are hurting to.

As in group of people their are those who are outside the box, from the ones I know we are all Support the local communities, reponsible and follow the laws and pay our dues to DFG and BLM. As far as the flat lander goes..Go up to Shaedey cove and

float or take a ride on the jet boat.

Gary; My personal info:

I am a retired educator here in CP as a Ag. and Forestry teacher for 20+years.

I hold a Masters in both fields.

I hold claims off the Klamath river with a lot invested to supplement my SS#.

First started panning below Gold Ray and gradually got more intense. Dredged the Appellgate and Rogue plus many smaller streams locally. All over.

This is my summer job, not just a day or two.

Documentation in part: 1- Personal experience

2- USA biologist,

retired

3-EPA; Bio

chemist

4- Dave McCracken,

Prof. dredger, New 49'rs

Please note that my email address has changed to:

<dave@promackmining.com> If you would like to sign up for our free monthly newsletter, just click here: [http://goldgold.com/](http://goldgold.com/newsletterform.htm)

[newsletterform.htm](http://goldgold.com/newsletterform.htm)

**From:** [Stephen Thompson](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** DEIS  
**Date:** Monday, March 21, 2011 8:47:25 PM

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What is the section in the DEIS that justifies a September 1 start time for class E

March 22, 2011

Department of Fish and Game

Mark Stopher

601 Locust Street

Redding, California 96003

I **DEMAND** that you leave the 1994 regulations in place. There is no evidence that these regulations are not adequate in protecting habitat, fisheries or the environment. You have admitted in the past that the current regulations are not deleterious to fish and cover the issues needed. Furthermore, your one size fits all approach is unacceptable. There are many variables in the State and your attempts to lump everything together are an absolute atrocity. I believe your DEIR is biased and flawed.

I am confused at your process for releasing the draft regulations. Isn't the Department supposed to release the DEIR and the Alternatives for public review and comment and based on the feedback and input you receive, you select an alternative and then release proposed regulations based on that? You have released the Draft Proposed Regulations based on who knows what alternative and then sent news releases out stating you prefer the most restrictive alternative. I think you purposely have tried to confuse the public. Making me think you don't want any input and you are going to do what you want regardless.

Your entire DEIR and Proposed Regulations are based on pure speculation, what may happen, could happen or might have the potential to happen. No hard factual evidence or scientific data backs up your documents. Your own

document continually states there is no additional harm, and suction dredging is not deleterious to fish and so on.

Your Proposed Regulations don't make any sense. There will be a drastic economic impact on already suffering small rural counties. In addition, the dates you propose on a lot of the streams, rivers and tributaries will cause more environmental damage than the current regulations will. Take the Middle Fork of the Feather River and the tributaries. To have the season open when you propose would only impact the environment far greater by people attempting to access these areas during times that are almost impossible to access. Maybe that was your plan; extend the season to periods no one can access, thus eliminating most of the season? Also, having the Middle Fork open from July 1 through January 31 and the tributaries open Sept 1 through January 31 is a joke. It absolutely doesn't make any sense. Have them both open the same time (July 1 through January 31). It is the same water, the same terrain and same habitat... So why the confusion?

There is plenty of evidence that suction dredging is beneficial to both the habitat and the environment. There is solid scientific evidence that the amount of mercury in fish has remained the same or even decreased during the past century. Researchers from Princeton University, Duke University and the Los Angeles County Natural History Museum have all compared specimens of fish preserved between 25 and 120 years ago with current samples of the same species. In these studies mercury levels in the fish had stayed the same or decreased.

Dredges remove ninety percent the hazardous and toxic materials. You have chosen to ignore this fact or twist it around to make it what you want. Mother Nature can do more damage to the environment or in high water than all the dredging could do in a lifetime of dredging. Also, studies have proven that the

mercury levels have not elevated in fish over the past 20 to 30 years. Did you choose to ignore this fact as well? I wonder what else you chose to ignore.

You state the preferred alternative is to drastically reduce or permanently prohibit all suction dredging to protect the environment. Everything your Agency gets involved in turns into a royal mess. Look at Lake Davis in Plumas County. The more you get involved in this issue, the bigger a cluster it becomes. This is where the Suction Dredge proposal is headed as well. You're Agency

Leave the current (1994) regulations in place. Your proposed regulations are unnecessary, over restrictive and not based on factual evidence. These proposed regulations close 80 to 90 percent of the waterways in California to dredging which is ridiculous. Suction dredging is a late spring and summer activity. Your restrictive timeframes I allow for limited dredging in fall and winter months when access is next to impossible. I believe that was on purpose so you can say you opened the waterways when in essence they are closed due to access issues. In addition, access during these times would cause more environmental damage than the current regulations ever could.

Furthermore, if you have a problem, deal with those issues on a case by case basis. If you have a certain area or miner that is causing problems, deal with them and not punish the entire state.

Your multi- million dollar fishing industry creates more environmental and habitat damage than any More hazardous and toxic materials are spilled by boats than any dredge could in a lifetime. Boats also carry unwanted and dangerous species from waterway to waterway which is not the case in suction dredging. Makes you wonder what is going on?

What are the timeframes in which Fish and Game are required to respond to a request for an inspection? What are the costs and how are the costs calculated? It appears impractical to wait for weeks for an inspection before you can move any rocks via a winching method. If you have a very short period to dredge and maybe multiple claims, this could delay the miner's ability to proceed with his mining activities.

If it's not broken, don't fix it. What we have in place now is adequate.



Leland and Kathy Cotter

P.O. Box 612

Quincy, CA 95971

Cc: Congressman, Tom McClintock.

California Assemblyman, Ted Gaines

Congressman, Wally Herger

Plumas County Board of Supervisors

**From:** [Ken Greenwell](#)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**Subject:** MY money back  
**Date:** Tuesday, March 22, 2011 8:05:35 AM

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If dredging does not effect fish (which we already knew anyway, why all of the other added BS.

Send my dredging fees back that you people stole when dredging was shut down. I'll go some where else and spend my money. California apparently does not need it. Send check to: Ken Greenwell 135 Jarbidge Court, Fallon, Nevada. 89406

**From:** [Rich Haynes](#)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**Subject:** Calif. dredging  
**Date:** Tuesday, March 22, 2011 10:17:33 AM

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## Legislation by Gaines Would Repeal Suction Dredge Mining Ban

Another measure I have introduced would repeal the statewide ban on suction dredge mining until a full environmental review has been completed.

It is irresponsible to impose a one-size-fits-all ban on suction dredge mining before we even know what the effects are. There is no scientific evidence that points to suction dredge mining as a cause in the collapse of fish populations. An economic impact report has been started, but there seems to be no urgency in its completion. In the meantime, local economies are suffering and those who depend on the mining to make a living are impacted.

Last year, Senate Bill 670 put a statewide ban in place to protect fish populations. This has significantly impacted small-scale miners in rural communities, where mining is still an important part of the local culture, history and economy. Senate Bill 657 will lift the state-wide ban until the Department of Fish and Game has had time to complete its California Environmental Quality Act review and determine if the small-scale mining in fact harms salmon.

When the ban went into effect, all suction dredge mining permits became immediately invalid, but permit holders were not given refunds for their unusable permits. For the state to pocket people's money for a service it is no longer providing is incomprehensible. It's the equivalent of purchasing access to a gym or fitness facility and not being able to use it. It wouldn't fly in the private sector and it shouldn't be permitted in government.

My measure will ensure the viability of this industry until there is concrete proof that it does more harm than good. The disruption of an entire way of life for some of my constituents is not something that should be done on a hunch.

<>

You should be listening to this.

Richard Haynes

7916 cold creek ct.

Bakersfield, CA

93313

**From:** [Jim](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Fw: Suction dredging  
**Date:** Tuesday, March 22, 2011 10:14:40 AM

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**From:** [Jim](#)  
**Sent:** Tuesday, March 22, 2011 10:09 AM  
**To:** [hotsos@gte.net](mailto:hotsos@gte.net)  
**Subject:** Suction dredging

The rules and regulations that the department of Fish and Game currently have are adequate. The dredging season does NOT interfere with spawning fish. There are no ocean run salmon in the motherlode rivers, at least not the Merced river. If the salmon run in the other rivers has lessened, I think over fishing by the native tribes should be looked into. As far as mercury is concerned, what miniscle amount might be dredged is adhered to the gold or trapped in the sluice box. Also Salmon as well as other species vary from year to year, some summers there is an abundance of dragonflies, frogs, butterflys, etc., and other summers they are fewer in numbers. And as far as red and yellow legged frogs are concerned, I have spent the last 40 summers on the Merced river, I've seen bullfrogs, tree frogs, but never any with red or yellow coloring on there legs! So in conclusion, keep the dredging regulations as they are and refund my wife and my dredge permit fees when we were not aloud to dredge. It is like paying \$80.00 for a tank of gas, the station is empty but they keep your money???

Sincerely, Jim & Loretta Henderson

County of Lassen  
**Administrative Services**



**ROBERT F. PYLE**

*District 1*

**JIM CHAPMAN**

*District 2*

**LARRY WOSICK**

*District 3*

**BRIAN D. DAHLE**

*District 4*

**JACK HANSON**

*District 5*

**Tom C. Stone**  
County Administrative Officer  
email: [coadmin@co.lassen.ca.us](mailto:coadmin@co.lassen.ca.us)

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County Administration Office  
221 S. Roop Street, Suite 4  
Susanville, CA 96130  
Phone: 530-251-8333  
Fax: 530-251-2663

March 22, 2011

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

Dear Mr. Stopher:

After reviewing the DSEIR for Suction Dredge Mining which was made public on February 28, 2011, the Lassen County Board of Supervisors wishes to go on public record as opposing all changes except those expressly targeted by the Alameda County Superior Court in December 2006.

The court order, as the Board sees it, specifically ordered California Department of Fish and Game (CDFG) to review and make any changes necessary to address those issues involving the Klamath, Scott and the Salmon Rivers and nothing else. We do not feel it was necessary for CDFG to order a wholesale reworking of the 1994 EIR.

Our recommendation is to retain the 1994 EIR and to deal with any hot spots as they are brought to your attention. The remainder of the State need not be involved.

Sincerely,

A handwritten signature in blue ink that reads "Jim Chapman".

**JIM CHAPMAN**, Chairman  
Lassen County Board of Supervisors

Dear Mark Stopher:

Last year Senate Bill 670 put a statewide ban on suction dredge mining which was irresponsible and in total disregard of the economic impact which would follow. The passing of the bill lacked the scientific evidence that suction dredge mining is a cause of the collapse of salmon populations.

Again, we are having our ways of life destroyed by zero common sense regulations imposed on us by our politicians and government agencies. I was hoping for a common sense resolution to senate Bill 670. Well now the USFS has gotten involved and thrown the yellow legged frog into the pot therefore the future season proposed by DFG has been pushed back from the original season June 1 through October 31. The proposal is September 1 through January 31 because of the USFS input on the yellow legged frog. They have pushed back the season into the winter months when dredging can't take place. The cold weather and high water levels are not compatible with dredging. This is an absolute outrage and last ditch effort to destroy the dredging industry.

I would like to see the scientific data that proves suction dredge mining has had any effect on the decrease and disappearance of the yellow legged frog. I have researched the scientific data available and found that activities such as logging, mining, irrigated agriculture and commercial development were ruled out as the cause of habitat destruction in the case of the decline of the yellow legged frog. Much of the frog populations have been on public lands administered by the USFS. Most of the mountainous terrain have been altered little and remain the same as in early decades of the 1900s when the frogs were collected. In other words, in areas that haven't been touched by man the frogs have disappeared. The main cause to the decline is thought to be alien predators and competitors such as introduced Rainbow Trout. There are other factors such as Fungal Pathogens, climate change and ultraviolet radiation. So the decline is purely a mystery and frogs all over the world are disappearing for unknown reasons. So again, we have a no common sense reason to change the dredging season to the winter months when dredging is not possible.

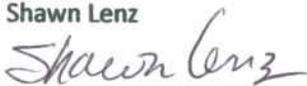
The USFS is a government agency that is overstepping its boundaries and is destroying these small communities. I pay a tax to Sierra County annually to have my claim in the amount of \$157.69 and I am just one of many. If dredging stops these claims will be abandoned since there will be no use to keep them. So therefore no more tax revenue to the counties. Most counties are in dire need of funds and don't need a needless loss of revenue. There are also so many businesses that are losing revenue due to the ban on dredging.

So please we need your help to put a stop to this madness. These small communities that depend on summer activities, dredging being one, are being severely hit by the loss of revenue. There are few jobs in these communities and people are having to relocate as it is. Government agencies such as the USFS are a taxpayer waste and have an agenda of their own. Over regulating and no common sense decisions are running rampant in the USFS. The country is in a mess and government cutbacks need to take place. Cut back funds to the USFS and discontinue grant money that is used against the taxpayers and their use of public lands.

So again, please pay attention to the resolution of Senate Bill 670 and the new proposed regulations by the DFG and of the actions of the USFS that now have gotten involved. We need a resolution to this madness and restore the dredging industry back to what it was. We need to stop these agencies from using our taxpayer dollars to fuel their agendas. Let's not destroy an entire way of life for small independent miners with no science to back up the reason. This whole mess is absolutely ridiculous and uncalled for. Any help would be greatly appreciated by many.

Thank you,

Shawn Lenz



Lenzres@jps.net

1-530-823-7010

**From:** [Ken & Debbie McMaster](#)  
**To:** [Mark Stopher;](#)  
**Subject:** suction dredge comments  
**Date:** Tuesday, March 22, 2011 12:26:34 PM  
**Attachments:** Addt'l DSEIR comments.pdf

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Mr. Stopher, please add the following comments to the discussion and public comments regarding the proposed suction dredge regulations.

Thank you,  
Ken McMaster

March 22, 2011

Mr. Stopher,

This is additional information to be taken into serious account regarding the current proposed suction dredge regulations and its accompanying DSEIR. Please admit this into the public record and official records.

Under the Supremacy Clause, everyone must follow federal law in the face of conflicting state law. It has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. *Edgar v. Mite Corp.*, 457 U.S. 624, 631 (1982). Similarly, we have held that "otherwise valid state laws or court orders cannot stand in the way of a federal court's remedial scheme if the action is essential to enforce the scheme."

The DFG's proposed actions are in conflict with federal law on many accounts. First, they restrict and/or eliminate valid existing rights granted by Congress through the Wilderness Act of 1964. Secondly, the proposed provision, "(E) No woody streamside vegetation shall be removed or damaged. Trees of sufficient size and condition 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 and the tree is not uprooted." This proposed provision again violates the Wilderness Act of 1964, "Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations,..."

I have been granted a mineral patent on a mining claim within wilderness, and with that patent it conveyed the right to cut and use timber as needed in the extraction, removal and beneficiation of the mineral deposits. I have the right to cut, for instance an alder tree, next to a stream (woody streamside vegetation), for access (as needed to extract minerals), for firewood (the beneficiation of the mineral deposit), etc.

The Wilderness Act and my grant of mineral patent allow uses in conflict with your proposed regulations! Along with the conveyance of the right to so much of the mature timber as may be needed in the extraction, removal and beneficiation of the mineral deposits, the entire mineral deposit was also granted in the patent. With the proposed dredging regulations, the DFG is taking away this provision of a deeded patent. They are taking away my right to mine the entire deposit by limiting my suction dredging, per the proposed regulations, "No person may suction dredge within three feet of the lateral edge of the current water level, including at the edge of instream gravel bars or under any overhanging banks.

By prohibiting my suction dredging from three feet on each side of a stream, along the entire length of my patented mining claim, the DFG is taking my property rights away without just compensation... this is illegal, unjustified and must be changed.

The addition of making it illegal to dredge into an instream gravel bar (i.e., “within three feet of the lateral edge of current water level, including instream gravel bars or any overhanging banks”) is also a takings of my granted mineral deposit. The gravel bars on my mining claim contain some of the best gold deposits within the property. The gravel bars on my patented mining claim are typically devoid of any vegetation. And, if the gravel bar restriction applies and the lateral restriction applies, it essentially eliminates a six foot zone on each side of a gravel bar, in some cases this would preclude any mining at all in areas that aren't wide enough to meet this criteria. This onerous provision must be removed.

And the provision, “(4) No person shall remove or damage woody riparian streamside vegetation during suction dredge operations.”, is also contrary to established federal law that allows ingress and egress to mining claims and mineral deposits. The Mining Law of 1872 allows access to a claimants mineral deposits, and the Wilderness Act of 1964 does likewise, “(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.”

I have a valid occupancy wholly within a designated wilderness. This would mean that if I needed to remove woody riparian streamside vegetation to access my mineral operations, I could do so. Basically, the proposed DFG regulations state that a person, while conducting suction dredge operations may not step on any plant (damage) next to a stream to access their mining operation. This provision is not practical and oversteps regulatory authority.

Does this provision also apply to fisherman, hunters and other recreationalists? Can fisherman move woody debris to recover their hooks that get snagged? Can a fisherman stand on streamside vegetation, possibly damaging it by their actions? This provision is vague and makes criminals of all who go near a stream in California. It must be removed from the proposed regulations.

The provision, “No person shall displace any material embedded on banks of rivers or streams”, also violates my established rights to mine and rights granted by my mineral patent. According to my mineral patent, I may mine my mineral deposit and this may include displacing material embedded on banks of rivers or streams. Besides, what does the DFG classify as a bank of rivers or streams? How far from current water levels is classed as a bank of a river or stream? This provision must be removed.

The provision that limits suction dredging from occurring within 30 yards upstream of a mussel bed, nor within 10 yards laterally or downstream is also a takings of mineral rights. If someone has mussels on their mining claim and they cannot mine 90 feet upstream and another 30 feet downstream, then an effective 120 feet of their mineral rights are being taken away. And that is if their is only one area of defined mussel beds. An average 20 acre mining claim is 1452 long, so that is a taking of about 8% of their mineral deposit (not to mention the lateral provision, etc.)

The DFG DSEIR states that they do not have the manpower to do site specific onsite inspections, they therefore use the shotgun approach to regulation. Does the DFG realize how much money that the state of California will have to pay for takings of mineral properties? It seems that the DFG will do an onsite inspection under certain circumstances, but not overall. The proposed regulations are flawed, non-site specific.

The preamble to the proposed DFG suction dredge regulations states, "The Department has adopted this Section and Section 228.5 pursuant to Fish and Game Code Section 5653.9, and to make specific and otherwise implement Fish and Game Code Section 5653, specifically. Pursuant to that authority, the Department finds that suction dredging subject to and consistent with the requirements of Sections 228 and 228.5 will not be deleterious to fish." These proposed regulations are deleterious to legitimate suction dredge miners. Those provisions cited in this official comment should be removed from the proposed regulations as they are too burdensome on the mining community and are based on implications and what ifs.

Suction dredging is not deleterious to fish! The DFG's proposed regulations are inconsistent with the rights of the dredging community. I fully support Pat Keene's (of Keene Engineering) assessment of proposed regulations and add his comments as if they were put forth here.

The Wilderness Act of 1964 is a valid federal statute and the DFG's proposed regulations conflict with that statute. And, "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The DFG's proposed regulations is an obstacle to the accomplishment and execution of the full purposes and objectives of Congress, according to the Wilderness Act of 1964 and my rightful mineral patent. It is impossible for me to comply with the state law as it conflicts with federal law.

Ken McMaster

032211\_Thomas

Dept. Fish &  
GAME.

## Suction Dredge - Regulations Contested

CA

Robert Thomas  
661-867-2866

3-22-11

Kern River. (subject proposed new dates)

Proposed new season dates July 1 - Sept 30.

What Factors based this Time Frame.

Previously season was year round, which was adopted when regulations were studied initially.

There are no salmon in this river, a very leg. and fast flowing river, which during the proposed new season dates is at full capacity. This is a dangerous river w/ many river fatalities annually. Why add to the number of people in danger of being swept away.

I've dredged this river and know the conditions, I live near the river. I suggest extending the season to be the same as the new date on the Klamath river Jan 31. This river has salmon. w/d. dont. your liability.

**From:** [Mark Wilhite](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredging  
**Date:** Tuesday, March 22, 2011 1:01:35 PM

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Hi DFG/Mark Stopher,

I won't be able to attend one of the upcoming meetings but wanted to speak up in favor of Suction Dredging. I am a long time avid fisherman who has always practiced catch and release and who is a recreational suction dredger. I believe it is in the best interest of all outdoor activists to support DFG on monitoring and collecting fees on all activities that relate to fish and wildlife in the State of California.

Mark Wilhite  
1515 Mariposa Way  
Fairfield, CA 94533

**From:** [David Adams](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 6:25:05 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

I am particularly concerned about the popular, local South Yuba River, which under the proposed new regulations will be open to suction dredge mining from Jul. 1 to Jan. 31. The river gravels are impregnated with mercury, which was used to process gold during the Gold Rush. Dredging will release this toxic material into the water, potentially threatening the health of people and wildlife alike. In addition, mining will be allowed in a segment of the South Yuba that provides critical habitat for the threatened California red-legged frog. Mining will also conflict with the extraordinary scenic and recreational values of this state-designated Wild & Scenic River.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Dr. David Adams  
11478 Burlington Parkway  
Penn Valley, CA 95946

**From:** [Jeff Ball](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 11:25:33 PM

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Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

I just read the new proposed suction dredge regulations for California rivers. I am appalled that you would propose less restrictive regulations than those that existed before. I thought the main reason there was a moratorium imposed on dredging is that the miners were getting out of hand and would not compromise on their position. I spend a lot of time down at the rivers and have done so for 40 years. The last year and a half has been wonderful without the dredgers scumming up the rivers. I noticed a lot of trout fingerlings where there were none before. To allow them to now dredge wild & scenic rivers such as the North Fork of the American is crazy. And National Parks? With larger diameter hoses? The miners do so much environmental damage along the river - they have no respect for anything or anyone else. They trash out their campsites and defecate way to close to the streams. They rip out streamside bushes. They overturn rocks & leave them teetering so that the next person walking thru stumbles on the rubble they have created. It is not safe. They kill off snakes and other wildlife. They spill oil & gas into the water. Many think they own the land that their claim is on, and they all seem to carry fire arms. I have been threatened by them because they are so paranoid, they think I'm trying to pan their claim. Some have built illegal structures. Some even use explosives when they think they can get away with it. Miners tend to have a rogue mentality and with all the budget cuts, who will police them? - and believe me, they need to be checked up on. Please

protect the rivers for all of the people and not allow a very small segment of the population, many of which come from out of state, to dergrade the river habitat. I would like to see the moratorium on dredging extended for the next 20 years to let the rivers recuperate from all the degradation the miners have caused. Thank you.

Jeff Ball

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Jeff Ball  
2436 Park Estates Dr  
Sacramento, CA 95825-0354

**From:** [Susan Chandler](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 7:55:21 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

AARGH!! What is wrong with the world? We don't need this kind of awful environmentally irresponsible raping of the land. We had this fight in Utah in the 70's...I don't want my grandchildren to not even have an experience of our wonderful world unsullied by this horrible practice. Gold mining is a crap shoot at best unless there is a huge deposit underground somewhere, looking for it in the gravel bed of a stream is the most inefficient way to get it...let the people do it as a fun way to pass their time with gold pans not power hoses!!!

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mrs. Susan Chandler  
1193 17th St  
Los Osos, CA 93402-1425

March 23, 2011

DFG  
C/O Mark Stopher  
601 Locust Street  
Redding, CA 96001

### **Comments on the New Dredging Regulations**

I am having a hard time trying to understand the reason for all the changes the DFG is trying to impose on us.

The prior regulations in my 50 years of suction dredging seemed to be working just fine. The rivers and streams had regulations already restricting dredging. Nozzle sizes in place for different size rivers, days and months for different rivers. We followed these regulations for years, and seemed to work just fine. The streams that were closed were mostly in the wilderness areas. Restrictions were in place on working around vegetation, and river banks, which we followed. My experience tells me abiding by the existing laws, dredging never harmed any fish or vegetation.

If you would think about what a storm does to a river every year-look at the flooding this year, vegetation is washed away from one side of the river to the other, silt and debris is deposited throughout the river. This has been happening for centuries, it doesn't seem to hurt the fish. The mining of the 1800-1900 never hurt the fish, when I grew up in the fifties there were more salmon in the rivers than ever. Mining did not hurt them!

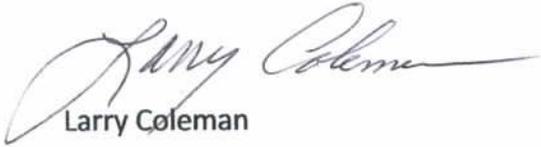
No one seems to want to address the fact that when the Dams were built, was when the salmon started to decline. Also the commercial fishing and netting of the salmon has hurt the salmon population. Why are you blaming the dredgers? I feel the DFG is giving into the environmentalist/special interest groups etc.

The government, Federal and State is getting to Large and taking away our rights almost daily. This whole scam of changing dredging in any way or form is wrong!

The Federal Mining Laws of 1872 are still in effect, it says that if you claim a mining claim you have the Right to mine for the minerals. By closing some streams completely you are violating the Federal Law. You are taking away my legal rights by closing the North Fork and East Fork of the Trinity, where my claims are. This may lead to a Lawsuit against the DFG and its Director.

Just a thought.....I hope you are really interested in our opinions, as the letter we received indicated.

Respectfully,

A handwritten signature in cursive script that reads "Larry Coleman". The signature is written in black ink and is positioned above the printed name.

Larry Coleman

PO Box 782

Anderson, CA 96007

530-209-3663    Colemancls@yahoo.com

**From:** [Judith Collas](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 4:24:56 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

There is no social value in the minerals to be extracted by this destructive practice. Why should the health and beauty of our fragile river system and the joy it offers to our citizens be sacrifice for industrial greed.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Dr. Judith Collas  
760 Swarthmore Ave  
Pacific Palisades, CA 90272-4355

**From:** [Rachael Denny](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 4:55:00 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

I am counting on you to ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. With this in mind, I urge you to prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations. Our rivers are much too precious and valuable to be recklessly abused for short-term profits.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. Rachael Denny  
4082 Interlake Rd  
Bradley, CA 93426-6933

**From:** [Henry Gutierrez](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 9:55:25 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

These types of mining practices have shown time and again that dredging causes more harm than good reintroducing silt and other mercury locked up in the riverbed back into the river choking and killing fish. And the type of gold mined from this is in the form of a fine grit which can't be recovered without the introduction of harmful chemicals. We need to do all we can to make sure these endangered fish and river systems remain for years to come and can be enjoyed by future generations.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Henry Gutierrez  
1311 Hollowood Ct  
Perris, CA 92571-4940  
(951) 943-6546

**From:** [Ross Heckmann](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 4:55:01 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

(Note: this letter is based on information provided to me by the organizations "Friends of the River.")

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Ross Heckmann  
1214 Valencia Way  
Arcadia, CA 91006-2406  
(626) 256-4664

**From:** [Barbara Lawson](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 4:24:56 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

This sounds like a perfectly dreadful idea. Please see that the above mentioned protections of fish, wildlife and streams is put into any legislation that allows suction dredging.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mrs. Barbara Lawson  
501 Portola Rd Apt 8041  
Portola Valley, CA 94028-7601  
(650) 424-4366

**From:** [Peggy Lindsay](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 4:24:57 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

In addition, I am deeply concerned about the North Fork of American. How can a Federal designation of Wild and Scenic be respected if there is suction dredging allowed? This type of dredging is extremely damaging to streams and rivers. The amount of sediment disturbed and moved is enormous. I have witnessed this type of dredging on California rivers for over 30 years and have seen tremendous disturbance of the local habitats. The overall, long term health of a stream far outweighs the short term gain of a few people.

Thank you,  
Peggy Lindsay

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mrs. Peggy Lindsay  
10539 Foxmead Ln  
Truckee, CA 96161-0347  
(530) 587-0843

**From:** [David Matuszak](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** suction dredge comment  
**Date:** Thursday, March 24, 2011 5:56:18 PM

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Department of Fish and Game:

I am a gold rush historian and have dredged for nearly 30 years. I have a comment regarding the ban on dredging.

**Please modify the ban on suction dredging in the following way. Ban 6" dredges and allow a maximum of 4" dredges. And limit the number of 4" dredges on each claim according to the size of the claim.**

**Do not reduce the dredging season. It takes me 2 weeks to pack my equipment in and out of a remote area of Plumas County. The dredging season should last at least 6 weeks during the summer.**

I am an environmentalist and a miner. I preside over a grass roots environmental organization called the Friends of Live Oak Canyon. And I have dredged the tributaries of the Feather River for nearly 30 years. There is no contradiction. If I thought for one minute that I was causing damage to the environment by dredging, I would have halted operations decades ago. Who are you going to ban next? Fishermen? More damage to the environment is done by fisherman than all the miners combined. The amount of change to a river stream done by a 4" dredge is insignificant and completely reversible with the first annual floodwaters. Significantly more gravel is moved by natural floodwaters than is ever moved by small dredges.

Mining is my right protected by federal law.

Do the right thing and modify the ban to allow for small scale miners to resume operation of their dredges.

David Matuszak, author  
Nelson Point: Portrait of a Northern Gold Rush Town

P.S. Please confirm your receipt of this email.

**From:** [Dave Mack](#)  
**To:** [MStopher@dfg.ca.gov](mailto:MStopher@dfg.ca.gov);  
**Subject:** 4,000 dredge permit limit?  
**Date:** Wednesday, March 23, 2011 2:22:14 AM

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Hello Mark,

I am moving through the EIR slowly, but surely. I still have a way to go, so I will reserve formal comments until I finish going through the material.

**Meanwhile**, there is an important issue which I am asking you to float around inside the Department and come back to me with possible ideas or suggestions. I will be putting out a newsletter in 2 weeks (circulation 20,000+) which will include my initial comments and reasons. I know from long experience that suggesting unworkable solutions is a waste of everyone's time and resources.

I am in Asia until mid-May. Otherwise, I would have tried to make an appointment to meet with you on these thoughts. Therefore, I request that you consider these as informal discussions just for the purpose of trying to find workable solutions, if that is possible. I am also sending similar queries to several of the PAC members.

**This is about the Department's proposal of a 4,000 permit level.**

Being directly involved with the ongoing litigation, my guess is that the Department will not be able to justify a state-wide project without putting a cap on the number of permits that are issued in the blanket dredging program.

**Here are some of my initial thoughts:**

1) In the event of a cap for the state-wide blanket dredging project, how about allowing additional site-specific permits after the cap is reached? These would require on-site inspection and Section 1600 Certification so that concerns about overloading an area can be addressed? This would allow some dredging in areas where there is not much work happening after the blanket permit cap is met. After all, California is a very large State.

Also, how about on site inspections and Section 1600 Certification for areas that are otherwise closed to the statewide dredging permit? If there is not some mechanism to allow dredging, the Proposed Regulations

will be taking away all of the dredging rights for property owners up the side tributaries, perhaps with no good reason in many places. After all, there is no cap or limit to the number or location of Section 1600 applications which can be submitted in California, often perhaps with the possibility of creating a much larger impact than a portable suction dredge.

Especially in view of existing litigation, I can understand the Department's desire to place limits on the **state-wide** blanket program for dredging. But I cannot understand the need to place a total prohibition on the use of a dredge elsewhere in the State if the dredging application is submitted through the Section 1600 program. There is no moratorium or limit to the use of mechanized earth moving equipment. Each application is reviewed. Why limit productive activity in California just because something is called a dredge? This seems unnecessary, especially in view of California's (very) pressing need to increase economic activity. I also don't think it would hold up to legal challenge; a total prohibition of the use of a suction dredge even if a proper review would demonstrate no significant harm. Especially when a suction dredge might be the least significant (harm) when making productive use of a property.

**Note on this:** The Department might want to consider this as a serious alternative (application to dredge under the Section 1600 review process) if the Superior Court in Oakland decides against a state-wide dredging permit; something the judge said he might do.

2) First come, first served on permit acquisition must be back-dated to prior existing permits for the seasons before and during the moratorium. Otherwise, dredgers who have already invested in property and equipment could potentially lose their prior existing right to work their mine or other mining opportunity (mining club they paid to join so they would have access to mining property). There has to be an allowance for prior existing rights. This is mining, not recreational fishing or hunting. Since work was already active to eliminate (and therefore discourage) dredging during the 2009 season, prior existing rights should extend at least to the 2008 season. People who were already dredging during those earlier years should not have to compete with others in order to renew pre-existing permits.

At the minimum, the permit cap needs to be large enough to offer renewals to everyone that possessed a dredging permit during 2008 onward.

In this case, DFG would send out renewal notices and allow some kind of due process before a prior existing permit would be returned to the pool to be made available to someone else. The Department allows commercial fishing licenses to be renewed. No company would invest the resources for just a single season. Mining is similar.

I suggest, once prior existing rights are taken care of, it might be more equitable to dispose of remaining permits in a drawing, rather than first come, first served.

Others are already floating the idea of prior existing rights for claim owners. But there are different kinds of claims, many which have nothing to do with dredging.

3) If there is going to be a cap on permits, the permits must be transferrable. This would allow a dredger to develop a mining property and then transfer it to someone else along with the right to dredge the property. Otherwise, someone could go to all the work of developing a mine and then not be able to transfer it (property) to someone else who will be able to work the discovery, therefore losing some or most of the value.

The dredging permit could be signed over like the title on a vehicle. Perhaps require a notified signature.

This would allow newcomers who really want to dredge an option to purchase an existing permit from someone else; free market. Mining is a free market economic activity with vested property rights. If you do not allow transfer of limited permits, you will undermine future investment in our industry. Just like someone possesses title to their car or home, miners possess a property interest once a valuable gold deposit has been located. The right to continue dredging (within the regulations) must be connected to the discovery, even if it is passed on to someone new who will work it.

4) Since the Department is going to make us display the dredge permit number on the dredge, **the dredge that should be licensed**, along with the person. Otherwise, it will be nearly impossible for a permitted person to dredge on someone else's legal dredging operation. That would be unreasonable.

Since the Department is proposing to limit the number of dredges, the Department should be licensing the person's dredge (one dredge at a time on a permit). Then, as long as the person named on the license is present, it should not matter who is helping or operating the dredge.

I will hold them in confidence if you have time to give me your thoughts on these ideas. Like I said above, I am trying to find some ideas that will be helpful to the process and also work better for the mining community.

Thanks for this,

Dave McCracken

Please note that my email address has changed to:

<dave@promackmining.com> If you would like to sign up for our free monthly newsletter, just click here: <http://goldgold.com/newsletterform.htm>

**From:** [Donald Reed](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Dredging regulations comment  
**Date:** Wednesday, March 23, 2011 8:02:00 AM

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Under the section of Method of operation

"Dredging within three feet of the lateral edge of the current water level, including the edge of in stream gravel bars or under any overhanging banks, is prohibited;"

This make absolutely no sense what so ever because in most of the creeks and streams there is not enough water at anytime during the proposed dredging season for any stream or creek to qualify. This is in effect a total dredging ban on the small streams and creeks. My claim has a small steam and most of the wetted area is no more than 4 feet wide. the regulation should be put back to where it reads as previously, to the "wetted area"

In addition the limit of 4000 permits issued could be problematic for claim owner if the limit is reached then there is a chance that people that own claims actually can't dredge because none claim owners are holding the permits.

I would appreciate if these items could be addressed.

Thank you  
Donald J Reed  
Claim owner.

**From:** [Nicolas Romero](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 6:25:05 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please protect our wildlife treasures for all to enjoy, rather than a few who will profit from gold dredging.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Nicolas Romero  
10608 Chardonay Dr  
Rancho Cordova, CA 95670-3812

**From:** [Judy Schriebman](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 7:25:11 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

The biggest nugget in the river is the river itself, with all the wildlife it contains. Mining destroys these values. Enough greed. Protect the wild rivers.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mrs. Judy Schriebman  
3 Poco Paso  
San Rafael, CA 94903-3866  
(415) 472-3345

**From:** [Harold Sloane](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 7:25:10 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Yes, this is a form letter. You will get many more just like it. I leave it intact because it says what I would say far better than I could. Please understand that my commitment to and passion for this issue is in no way compromised or mitigated by that fact. This is something I feel deeply about, and hope you will consider the issues and revise the regulations accordingly. Thank you.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Harold Sloane  
24 Ross St

San Rafael, CA 94901-3804

**From:** [melanie watson](mailto:melanie.watson@dfg.ca.gov)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 5:55:11 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

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Our children need our rivers

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. melanie watson  
29190 Stonewood Rd Apt 30  
Temecula, CA 92591-3793  
(951) 541-3638

**From:** [David Wikander](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 3:54:55 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

I know this is an old law from the late 1800's. Lets protect our rivers and not add to the challenges we are facing.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. David Wikander  
4040 Cherryvale Ave  
Soquel, CA 95073-9560

**From:** [Laura Williams](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Wednesday, March 23, 2011 7:25:10 PM

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Mar 23, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

It is a shame that California is considering a return to the 80's - Not the 1980's - but the 1880's. Stop the rampant destruction of our natural resources NOW!

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. Laura Williams  
627 N Glendora Ave  
Glendora, CA 91741-2007  
(626) 335-0613

**From:** [Sandy](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** New Suction Dredge Regs  
**Date:** Thursday, March 24, 2011 6:25:13 AM

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Here are my comments on the proposed new suction dredge regulations :

First the positives -

- The new list of Waters and Classifications appears to open up feeder streams and creeks that were previously closed due to an oversight.

- 228-k (#9) Requiring containment for hazardous material storage when located near the water - requires a little extra effort, but is easy to comply with.

Now the Negatives -

- 228-g Limit of 4000 dredge permits each year. Are there going to be similar permit limits on Hunting and Fishing as well? If not, why not?

- 228-j (#5) Suction dredge permit number must be affixed to all permitted dredges. Again, are there going to be requirements that all hunters and fishermen wear their license numbers at least three inches in height on their backs while in pursuit of game? If not, why not?

- 228-k (#3) No person may dredge within three feet of the lateral edge of the "current" water level ( including gravel bars ). The lateral edge is in a constant state of change and can expand or contract over a very short time period, or even 24 hours, on many waters. Also, all waters run over, around or near bedrock, so the lateral edge may be on the bedrock in many locations. I can understand protecting the natural flora growing at the waters edge, but there are several other restrictions that already address this issue. This is overkill, and absurd.

228-k (#15) Returning dredge site to pre-mining grade. Mother Nature does a far better job of this each and every year.

Respectfully Submitted by,  
A M (Sandy) Anderson  
Salinas, CA  
831 484 9423

Jerry Bass  
720 Cassidy Court  
Yuba City, CA 95991  
(530) 713-3973  
[icwbass@comcast.net](mailto:icwbass@comcast.net)

March 24, 2011

Mark Stopher  
Department of Fish & Game  
601 Locust Street  
Redding, CA 96001  
[dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov)

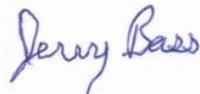
Dear Mr. Stopher,

I was unable to attend any of the Public Hearing on the recently released Draft Subsequent Environmental Impact Report (DSEIR) for Suction Dredge Permit Program so I'm sending written comments via email.

I have been issued a dredge permit for the last 40 years. I have dredged recreationally many streams, creeks and rivers within northern California area. I disagree with permits being issued annually on a first-come, first-served basis. Applications for dredge permits should be automatically issued to previous license holders as it is for fishing guides, crab boat owners, salmon boat owners and bait license owners. DFG has already established that precedent with these previous license holders.

I hope you will consider my request to change the proposed regulation.

Sincerely,



Jerry Bass

**From:** [fred\\_buschbaum](mailto:fred_buschbaum)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** new derdge regs.  
**Date:** Thursday, March 24, 2011 11:00:31 AM

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Mark, since the meetings are too far for me, I'm sending my comments by email.

Most of us out here know this whole mess was started by the battle between DFG and a certain Indian tribe up north who didn't want white eyes in "their" river. That's been going on for many years, (indian casino money newly injected has caused the overflow into the rest of the state).A fight over one river affecting all of us.

My concern centers on any differences between the old EIR and the new EIR. while I haven't seen the new one, I've seen that us dredgers are being blamed for the Sac. river fish reduction, (a river we are not allowed todredge in), and off shore fish depletions, (same comment). The old EIR showed that the rivers we use, have had improved fish populations due to our stiring up nutrients etc. While I know that a few semi-commercial dredgers may work outside the rules, the majority of us protect our hobby. (this prohibitive attitude instead of cooperativeness, seems to be increasing at all levels of government). Personally, I've invested several thousand dollars of my retirement funds in equipment and spent many dollars in communities where we dredge. So, It seems that our gov. is listening to the money instead of the people who pay their saleries. So much for my rant, hope you understand how frustrating the whole thing is to us seniors who think this is our state too.

Fred Buschbaum, Oak Hills, Ca.

March 24<sup>th</sup>, 2011

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

RE: Proposed Dredging Regulations

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 already heavily controlled with limitations on seasonal days, nozzle size, and access. And if remained open to dredging it will be even more heavily impacted/controlled due to the newly proposed regulations. 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 upper parts of the N. Fork should remain a concern as it is a much larger and longer feeder river to the Trinity than is the E. Fork, especially above the E. Fork connection where it has already been closed to fishing and dredging. 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 and the lower parts of the N. Fork, I would like you to consider alternatives, possibly a shortened season or even a split season - possibly on a trial basis.

Give, we the miners, an opportunity to show that suction dredging can be environmentally friendly too. A miner using approved dredging tactics 'is' helping the fish population to propagate. I am a witness to this fact. During some years, 25% of the gold that we find is covered with mercury that was lost in troughs from yesterday miners. One recent year we got into a liquid pocket and recovered about an ounce of mercury right off the bedrock - appalling! Gold miners are not spreading mercury, as some may want to believe, rather we are purifying our California streams. Additionally, we extract all sorts of debris, such as rusty nails, lead, glass, car parts, and acid from batteries thrown into our streams from bygone years. One might say, a present day miner is cleaning our streams such as a 'catostomidae' tries to accomplish the same through natural processes but cannot do so due to the nature of the abuse.

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

tsminin@gmail.com

**From:** [Alison Clement](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 8:57:59 AM

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Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

We are still regretting some of the mining practices that were allowed in earlier generations. Don't let us allow something else that we will regret! Your grandchildren will thank you, if you consider this carefully.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. Alison Clement  
3166 Cedar Ravine Rd  
Placerville, CA 95667-6506

**From:** [David/Debbie Dunham](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**cc:** [Diana Dunham-Scott](#);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 8:40:15 PM

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

Or e-mail them to Mark at: [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov)

**Comments for Record on  
{{{{ Section 228 }}}}  
Suction Dredging**

**Please enter the following comments in the official record for the SEIR on suction dredging:**

**Mutating the dredging permit issuance to be administered as a quota system will have many unintended negative effects by:**

- 1. Creating a stampede for paperwork which will result in many applications being issued to people who may or may not intend to use them ( a new kind of 'scalper');**
- 2. Inviting corruption at all levels;**
- 3. Promoting a black market of privileges;**
- 4. Crushing gold dredging as a predictable legal hedge against inflation, unemployment, and diminishing economic self-reliance;**
- 5. Capping our single-citizen-accessed resources for later exploitation by larger, vested, multinational corporations (who export most of their profit); (yes some of our canyons will be strip-mined for hydroelectric projects when nuclear power falls out of favor);**
- 6. Over-conforming the activity as a 'sport'---Ignoring the fact that the majority of miners don't pay taxes on their gold until they sell**

**their gold. (YOU DON'T KNOW WHAT THE ECONOMIC VALUE OF DREDGING IS AND YOU HAVE NO WAY TO MEASURE IT.)**

**We don't sell gold unless we need to sell...and now the economic need is growing as our governments fail to take care of veterans, elderly, medically indigent, and children in poverty;**

**7. Setting a precedent for special interests, under the guise of "environmental protection," moved by fear and greed, to negatively label ordinary, law-abiding citizens, inspired patriotic people, to work outside regulations rather than within the government; AND**

**8. Unfairly crushing the use of a dredge as a source of income for those of us who have for decades invested in mines, equipment, training, and blood and guts experience to survive economic crashes.**

**For 30 years I have been prospecting for retirement, hard times, and the economic crashes we are enduring now. Most of my retirement now sits in the ground where I had planned on keeping it safe from thieves, natural disaster, relatives, and bad politics.**

**For 30 years, I have been a very cooperative steward of a 1,200-foot section of the Trinity River: picking up trash; policing illegal uses of the land by poachers, marijuana growers, pyromaniacs, woodcutters, disrespectful campers, hunters, and claim jumpers; and legally protecting my rights. But now the "system" wants me to stand by while my occupation is treated as a sport, like hunting or fishing, and we are given 'tags' to have a chance at playing our lives out.**

**For 30 years I have worked with DFG, USS, and BLM to improve the access, fishery, and protection of wildlife on my claims. Now, I'm supposed to hand my project over to a A SYSTEM THAT IS BANKRUPTING ITSELF while I grovel for income in 'retirement' and be characterized a selfishly ignorant second class citizen who is oblivious to my environment while I single-handedly have accomplished MILLIONS OF DOLLARS OF IN-STREAM FISH BED REHABILITATION? Dams have all killed the river which I have been attempting to make viable again; your environmental study could prove that---if you don't conveniently run out of money before you run out of controlled tests.**

**This is not a sport; belittling miners with "first come first serve" tactics will have too many unintended side effects to an already precarious, failing democratic system. I respectfully request that the LOTTERY SYSTEM for dredge permits be withdrawn from the suction dredging program revisions (item (g) Number of Permits of Section 228), quoted as follows:**

**"(g) Number of Permits.**

The Department shall issue a maximum of 4,000 permits annually, on a first-come, first-serve basis"

be withdrawn from the revised regulation proposal."

The precedent of a quota system in issuing "permits" has devastating social and political consequences which promise to turn California miners into beggars. Just what California needs. Using the political system to usurp the rights of others under the guise of a good cause is not a new game.

Sincerely,

David E. Dunham  
China Hill Mine

**From:** [Linnea Fronce & Thomas Hall](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 7:56:28 AM

---

Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. PLEASE DO NOT LET MINING HAPPEN IN NATIONAL OR STATE PARKS.

SUCTION DREDGE MINING WOULD BE DISASTROUS FOR OUR FISH, INSECTS, BIRDS, MAMMALS, AND WATER PLANTS THAT NEED CLEAR WATER. JUST LOOK AT WHAT SUCTION AND HYDROLIC MINING HAS DONE IN THE PAST!!!!

Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. Linnea Fronce & Thomas Hall

991 Sagamore Way  
Sacramento, CA 95822-1712

I am a effected party.

Dredge ban. not a good thing  
for the bacteria colonies who are  
the slick stuff on the rocks in a stream  
that depends on the suspended  
sediments displaced by the dredge  
spoils. Where else do the suspended  
sediments come from. you have banned  
all disturbances to the land.

This is political.

Please respond ~~with~~ with who will  
replace the suspended sediments.

Please respond in a timely manor

Thank you  
Randy Hinke  
304 Wood Lake Dr,  
Grants Pass OR  
97527

The notes from my comment.

3-05-11

Cg. Dredging comment.  
I am affected party

1. Politics This politics, it takes it out of the courts and puts it in court of public opinion
2. food chain time frame needs to be longer starting on income tax day and ending on Thanksgiving
3. historical land use indians and the slash and burn B.M.P.s.
4. estuary health for 5000 years the indians feed the estuary with those B.M.P.s
3. supplemental food supply You Pay
6. Core density of the shell fish in the rivers is dropping
7. High and low mix.

inclosing

I expect a answer on the issue of the supplementary food supply for the estuary of every river that will be effected by the dredge ban.

Thank you

Randy Hinkle  
304 Woodlake Dr  
Grants Pass OR 97527

March 24, 2011

To: California Department of Fish and Game  
 Attn: Mark Stopher  
 Suction Dredge Program Draft SEIR Comments  
 601 Locust Street  
 Redding, CA 96001

I would like to provide my comments to the DSEIR being proposed restricting the right to dredge in California. I disagree with the accuracy and fairness of the analysis contained in the Report and specifically the conclusions cited as “Significant and Unavoidable Environmental Impacts.” Throughout the Report, there were conclusions based upon incomplete data and distorted interpretations of facts that were presented. The only concrete conclusion was in the very first paragraph of Section 228 of the proposed regulations where it stated, “...*the Department finds that suction dredging...will not be deleterious to fish.*” These proposed changes have the affect of taking away “property rights” granted by the Mineral Estate Trust Act of 1866 and the Mining Law of 1872. The taking of these rights is an illegal act and a blatant violation of due process guaranteed by the 5<sup>th</sup> amendment as it applies to the Federal Government and to the 14<sup>th</sup> amendment as it applies to states. Such taking of “property” without just cause or compensation is criminal and the subject of current lawsuits filed by the Public Lands for the People. These lawsuits will continue to pressed for damages regardless of the final outcome of these proposed regulations and more lawsuits will follow if these regulations are implemented as proposed. Now, I would like to address each of the “Significant and Unavoidable Impacts” referenced in Chapter 6.2.3 of the DSEIR:

**Impact WQ-4: Effects of Mercury Resuspension and Discharge from Suction Dredging:** This Report states that mercury continues to slough into the river without regard to dredging activity. However, the report states on Page 4.2-38 that, “...*In contrast to Hg discharged from suction dredging; the majority of HG is from background watershed sources during the winter wet season, when runoff conditions contribute to high flows that scour sediments laden with Hg.*” The Report also stipulates that there are uncertainties as to the cause of HG loading that are present. The existence of mercury in sedimentation is not made worse by dredging and no valid report has been produced to dispute this fact. Also, as the report confesses, “Mother Nature” is the primary disruptor of mercury deposits and nobody knows for sure how much mercury is discharged by suction dredging.

**Impact WQ-5: Effects of Resuspension and Discharge of Other Trace Minerals from Suction Dredging:** On Page 4.2-58/59 it concludes that dredging has a “*negative impact*” on trace minerals. Then the report speculates that “if” dredging at known metal hot spots actually contained acid mine issues, low pH levels, high sediment, and pore metal concentrations, there “*may be*” a potentially significant impact. The report failed to identify these areas but merely relies upon conjecture.

**Impact BIO-WILD-2: Effects on Special-Status Passerines Associated with Riparian Habitat:** This whole discussion does did not provide any scientific support and failed to consider noise generated by all other outdoor activities and users. Also, the report itself states that issue of passerines must be further studied using the CNDDDB System.

**Impact CUL-1: Substantial Adverse Changes, When Considered Statewide, in the Significance of Historical Resources:** The report again admits that the only way to know for sure about the location of any historical resources that may exist would be to conduct archival research using the CHRIS System. No specific data was provided to support this allegation.

**Impact CUL-2: Substantial Adverse Changes, When Considered Statewide, in the Significance of Unique Archaeological Resources:** Another premature conclusion. No proof of locations of these archaeological sites was provided. The report again admits that archival research using the CHRIS System must be conducted.

**Impact NZ-1: Exposure of the Public to Noise Levels in Excess of City or County Standards:** The report states that while dredging has the potential to generate excess noise, existing laws already address violations. Further, on Page 4.7-9, the Report states, "...all recreationist...are equally required to abide by local noise ordinances. Violations can be reported at any time to local authorities who have the jurisdiction to enforce applicable regulations as appropriate." No evidence that dredging causes illegal levels of noise was provided in the report.

**Impact CUM-2: Effects on Wildlife Species and Their Habitats:** On Page 5-23 of the report, it states that, "... the declines in the population of a non-fish species are the result of the synergistic effects of anthropogenic activities, and not a single causative agent or project." The word "anthropogenic" means "caused by humans." So the Report is clearly stating that it's not "dredging" *per se* that impacts non-fish or bird species but a lot of "unknown" human factors. This impact is not based upon any scientific proof or evidence related to dredging but mere speculation.

**Impact CUM-6: Turbidity/TSS Discharge from Suction Dredging:** This impact begins with a false premise that turbidity from dredge discharges hurt fish but that fact is that fish surround dredgers because they like being fed. Also, again, in Section 228 of the Proposed Amendments to the Regulations related to suction dredging, it makes the bold statement that, "...the Department finds that suction dredging...will not be deleterious to fish." Nothing in this report validates that turbidity from dredging negatively impacts fish or the environment. Again, just theory

**Impact CUM-7: Cumulative Impacts of Mercury Resuspension and Discharge from Suction Dredging:** On Page 4.2-8 of this Report, it states, "the transport of elemental Hg that is floured and discharged from suction dredging is largely unknown but floured HG floats initially and will subsequently sink or float until they are dissolved." Now, the DFG introduces as evidence a "preliminary" report from unknown experts that have not been validated. On Page 4.2-19 and several other places in the Report, it states that the data represents "preliminary results." More important, the site used to gather this data (the Malakoff Diggings near Humbug Creek) was the location of the one of the most intensive hydraulic mining operations in history. This is NOT representative and reliable data that will stand up under "peer review." The entire report is suspect and cannot be legitimately used as support for this EIR. The fact is that nobody knows where all the mercury resides from the old mining operations.

Miners are open to some changes that will result in better dredging practices but miners cannot be blame for all the ills and poor environmental practices of other persons who use public land and streams for recreation. And, this Report does not substantiate the extensive restriction or prohibitions to dredging that have been proposed.

Name: \_\_\_\_\_ (Sign Name)

Name: CLAUDE HOLT (Print Name)

Address: 505 4<sup>th</sup> ST.

ORANGE COVE, CA 92646-2116

**From:** [WindowRegulators.com](http://WindowRegulators.com)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Comments on SB-670 and the DSEIR  
**Date:** Thursday, March 24, 2011 12:41:43 AM

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Mr. Stopher,

I have been a permitted, rule abiding recreational dredger for several years. I am also a naturalist, avid recycler and a tax paying business owner. It is my opinion that the current closure of recreational dredging was a knee jerk reaction that could have avoided many issues and losses to all those involved. Especially the state in these troubled times.

It is my understanding that the two primary concerns which led to the closure of the dredge season were: The disturbance of mercury from the bottom of the rivers causing a decline in the salmon population and the permit fees for dredging did not cover the cost to enforce the dredging regulations.

The cost of the dredging permits could have been raised to a level where they did cover the expenses. Most fellow recreational dredgers I associate with would have paid 3-5 times the previous years rate to continue their hobby.

The concerns of mercury could have been addressed by random sampling through out the dredging season at suspect hot spots and in the off season during run off and flooding. It is my belief that this would have shown that as no dredging was allowed during spawning season, the minute amount that dredgers may have disturbed vs. the amount natural forces disturb is well below the allowed water EPA clarity standards. In my years of dredging I have encountered mercury only once. It was a bb size amount which I still have in a jar. As with all dredgers I know, we always remove any mercury found from the river systems, not only to be environmentally sound but also as it contains dissolved gold which is what we are there dredging for. Also take into account the many pounds of lead from fishing weights and bullets removed annually by dredges as well.

Though I feel like a victim of special interest groups in this matter with my hobby being banned, I feel the state and people of it are the biggest loser. In the 5 years I have dredged I personally have spent over \$8000 in equipment, \$3000 in gas, \$1200 in vehicle and equipment maintenance, and \$3500 in food. This is for me alone going on 10-12 1 day trips per year with a 2.5" mini dredge. That is over \$3000 per year that I am now not spending, the state is not getting sales tax on and the business that I used are not obtaining these funds on which they had to pay income tax and keep employees for. If you take into account the number of dredging permits issued, how many of them are commercial or individuals that go more frequently you will quickly see that the state has lost out on millions in revenue from this ban.

I am aware the salmon industry is huge but from all the reports I can find and read, none of its decline is due to mercury but instead climate change, dams, farming pesticides and over fishing.

I urge you to consider lifting the ban. Raise the fees as you need to. Close the rivers the salmon spawn in for longer periods of time before the migration and during spawning season, but do not cave to special interest groups that feel dredgers are bad for the environment. Test after test show the opposite is in fact true.

I hope and pray you will find a fair and equitable solution for all parties involved and look forward to the day I can once again enjoy nature with the hobby I love.

Kind Regards

Lars Hultin  
Rancho Cordova, CA

**Department of fish and game  
Attn: Mark Stopher  
Suction Dredge Program Draft SEIR Comments  
601 Locust Street  
Redding CA 96001**

I would like to thank the CDF&G for allowing me to comment on Suction Dredging permit Program, SEIR

#### Non-native fish in California

It is well known that many special interest groups (e.g. environmental organizations, Sportsman Clubs) introduced many non-native species of fish, amphibians and birds to California and its water ways without knowing the full impact to native species. (Bad science and Data) and the California Department of Fish and Game were all too happy to help with the introduction of non-natives. Non-native species Brook Trout, Lake Trout, Atlantic Salmon, Kokanee Salmon, Striped Bass, Brown Trout, and some amphibians to name a few. This practice (fish stocking) started in the mid-1800s and still continues to this very day. It also is well known many of these non-natives species are predacious and feed on California natives. Salmon eggs, is a large part of their diet during salmon/steelhead runs. Frog eggs as well

Current 1994 dredging regulations have a class A on many rivers or streams, (all coastal streams are closed to dredging) prohibit suction dredging during salmon/steelhead runs with seasonal dredging with class B through H

Frogs (Foothill yellow-legged frog) lay their eggs in calm shallow waters (March to May, when streams have slowed usually after winter runoff) If the Yellow legged frog are endangered or absent from rivers? it's at about the same time 1000s of people participate in rafting. Launching & pull out of rafts, kayaks, and canoes happen on daily basis from 100s of different shallow streamside locations. The crowds walking in and out of calm shallow waters surely have an impact on frog's eggs, also from a long know practice of introduced non-native aquatic predators such as fish and amphibians (Hayes and Jennings 1986, 1988; Kupferberg 1994)

1994 dredging regulations show that the earliest Suction dredgers can enter some of the rivers is the forth Saturday in May (Class C or G). Suction dredgers enter and exit in one location and the dredge usually fixed or stationary for the season

There is no mention of the above in the subsequent environmental impact report for the suction dredge program, thereby find the study flawed and without merit or data to substantiate the new propose regulation.

In conclusion, this is not about the protection of fish, amphibians or aquatic-invertebrate as the removal of suction dredging from the rivers

I vote/favor the 1994 Regulations Alternative

Thank you

Frank Matyus  
1426 Olive St  
Santa Rosa Ca  
95407

Source

<http://ice.ucdavis.edu/aquadiv/fishbio/biofish.html>

<http://ucce.ucdavis.edu/datastore/datastorereview/showpage.cfm?reportnumber=746>

[http://www.biologicaldiversity.org/campaigns/fish-stocking\\_reform/index.html](http://www.biologicaldiversity.org/campaigns/fish-stocking_reform/index.html)

<http://sanfrancisco.about.com/b/2008/05/30/the-dilemma-of-cute-non-natives.htm>

[http://www.co.contra-costa.ca.us/depart/cd/water/HCP/archive/final-hcp/pdfs/apps/AppD/13a\\_yellowleggedfrog\\_9-28-06\\_profile.pdf](http://www.co.contra-costa.ca.us/depart/cd/water/HCP/archive/final-hcp/pdfs/apps/AppD/13a_yellowleggedfrog_9-28-06_profile.pdf)

<http://www.enature.com/fieldguides/detail.asp?recnum=AR0023>

**From:** [Jay Shuttleworth](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 9:56:39 AM

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Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please prohibit suction dredging in the North Fork American River. Aside from the legal problems of allowing such dredging in a Wild and Scenic River corridor, my past experience with dredgers has been that they destroy the natural habitat through their mining efforts and through their ad hoc camps stewn with garbage, oil, and machinery.

Also, I resent that a few individuals are allowed to "make a living" on the taxpayer's dime. These wild areas are sources of recreation dollars for our local communities. Why should I be subsidizing the jobs of just a few large-scale polluters?

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Jay Shuttleworth  
PO Box 342  
Colfax, CA 95713-0342  
(530) 400-6990

**From:** [Jan Summers](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 7:26:27 AM

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Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

It's vital to our environment and to the public who enjoys our forests & rivers to prohibit mining in rivers and streams in National Parks.

Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

The public must count on Fish & Game to ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are FULLY PROTECTED in the new regulations.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Ms. Jan Summers  
2311 River Plaza Dr Apt 15  
Sacramento, CA 95833-3240

(916) 927-5570

**From:** [David Urman](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Thursday, March 24, 2011 5:56:15 AM

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Mar 24, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

Since the days of Teddy Roosevelt a century ago, Americans have expressed a strong desire to preserve our precious heritage of natural habitat. Bit by bit it has been stripped away, sacrificed sometimes to what was considered progress, and oftentimes to nothing more than greed. In the case of suction dredge mining, it is the greed for gold that is the motive. Please don't allow greedy developers to destroy the little that is left of our precious national heritage, which by rights belongs to all Americans.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. David Urman  
2330 Donner Way  
Sacramento, CA 95818-3929

**From:** james.bailey  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov)  
**Subject:** DSEIR Rubicon River suction dredging  
**Date:** Friday, March 25, 2011 4:55:46 PM

032511\_Bailey

MR. Stopher: I would like to point out that the Rubicon River in El Dorado county and Placer county (is the county line) for most of the Rubicon River . The DSEIR "(9)Eldorado" "Rubicon River" states "Mainstem and all tributaries upstream from Placer-El Dorado County line" is class "A". This is very ambiguous at best! Where is this line? Also "(31)Placer" "Rubicon River" states "Mainstem and all tributaries upstream of Oxbow Dam to the Placer-El Dorado County Line". is class "E". Once again the Rubicon River is the county line! Shared by both counties! Where is this line? Where is the beginning and end to these classifications ?

My family and many friends are and have been claim holders and gold dredgers on the Rubicon River for over 25 years. The proposed (class E) section designation of the Rubicon River is a major concern for us. The dredge season change from the (third weekend in May through Oct. 15th) allowed us about five months summer/fall dredging . (Sept.1 through Jan.31) proposed (Class E) would only allow us about one and a half months of good weather. Which would effectively disable us from access to and from our claims throughout the winter months (Nov.-Jan.31). The access roads travel well above the Sierra snow line. One road we must travel is over 5 Thousand feet elevation that is dirt and descends 5 mi. to our claims near Long Canon ,Rubicon River confluence. These roads are not maintained in the winter. They are impassible once the snow falls! This "E" classification is a danger to our lives! Freezing water temps , extreme fluctuations in river flow, limited underwater visibility, travel for supplies, back packing to and from the vehicles in inclement weather. These (DSEIR) (Class E) proposed regulations would create the same unnecessary dangers to the public in general who are interested in gold dredging in

the  
sierras.

As a gold dredger with much of my yearly income dependent on dredging my Rubicon River claims, forcing me into the river in winter months is a haphazard approach to "protect fish". Based on the need to "protect fish" that are and have been thriving on the Rubicon River for the last 25 plus years of my ""intimate knowledge" is a farce and is not acceptable terms and conditions to be subjected to. The (Placer County Water Authority) funded a recently completed a multi year biological study of aquatic life on the Rubicon River with favorable results through out the areas where we have been dredging (for 25 years ). "The aquatic life of the Rubicon are healthy and abundant" according to one of the biologists I spoke to on site during my dredge operations in the river.( Study area up stream of OxBow Reservoir). The Middle Fork American River converges with the Rubicon River above the OxBow dam. In the OxBow Reservoir. These two rivers are the same water shed ,share the same "Fish" the same receiver the same dam yet their are two distinct designations to them in the (DREIR). (Class D) (July 1 through Jan.31)for the Middle Fork American River witch season would start two months ahead of the Rubicon River season and end the same time Jan.31,. It is my belief the Rubicon River should share the same (Class D) designation as the Middle Fork American from their confluence up stream. Or return to the old designated time frame ( third week in May through Oct 15th) Thank You! , James Bailey

**From:** [Ray Binner](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Friday, March 25, 2011 1:00:01 PM

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Mar 25, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Please ensure that the extraordinary and outstanding values of state and federal Wild & Scenic Rivers, as well as the fishery values of state Wild Trout Streams, are fully protected in the new regulations. Please prohibit mining in rivers and streams in National Parks. Rivers and streams should also be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

Thank for your time looking in to this matter.  
Ray Binner

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. Ray Binner  
PO Box 813  
Cedar Ridge, CA 95924-0813  
(530) 575-8385

**From:** [FGC](#)  
**To:** [DFG Suction Dredge](#);  
**Subject:** Fwd: Fw: suction dredge legislation  
**Date:** Saturday, January 01, 4501 12:00:00 AM

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>>> Greg Castagnoli <gchuntr101@sbcglobal.net> 3/25/2011 7:10 AM >>>

--- On Thu, 3/24/11, Greg Castagnoli <gchuntr101@sbcglobal.net> wrote:

From: Greg Castagnoli <gchuntr101@sbcglobal.net>  
Subject: suction dredge legislation  
To: [dfgsuctiondredge@dfg.cal.gov](mailto:dfgsuctiondredge@dfg.cal.gov)  
Date: Thursday, March 24, 2011, 4:47 PMGentlemen,

I am what you call a weekend prospector or recreational prospector. I do this for pure relaxation and fun. I am going to skip entering all the arguments regarding whether the dredging hurts spawning beds or helps them clean up because frankly I don't know. I do know that I don't want to hurt the fishing we have here in California because I do that too.

I want to comment on the proposed regulations as a non-commercial prospector who can't afford to go around and buy claims that we set up at for a week or more at a time. So, we join different prospecting clubs that pool our money and provide us with a multitude of places to prospect up and down the state. This is part of the fun, seeing new places and wildlife just like a tourist traveling the states on summer vacation to see the sights, Grand Canyon, Bryce, etc.

As you know dredges come in many sizes, from a backpack type 2" dredge (which is what I am interested in because of its portability) on up in size to ones that are not quite so easy to move. This weekend I might be on Butte Creek in Butte County and then in the afternoon I might move upstream a few miles to a feeder creek and then the following day move onto the West Branch of the Feather. Next weekend I might be on the North Fork of the Feather, then Rock Creek, then Yellow Creek all in Plumas County, so on and so on. Trying to list all the locations that I might use my equipment in is just ridiculous. It is like buying a hunting license and quail stamp and have to list all the different drainages in California where I intend to hunt. It can't be done. We don't plan that far in advance, even though our wives would like us to.

So, as long as I comply with

the permitting parameters what difference does it make for you to know when and where I am going to use my non-commercial portable backpack equipment? How about some exemptions for the smaller equipment?

Sincerely, Greg Castagnoli Chico, CA

**From:** [mojavejoe@verizon.net](mailto:mojavejoe@verizon.net)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**Subject:** Unavoidable Impacts vs Public Comment  
**Date:** Friday, March 25, 2011 10:10:16 AM

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Hello Mark,

I thought I heard you say at the public meeting in Santa Clarita that 'water quality and toxicity' is not an issue of DFG's jurisdiction. Therefore it was not a consideration in writing the proposed new Suction Dredge Regs. If that is the case, why was it part of the DSEIR along with Archeological considerations etc etc?

Could you please list for me the areas of potential impact that are in the DSEIR but do not require rebuttal during this Public Comment period. After having 2 meetings already I am sure you have come across several areas of public opposition that do not apply to this process, due to no DFG jurisdiction. (like perhaps mercury? or artifacts?)

No point in me writing and sending you comments that do not apply, right? Your advice in this area would be greatly appreciated.

Thanks,  
Joe

**From:** [jprude@blm.gov](mailto:jprude@blm.gov)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**cc:** [Gregg\\_Wilkerson@ca.blm.gov](mailto:Gregg_Wilkerson@ca.blm.gov);  
**Subject:** Comment on Proposed Suction Dredge Regulations  
**Date:** Friday, March 25, 2011 10:44:21 AM

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Dear Mr. Stopher:

I was reviewing the proposed suction dredging regulations to see how the proposed regs would potentially affect operations on BLM land in the Bakersfield Field Office. In reviewing the proposed restrictions in Kern County, I noticed on p. 31 that the description of one of the areas proposed for closure to dredging is shown as:

Multiple Waters All rivers and streams in the County  
east of Hwy 99, north of Hwy 58, south  
of Hwy 178, and east of Hwy 14 above  
4,000 feet elevation

I think the eastern boundary of this area was probably meant to be Hwy 14, and the text should read:

Multiple Waters All rivers and streams in the County  
east of Hwy 99, north of Hwy 58, south  
of Hwy 178, and east **west** of Hwy 14 above  
4,000 feet elevation

This is not meant to be the BLM's formal response. I'm in the oil and gas program and we just happen to be in the process of revising our land use plan, and dredging is addressed in the minerals section. I'll forward the notice of the availability of the proposed regulations to our Solid Minerals Program Lead, Gregg Wilkerson, in case he hasn't seen them.

Thanks.

Regards,  
Jeff Prude  
Bureau of Land Management  
Bakersfield Field Office Oil and Gas Program Lead  
3801 Pegasus Dr.  
Bakersfield, CA 93308  
(661) 391-6140

"All things work together for good in the end. If things aren't working together for good, then this isn't the end." - Max Lucado

**From:** [Janet Thew](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** opposition to suction dredge permitting  
**Date:** Friday, March 25, 2011 6:31:19 PM

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We would like to express strong opposition to ending the current ban on suction dredging. You are stretched thin as it is, so how would you monitor compliance with BMP's for 4000 permits? The potential for environmental damage is real, and that's why the previous governor instituted the ban. We support a permanent ban.

Thank you.

Janet and Mark Thew  
5572 St Francis Cir W  
Loomis CA 95650

032511\_Thomas

3-25-11 Robert Thomas  
Caliente, CA  
661-867-2866

Mark,

"Ken River"  
DATES

AFTER doing SOME RESEARCH, I Found that the Foothill Frog & haul back breed from June And Hatch up to 30 days later, (July). Opening Season in July doesn't seem A good choice, 2 REASONS.

- 1. Fast Flow
- 2. Frog Breeding Season

This Frog breeds in Spring, here That's May-June, July eggs hatching on river rocks. You see the real situation and realize A MISTAKE has been made. Better choices would not AFFECT the Frogs or the SAFETY of humans. Please adopt the dates on this chart.

Thank You! RTh

BREEDING SEASON  
FOOTBALL  
YELLOW  
+ HAMBURGER  
FROGS

NO FROG  
BREEDING  
+  
NO SALMON  
IN KENN  
RIVER'S  
ANY TIME.

MAY 2008 & JULY AUG  
DATES EXCEEDED  
BY BREEDING.

MATING SYSTEMS  
WATCHING METAMORPHOSIS

SEPT. OCT NOV. DEC.  
DAN. FEB. MAR. APR.  
(MONTHS THAT DO NOT AFFECT FROG)

Kenn River

MORE APPROPRIATE TIME FRAME FOR DREDGING  
IN THE KENN RIVER!

Summary. Every aspect of dredging (if safe + follow rules) are & always  
have been helpful in being the only group on planet  
earth to clean out the rivers of trash placed by  
others who do so while fishing - shooting - clomping  
and so on. We provide a irreplaceable service to  
the waterways + environment. By keeping us in the  
river systems at maximum allowance time helps even  
more. Kenn River previously was year round, now frog  
issue, the dates above represent the best system.

BY:  
ROBERT  
THEMAN  
601-867-2866

**From:** [miner43@comcast.net](mailto:miner43@comcast.net)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Friday, March 25, 2011 5:52:23 PM

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Gerald VandeWeg  
506 Lanyard Ct.  
Rohnert Park, Ca. 94928

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

RE: Draft Subsequent Environmental Impact Report (DSEIR)

I am responding to the DSEIR and its proposed changes to Suction Dredging.

For the last 15 years, I have been a mineral claim owner on the Slate Creek in Plumas and Sierra Counties. You have proposed to reclassify the Slate Creek and its tributaries from a Class "C" to a Class "A" waterway. This will prohibit suction dredging at anytime. The DSEIR does not provide reasons or justification in the report to close suction dredging to the Slate Creek and hundreds of miles of other waterways.

I can only conclude that in the DSEIR the study on effects of mercury (Hg) removal left from the historical gold mining days has caused you to reclassify the Slate Creek. I would like to take a moment to say that I have never found Hg contamination in the sediments of the river as was stated in the report. I have found it in the cracks of the bedrock and I have always removed it. It is a heavy metal and is trapped in the dredge box when it is sucked up. My reading of the DSEIR shows that dredging does not resuspend Hg/MeHg but it settles out quickly. The study mentions that MgHg will evaporate when exposed to sunlight and but falls to mention that all dredging is done during the daylight hours I believe that no changes are warranted from the 1994 EIR regarding the Hg contamination. Suction dredging, regardless how it is measured, removes Hg from the waterways. The conclusions of Hg in the DSEIR are flawed.

You may have reclassified Slate Creek due to its size. The new proposed regulations of prohibiting dredging within 3' of the current water line is ridiculous. On a smaller

creek such as Slate Creek, that would effectively prohibit dredging except in the wide pools. This change is unjustified

Limiting the number of permits for the whole State of California to 4000 is not a solution.

The conclusions of the 2011 DSEIR reaches the same as in the 1994 EIR, why are the regulations being changed so dramatically.

I support the no-change alternative.

Sincerely,

Gerald VandeWeg

**From:** [Mike Laier](#)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**Subject:** Dredge intake  
**Date:** Saturday, March 26, 2011 10:11:11 AM

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In the past I have tried my 4 inch dredge on the klamath river and it is to small for these large bodies of water. It is not stable and to small to work on the large number of oversized cobbles. The smallest dredge for these areas would be 5 inch but what was wrong about the old 6 inch regulation. The 1994 regs are just fine. Michael Laier Kelseyville Ca.

**From:** [Mike Laier](#)  
**To:** [mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov);  
**Subject:** pump intake size  
**Date:** Saturday, March 26, 2011 10:20:27 AM

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Your change of intake size holes to 3/32 is not practical. The modern dredges are made with a 6/32 pick up screen which allows for proper volume of water to keep the pumps from over heating. At 3/32 which is less than a 1/8 of a inch every thing in the water will clog this screen in a matter of minutes. Please choose 6/32 of a inch. Thank You Michael Laier kelseyville Ca.

**From:** [Michael McMaster](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Proposed Suction Dredging regs.  
**Date:** Saturday, March 26, 2011 10:20:11 AM

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It is becoming very difficult to do anything in America anymore. The cost of these ongoing studies over and over again is ridiculous and is a horrible drain on this states funds. As a recreational dredger and knowing many others that participate we have never been a negative impact on the environment. In fact in most cases we have benefited the environment by removing and cleaning water ways of lead, trash, and toxic poisons such as mercury. I am strongly opposed to these regulations that put a cap on how many permits that will be allowed. (4000) permits for the entire state of California on a First come First serve basis is ridiculous. Given the current economic problems with people out of work and there being no jobs, many people will look to this activity for a means of income. Yet these regs will limit these opportunities. This in also counter productive in a cash strapped state. The limit to 4000 permits needs to be either lifted to that of the pre-amended regs, or done away with. Signed, Michael K. McMaster a very unhappy American. Of note: The meaning of American is slowly becoming that of a Americant....

**From:** [Harley L. Mullen](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**cc:** [Jim Foley; mojavejoe@verizon.net](mailto:Jim.Foley@mojavejoe.verizon.net);  
**Subject:** Input to Draft SEIR  
**Date:** Saturday, March 26, 2011 6:43:21 PM  
**Attachments:** The truth.doc

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Attached is a Word copy of an essay of which I am the original author. Please accept this as a miner's input to the SEIR process. Thank you.

Harley L. Mullen  
"New 49er" member

## A balanced perspective on small scale dredging.

There is an old adage that says, *“If you shout something loud enough, long enough, and often enough.....it becomes believable enough, by enough people....to pass as fact.”*

Thus is the hope of environmentalists who claim that small scale dredging is harmful to fish. Environmentalists and other special-interest groups have recently been engaged in an all-out assault against small scale dredgers, alleging that this mining activity is harming fish. Well, actually, what they are saying is that this activity “may” harm fish, and on that basis alone, they are seeking to shut down the small scale dredging industry. Their allegations are rife with supposition such as “may”, “could”, “might”, “can”, etc. Now, there’s a good reason for this.

Generally, when someone is alleged to be causing environmental harm, there are two things. First of all, there is scientific evidence that environmental harm is being caused in the first place....a corpse if you will....a dead herd of buffalo, dead birds laying on the ground, defective eggs, mutant lizards, or in this case, dead or injured fish. Secondly, there is sound scientific proof that a particular activity or situation is causing this harm. Ironically, in the issue of small scale dredging, neither of these two factors is present. Neither environmentalists nor biologists who have monitored small scale dredging for decades have provided any scientific proof whatsoever that a small scale dredger has ever harmed a single fish! Let me repeat that.

Not... one... single... fish!

You can bet your boots that if any such evidence did exist, it would have been bannered and exaggerated all over the news media. Environmentalists would be having a heyday with it. Instead, they are left completely empty-handed. Yet, they continue to press their assault against small scale dredgers, seeking a political solution while circumventing scientific discovery and the public review process in an effort that is completely devoid of a single fragment of proof. The fact is, that small scale dredgers actually help the fish in a number of very important ways. This will be discussed later.

Let us understand something here. Environmentalism is a wonderful thing. It has driven the cleanup of many of our rivers and harbors. It has exposed many pollution sites, and placed the responsibility for cleanup of these sites squarely in the laps of those responsible. And it has fostered protection for endangered species. Unfortunately, as with all good things, there are those who would abuse it. In addition to its great accomplishments, environmentalism has become a powerful and convenient tool for many “NIMBY“ (not in my back yard) activists. Environmentalists have often been successful in thwarting roadway and rural development projects, and in keeping Walmart out of town. Often, one of the first considerations of opponents to development is “let’s get the environmentalists in here and see if we can stop this.” Many of the involvements by environmentalists were not born of concern for the

environment, but by political agenda. Opponents of an unwanted presence can challenge this presence with a powerful tool while cloaking themselves in righteous deed. The Endangered Species Act (ESA) which they frequently rely upon has virtually become the preeminent law of our nation, it is so powerful. Environmental laws, as presently written, often permit a small, radical-thinking, agenda-driven, and often misinformed minority to impose their philosophies upon the general masses with little accountability. And, we as human beings often find such power too seductive to sensibly meter. I am a dredger and an environmentally-conscious person. I admire environmentalists for the good that they do, but I cannot admire their sometimes misdirection, and their prostitution of environmental laws as a political tool.

First of all, it is highly obvious that environmentalists and their legal advocates generally know very little about dredging for gold or they would not make some of the outlandish claims that they do. They are largely unfamiliar with the scope and mechanics of a small scale dredge operation and apparently are hoping that the courts in which they plead their cause are equally unaware as well.

It is important to first understand how a dredge works.

#### DREDGE MECHANICS

A dredge is a small mechanical platform that is mounted on floats. It consists of a small engine, a water pump, an inclined sluice ramp, and sometimes an air compressor to enable the dredger to breathe underwater. A suction hose is attached to the front of the dredge. Water is propelled through this hose by an injection of water from the water pump. This pumped water is injected up the dredge hose at a very shallow angle, and thereby causes greater volumes of water to be propelled up the dredge hose by what is known as the “venturi principle”. None of the dredged water or material passes through any pump or mechanical device. The dredged material enters the front of the dredge, where it spreads out, slows down, and flows down over a series of small barriers known as “riffles”, and then out the back of the dredge. This section of the dredge is known as the “sluice”. It is now important to understand that gold is just about the heaviest thing found in a stream. Gold has a “relative weight” of 19. (Water has a “relative weight” of 1.) Therefore, gold is 19 times as heavy as water of equal volume.

Dredged water and streambed materials easily travel down this sluice mechanism and out the back of the dredge. Because gold is so heavy, it will drop out of the material flow and become lodged in these “riffles”. This is how miners capture the gold and not everything else. Other things that are relatively heavy, though not as heavy as gold, will also become lodged in the sluice. This includes “black sand” which contains quantities of iron, fishing lures, tools, metal trash, lead sinkers, nails, bottle caps, beer-can tabs, and just about any other form of human junk that is unearthed by the dredge. Also, another very heavy element, poisonous mercury from ancient mining methods and other industrial contributors is often captured in a dredge and can now be safely disposed of. As you can see, a dredge is somewhat of a “vacuum cleaner” and in addition to capturing gold can help significantly to remove many pollutants from a streambed. This “concentrated” material is usually removed from the dredge sluice at the end of the day and then taken back to a campsite or other location where it is “panned down” with a gold pan. The gold is captured and the trash and pollutants are properly disposed of.

#### SIZE AND SCALE:

Compared to the natural lay of a stream, dredging activity is quite insignificant. Even in the most heavily dredged regions the area affected by dredging is almost always less than even one percent of the area of a waterway. This has been established by surveys. A dredger who moves a single cubic yard of material has done a very hard day's work. The streambed materials are often impacted and require difficult digging with tools to penetrate. Also, anything too large to go through the dredge hose must be dug up and manually moved aside and a dredger must stop a great many times per day to clear a dredge hose that has become plugged. In addition, a dredger must get fuel to the dredging location along with food and supplies. A dredger must also perform maintenance on his/her dredge and get into a wetsuit and secure all tools that they will need. Also, the water in the stream will often be colder in the early part of the day so a dredger often will not start before mid-day. A dredger must also stop occasionally to rest and consume food or drink and refuel their engine. A typical dredger will usually be accomplishing "productive work" between two and four hours a day in the stream. And, due to the exhaustive nature of the activity, along with things such as weather considerations, a dredger will seldom work every day.

The typical dredging operation involves working a hole down through the streambed material until they reach solid bedrock where gold, being the heaviest thing in the stream, has settled. Gold, as well as all other streambed material is moved downstream by raging winter floods. This gold will readily become lodged in cracks and crevices in the bedrock. It is primarily these imperfections in the bedrock that the dredger is looking for. The dredger suctions the easily-moved materials with the dredge hose. Anything that is too large for the dredge hose must be manually moved to one side. Once the bedrock is reached and cleaned, if reasonable gold has been found, the dredger will usually expand their hole off in another direction, dropping material back into the area they originally dug out. If the yield has not been worthwhile they will usually open another test hole some distance away. There are particular areas of a stream or river where gold is most likely to be found but it is still mostly a matter of chance.

Having provided a basic understanding of a small scale dredging operation, we can now examine some of the claims made by opponents of small scale dredging. These claims have been numerous and are mostly without scientific foundation. Once the allegations are proven false, they simply move on to a different allegation.

## DREDGES FRIGHTEN FISH, AND CAUSE THEM STRESS.

Actually, the opposite is true. In a dredge hole six feet wide by six feet deep it is not uncommon to see over a dozen juvenile fish in the hole in close proximity to the operator. They are usually looking for edible tidbits that are unearthed by the dredger or they have ducked into the hole to rest from the currents. I have observed this countless times. There are hundreds of hours of media videotapes showing this.

The motor on a dredge is almost not audible underwater. Many times, the only way that a dredger knows that his/her engine has run out of gas is by the fact that their air supply quits and the dredge hose stops suctioning. This requires a mad scramble to the surface. The most prominent sound when operating a dredge is a “whooshing” sound made by aggregates going up the dredge hose. This is much like the normal rushing sound that you will hear underwater in any stream. Fish routinely swim all around a dredge and it’s operator looking for food. They are not a bit frightened of it. Fish are normally spooked only by fast-moving, ominous objects such as a kayak, canoe, or other watercraft, swimmers or waders, or an obvious predator.

## DREDGES RAISE THE TEMPERATURE OF THE WATER, WHICH KILLS FISH.

This claim is completely false. First of all, the only thing that is warm or hot on a dredge is the engine. Absolutely no water comes in contact with the air-cooled motor or its hot exhaust. Dredges are not like outboard motors where the hot (and oily) exhaust is vented underwater and the engine is cooled by water. If a dredge has any effect on the temperature of water at all it probably cools it slightly due to the aeration and evaporation of the water as it flows over the riffles of the sluice.

Scientists have measured water temperatures of numerous streams and rivers above and below a dredge and were unable to measure any difference whatsoever with the instruments that were available to them.

## DREDGING CREATES TURBIDITY IN THE STREAM

Of course it does. Any activity in a stream creates turbidity whether it be a fisherman wading in a stream, animals walking in the stream, a group of children frolicking in their favorite swimming hole, or a tree or rock falling into the stream. The important concerns are how severe the turbidity is, how widespread it is, and how prolonged it is.

First of all, dredging is only permitted within the wetted area of a stream. Dredging into a “loamy” area along stream banks and excessive clouding of the water is forbidden by dredging regulations. The streambed materials that are suctioned by a dredge are materials that are constantly washed by stream currents. Therefore, these materials are mostly free from

the finer particulate material that can “cloud-up” the water and remain suspended for a prolonged period of time. Most of the material that comes out of the back of a dredge sinks immediately, within two or three feet. Some of the finer particles can travel further downstream in a narrow plume that is occasionally visible from above the water. Depending upon the speed of the flowing water, this visible plume largely dissipates within 25 to 50 feet downstream of the dredge and it is relatively rare for it to extend beyond 100 feet.

To get some idea of the level of turbidity that is usually created by a dredge we must understand some facts about dredging. A dredger cannot operate in water where there is an appreciable level of turbidity at all. When visibility is impaired, dredgers cannot see what they are doing. They cannot see the gold that is trapped in crevices, and rocks that are overly large will get suctioned by the dredge nozzle and plug the dredge hose. These plug-ups are very difficult to remove. In addition, dredgers cannot see the looming danger of boulders that could tumble in on them and injure or kill them.

It is common for dredgers to set up within 50 or 100 feet downstream of each other with no visibility problems, yet events such as dam releases or thunderstorms will cause the level of turbidity in the entire river to rise to the level that dredgers have to abandon their activity for several days. Even within the area of a normal dredge plume the level of turbidity is only a tiny fraction of what is created by naturally-occurring and long-enduring events such as storms and winter floods which fish routinely endure. One single thunderstorm creates many times the turbidity in a given river or stream than is created by all dredging activity for an entire year.

#### DREDGING POLLUTES A RIVER.

Absolutely false. A dredge adds nothing whatsoever to the waterway. The material that comes out the back of a dredge is the very same material that was lying on the bottom of the waterway. It has simply been moved a few feet. However, as mentioned previously, a dredge does remove many pollutants from a waterway. While we are on the subject of pollution, this would be a good time to discuss one of the most lethal pollutants in a waterway..... mercury. Mercury is a very heavy, highly toxic metal that exists in a liquid state and usually concentrates in “blobs” in any depression. Mercury will readily adhere to gold and various other metals and coat them. It will also cause small particles of these metals to bind together, much like the fillings that dentists put in our teeth.

One of the greatest concerns with toxic mercury is its ability to enter the food chain, such as in fish. It does not do this as a blob but rather as microscopic particles. When mercury is sitting in a waterway, disturbances and agitation such as tumbling boulders smashing this blob, or gravels scouring this blob, can cause a few microscopic particles to break away and become mobilized in the waterway. This is known as “flouring”. As long as this blob remains in the waterway, it is prone to flouring from constant disturbance until it flours away completely and becomes a toxic poison to many living organisms. The only way to stop this contamination is to remove these blobs of mercury and other mercury coated metals from the waterway. This

is exactly what a small scale dredger does! A recent scientific study showed that a small scale dredge captured 98% of this toxic mercury from a waterway.

These are just a few of the marathon claims that environmentalists have alleged against dredgers, but they are among the most important. Now, let's look at the other side of the coin. I previously mentioned that dredgers provide several benefits to fish. They do, and they are very important to the survival of fish and will be discussed in detail. Most of the discussion will be as it pertains to salmon, as it is this species that is at the heart of the present controversy. When a dredger searches for gold in a stream he/she basically creates three alterations to the streambed. These alterations are..... the dredge hole, a tailing pile, and a cobble pile.

### THE DREDGE HOLE

Environmentalists do not generally give a lot of lip service to the dredge hole itself aside from the fact that it can be considered an eyesore and a challenge for persons wading in a rocky stream. Some even acknowledge that the dredge hole can have a benefit for fish. The annual spawning migration is a very strenuous trip for fish and there can be a significant mortality of fish during this migration. The fish become weakened by their constant struggle against strong water currents. Also important is the fact that fish migrate during the time of year when the water is near its warmest. Warmer water contains less oxygen, heightens the chance of disease, and saps the strength of fish. Fish will often pause in an area of river where a cooler side-stream enters the river to regain their strength. These areas are known as thermal refuges. Dredging is often prohibited within a certain distance of these refuges. In between these natural refuges, migrating fish will frequently duck into vacant dredge holes where the water is calm and the temperature is stratified with the cooler water being near the bottom. Frequently, a dozen or more adult fish can be observed using dredge holes. In many instances, fish seem to prefer dredge holes over natural refuges, possibly due to the depth and calm water.

Prior to the migration season, these dredge holes are extremely important to juvenile fish. As the summer wears on and water levels drop, predation of these small fish increases immensely, due in large part to numerous bird species. It is at this time that these smaller fish seek shelter in deeper pools if they can find them. These dredge holes are an ideal refuge.

### TAILING PILES

These are the piles of gravel-like aggregates that come out the back of a dredge. These tailing piles are also one of the present focuses of mining opponents who are desperately searching for a valid indictment of small-scale dredging. A streambed is an environment that is constantly being changed by water flow. Each year, the streambed erodes a little bit more and

some of the streambed material is moved. This streambed material can range from fine silt to huge boulders and there can be other things that fall into the stream or river from its banks such as trees and brush. Streambed composition varies from place to place and from year to year.

When salmon spawn in the late fall, they try to select a streambed area that is shallow, relatively flat, free of fast currents, and comprised of loose gravel in which they can lay and bury their eggs. Successful reproduction by fish is highly dependent upon the available quantity and quality of these spawning sites. Once fish lay their eggs, these sites are known as (redds).

Since the composition of tailing piles is often similar to the loose, gravelly material that spawning fish prefer, they occasionally select a tailing pile as their spawning site. The extent to which fish select tailing piles is dependant upon the availability of natural beds. A recent biological study in Northern California found that out of a total of 372 “redds”, 12 of them, or roughly 3 percent were on tailing piles. Elsewhere, it has been observed that when natural beds are scarce, the selection of tailing piles increases. In rare instances where spawning fish have entered streams in which the streambed has become compacted or silted-over and there are no natural beds available, tailing piles offer virtually the only suitable opportunity to successfully spawn.

There are two primary concerns with regard to the survival rates of the eggs within these redds. Scouring and siltation. Scouring occurs when the unstable material of a streambed is moved downstream. This movement is usually greatest during the winter floods. Siltation, or the covering of redds by silt, is of far more concern than scouring. Although the extent of mortality by scouring is not of a known quantity, mortality by siltation is often complete as the eggs and pre-emergent fish become smothered by silt. Some biologists have even suggested that a certain amount of scouring is actually desirable to limit silting in some of these spawning beds.

Due to the fact that newly created tailing piles may not have had the opportunity to go through a flood event and become flattened and stabilized, there is a potential for more movement and scouring in these piles than there would be in a natural streambed spawning site. This can possibly result in greater mortality for eggs that were laid in fresh tailing piles. It has been noted, however, that once these tailing piles have become flattened and stabilized by winter floods, they can remain viable as a suitable spawning site for a period of several years. This is extremely important in streams where there are few or no natural sites available. Even during the first winter when scouring would likely be at its greatest, these tailing piles afford at least some opportunity to successfully spawn in a stream that might otherwise provide none. And this opportunity can continue for several years. Also, these stabilized tailing piles likely are less susceptible to silting and scouring than natural streambed due to the fact that once they are flattened and stabilized these tailing piles generally remain slightly elevated above the surrounding streambed. And, these tailing piles start out as washed streambed material, therefore they are free of silt in the first place. It is not known how many of the “natural beds” that were counted in this study were actually former tailing piles that have become flattened.

In view of the fact that fish tend to select tailing piles very infrequently, and only as necessary, and that stabilized tailing piles can provide prolonged spawning opportunity where there would otherwise be little or none, it would seem only logical that the known benefits of this relationship far outweigh any possible harm. We must also keep in mind the fact that scouring in a streambed is not “selective” only to fresh tailing piles. The entire streambed is vulnerable to scouring during raging winter floods.

#### COBBLE PILES:

These are rocks that will not pass through the dredge hose and consequently are piled to one side by the dredger. They usually range in size from roughly 12 inches in diameter down to about 3 inches, depending upon the size of the dredge. Larger than this, the rocks are generally too heavy to pile. These piles represent a certain percentage of the aggregate removed from a dredge hole.

About the most frequent claim by mining opponents is that these piles may divert the flow of water and may “possibly” cause erosion of river banks. At this point in time it would seem proper to mention that dredging into riverbanks, undercutting riverbanks, and doing anything that would cause erosion of riverbanks is strictly forbidden by dredging regulations. There are heavy penalties for violating these regulations and every dredger knows it. Dredging regulations are provided annually when a dredger is issued his/her annual dredging permit. And, dredging operations are frequently monitored by enforcement personnel. Dredging is a tightly regulated and monitored activity.

Secondly, dredging is usually not done adjacent to riverbanks, but closer to the deepest part of the stream or river as this is where the gold has settled. In those places where the deepest channel is along the side of a river or stream, the bank is usually not composed of soil but rather by ledge or gravels. The soil was eroded away eons ago by the natural river currents. It should also be mentioned that these cobble piles are very porous so the water flows through them as well as around them. There is little chance of changing the course of a river or stream. This is a small cobble pile, not a diversion dam. It should be noted that virtually every year during high winter floods, huge boulders and the occasional tree trunk are washed downstream and become lodged in an area where they cause immense changes in the flow of a river or stream and erosion of the river banks. Dredgers, on the other hand, do not begin their activity until the time of year when the water level is lowest and the flow is the slowest, and any hydraulic forces are minimal.

During the heavy winter flooding of 2005/2006, much of the vegetation, trees, and soils were ripped away from the banks of the Klamath River for much of its length, leaving nothing but exposed bedrock. Vast sections of this river were unimaginably altered, and almost unrecognizable from the year before. Unlike the small, temporary alterations that dredgers create, this naturally occurring alteration will not be reversed by winter floods. It was massive, and it is permanent.

It is hard to imagine that a pile of rocks resting on the bottom of a stream or river could provide very much benefit to anyone or anything, but it does. And this one is quite important. It is also a benefit that is carefully not mentioned by environmentalists.

Salmon generally spawn in the late fall in favorable gravel beds that they select as best they can. After a period of incubation, the small fish (fry) emerge from these gravels during the spring months. Many biologists regard this period immediately following emergence, (known as the “juvenile rearing” stage) as one of the most important stages in the life of a fish. It is important that as many of these (fry) as possible survive to the next stage, (smolt stage), which precedes their migration to the ocean. After this general emergence, at the beginning of summer, the dredging season begins.

Immediately after emerging, these fish are very small, they are relatively poor swimmers, and it is during this time that they are in great danger of predation. Fish lay eggs by the billions but only a very small fraction of them ever survive to adulthood. The juvenile stage is a period of very heavy losses. It is extremely important that these juveniles find food to grow as much as possible and it is infinitely important that they are able to find shelter from predation during this stage of their growth. This is where cobble piles come into the picture. Cobble piles provide an excellent refuge for these small fish. The passageways between rocks go deep within the pile, there is sufficient water flow to provide adequate oxygen, and they are virtually free from silt. Due to the varying sizes of the rocks and the resultant caverns, fish of various sizes can find a place within the pile that is most suitable for them. As the fish grow, they can select a different area of the pile. I personally dredged a barren, featureless section of the Klamath River that had been ravaged by the terrible 2005/2006 winter flood. Several mink and otter were present in the area and had virtually rid the area of all fish population except for a very few juveniles that had found refuge in our cobble pile. This pile was also rife with crayfish which would have otherwise been easy prey for these predators.

Shelter from local predation is not the only benefit of a cobble pile. Biologists note that these juvenile fish attempt to remain within a very localized area if they are able to do so, but during periods of high flow such as dam releases, thunderstorms, etc that cause elevated flow, these small fish are often swept away from their preferred safe location as they cannot always find refuge from these currents. This increases their risk of predation elsewhere. Cobble piles and dredge holes provide that needed shelter from these swift waters. These “artificial habitats” are very valuable to small fish. Biologists widely acknowledge the importance of “streambed diversity,” and “structural complexity” to the survival and well-being of fish. Furthermore, these artificial habitats are comprised of natural materials, unlike in our oceans where these habitats are created by the intentional sinking of rusting, painted, and oily derelict ships.

## OTHER BENEFITS PROVIDED BY DREDGERS.

There are a couple other benefits that dredgers provide that I will mention. One of them is rather insignificant and the other is quite important. During the fall migration of spawning adults, the water is warm and holds less dissolved oxygen (DO). There is pressure on the oxygen content by the struggling dwellers that live there. Dredges force voluminous amounts of water down over the sluice section, mixing this water with air and this helps to aerate the water and increase the oxygen content. This is, of course, miniscule compared to the area of a river and is a mere drop in the bucket compared to the aeration provided by natural rapids in the waterway and boulders that ripple the water, but every little bit helps. In a smaller stream, this effect would be greater.

One other benefit that is provided by dredgers is extremely important. It is not uncommon to find dozens of juvenile fish swimming around an operating dredge. They swim into the dredge hole as well as swimming through the dredge plume. They are there because as a dredger suctions streambed material, he/she unearths thousands of invertebrates and suspends them in the water. Finding adequate food is one of the most important aspects in the life of a juvenile fish. The better the fish are fed, the more likely they are to survive, due to healthy growth and a diminishing predator pool. There is also a direct scientific correlation between the amount of time juvenile fish spend foraging and their susceptibility to predation. The faster the fish can feed, and then hide, the better off they are. When food is scarce, predation increases. This is another benefit that opponents of the dredging industry are careful not to mention. It does not take a genius to question the fact that when fish are being fed grain in a hatchery, it is considered an ultimate act of conservation, yet when native fish are feasting on their natural diet in the plume of a dredge it is somehow biologically unimportant. A dredger who spends a couple months in a given section of a river has provided a lot of food to the native fish population. Incidentally, biologists have observed that these invertebrates rapidly re-colonize, usually within three to four weeks.

Native, juvenile, and migrating fish must find sufficient food, shelter from predation, reprieve from harsh temperatures, a place to rest from swift currents during their exhausting migration, and suitable spawning habitat. Small scale dredging provides all of these. And, dredgers are the only waterway users who provide any of these important benefits that the fish so greatly need. It is almost unimaginable to me that environmentalists who are attacking dredgers aren't the real friends of fish at all. If the environmentalists were truly concerned about fish and really wanted to do something to help them, instead of sitting around and suing everybody, they would get up off their fannies, jump in the water, dig pools, pile cobble for refuges, provide food, and spread out gravel for spawning beds in our streams....just like the dredgers do with their sweat, back, and labor. As this essay is being written, our government is spending millions of taxpayer dollars to, among other things, spread out countless tons of gravel for spawning habitat in the Trinity River in California. Incidentally, you wouldn't believe the staggering amount of turbidity that is being created by the behemoth earthmoving machines that are being used for that project.

And some of the most avid accusers of dredgers are Indian tribes who sometimes “front” for environmental groups, and accuse dredgers of causing harm (without any proof) while their tribal members dip-net and harvest spawning adult salmon by the thousands as these fish are returning to their spawning grounds!!! I can think of a way to help these fish.....right now!!

Dredging is a very visible form of mining. Dredgers do not crawl into a hole in the side of a mountain. They do not dig in a pit that is surrounded by a privacy fence. Their activity is out there for all to see. One can usually look down onto a river and see their dredges floating on the water. There is often a visible plume trailing downstream from them. One can hear the distant drone of a lawnmower-sized engine, and if the stream is exceptionally clear one can sometimes see the dredge hole and cobble pile that are underwater. Dredgers frequently park vehicles beside a roadway, near to where they are working. To some, this intrusion into nature is disturbing. However, at the same time, dredging is perhaps the most reversible form of gold mining that there is. Virtually all traces of dredging activity are obliterated by the winter floods that occur after each dredging season. The dredge hole is completely filled in, the cobble pile is leveled, and the tailing pile is flattened and spread out, offering itself as a potential spawning site for years to come.

Mining has been, and still is, important to the growth and wealth of our nation. But, even though our government has enacted mining laws to encourage the exploration and extraction of minerals and valuable metals from our public lands, and confers possessory rights to enable a miner to do so, it is an affront to some people to witness individuals removing valuable metals from public lands which theoretically belong to all of us. Many allege that small-scale dredging is merely a recreational activity. This is not true. Many small-scale dredgers derive part or all of their annual income from this endeavor. Mining laws do not differentiate by how much an individual enjoys this activity. Miners are all bound by the same rules. And, a great many businesses in communities that are nearby to mining activity depend very heavily upon the millions of seasonal dollars that flow into their communities from miners.

When examining environmental issues and trying to decide the proper course of action, we must carefully consider all of the important factors, not just the ones that suit our purpose. We must balance and fairly evaluate all of the scientific evidence, and not allow political agenda to overrule scientific fact. We must seek out the truth, the whole truth, wherever it leads us. During my recent research, I read a USGS paper that acknowledged that dredgers remove mercury from waterways in California. However, a more recent rewrite of that very same paper now omits that fact.

It is reasonable to expect that as members of our scientific community, biologists would be completely neutral in their approach and in their findings, and that their observations would be all-encompassing and that their opinions would be free of political influence. For the most part, this is true. However, upon reading the conclusions of numerous studies it is readily obvious that a few of these studies are slanted against the mining community to varying degrees. Some of these studies merely cite selective components of studies done by others and some of them herald the possibilities of harm while omitting or minimizing potential or

known benefits. At least one of them was obviously conducted in a very narrow manner that guaranteed a certain outcome. This is not balanced science. It is natural to mankind to suspect to some degree that an intrusion into our “realm” may possibly be of an unwanted nature but science demands complete objectivity and a complete picture.

Many of these biologists know fully well the extent to which dredgers contribute to the wellbeing of fish. They know fully well that dredgers provide very important benefits to fish at just the right time of year when they are most needed by the fish, and then these alterations are completely obliterated by raging winter floods. They know fully well that the turbidity created by dredgers is a mere drop in a bucket compared to the millions of tons of mud, rocks, boulders, trees, stumps, brush, and other debris that are washed down our waterways during raging winter floods or a single thunderstorm for that matter, which fish routinely endure every year. They know that small scale dredgers are “occasional users” of our waterways, no more so than fishermen, boaters, swimmers, or the seasonal kayak and rafting outfitters who organize daily trips down our waterways involving hundreds of participants who picnic, wade, swim, and camp overnight on the shores of these waterways. And, unlike the highly regulated dredgers, these other waterway users are allowed to trample around in the waterway during a time when there are still incubating egg nests in the gravels!

So let's be honest here, shall we? This debate isn't about the environment, it's about control and politics. The environment is simply the vehicle. There is an old saying that says, “When you are a hammer, the whole world looks like a nail.” Environmentalists, even when ill informed, will fight any and all battles in their efforts to establish themselves as the sole stewards of our public lands which belong to all of us, not just a self-appointed few. It is infinitely important that these public lands be set aside and remain equally accessible for the enjoyment and reasonable use by all of our citizens. We must cherish and sensibly safeguard these privileges, lest one day we no longer have them.

*Many scientific papers and biological studies as well as personal experience were used in the preparation of this essay. These studies and papers are readily available on the internet. Thank you for taking the time to read this.*

**From:** [VICTORIA B BROOKS](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Please consider amending proposed regulations!  
**Date:** Saturday, March 26, 2011 2:37:07 PM

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Dear DFG,

I've read the proposal and feel your department is making blanket regulations when there's NOT critical rivers that need such severe regulations imposed on them. The South Fork American River is a perfect example of this. This river doesn't have a salmon spawn that enters the watershed and there isn't really a need to alter the already existing season that starts the end of May and runs thru Sept.. I even feel the need to reduce the inlet size of the equipment is unwarranted because this river doesn't have a mercury presence that let's say the Yuba watershed has. I feel the Dept of F&G needs to take the time and get this right because such severe blanket regulations aren't required. The area's in the Klamath river watershed that started this problem need stricter regulation because of the Salmon runs...This should be the focus of any regulation changes that your department takes.

Please take the time and get this right, respectfully Einar Reitz

**From:** [creek4@humboldt1.com](mailto:creek4@humboldt1.com)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** new regs in dseis  
**Date:** Saturday, March 26, 2011 2:23:56 PM

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Howdy, I'm writing in response to the new regs I saw for suction dredging. There seem to be some inconsistencies to me. Why wait til almost fall to get in the water. Cooling temps and sporadic flows will make it more difficult for dredgers and more fish will be affected as new ones enter the system. I agree with cutting down on the size of dredge nozzles to limit potential damage to watercourses. I think limiting the amount of dredges working a stretch at the same time is good also. It doesn't make sense to me to only allow dredgers 6 places to go in the season. Often a place is scoped and it is decided the return would be to low for the effort so move on to another spot. I believe that small dredges in the watercourse affect the fishery less than winter floods. Or at least they are similar. All the change that happens is also virtually invisible as it occurs in the watercourse. Cleaning the cracks in the bedrock underwater seems to me to be the cleanest form of mining there is. Moving lots of gravel whether with a dredge or a caterpillar has more of an effect on river flow. Roadwork and logging put more silt into streamcourses than dredging by far. If the fish are the major concern shouldn't these be limited more than dredging? More permits, shorter seasons, less area per operator to impact. Could this be the future for the logging industry? I would like to look for some gold with a dredge. 3" max and just to clean cracks. I don't want to move gravel bars searching for paystreaks. I would like to do it when the weather is warm and I don't have to be in a rush to get in and out. Shorter time on the river per day is probably better for fish than full days less often. I'm only a recreational miner so need to spend time working also. Hard to coordinate jobs around dredging schedule if set in stone. I'm also a new miner so I would hope that wouldn't keep me from being able to get a permit. I think it is good to limit situations like the new 49ers where 3 people are dredging in a row on one stretch of river. This doesn't mean it is good to almost do away with dredging altogether. The big mining companies and professional dredgers are probably causing the most impact so mitigation should fall most heavily on them. California was founded on the spirit of making a life from what was available. We still need some of that attitude personally on a small level. Please don't take away an opportunity for the people to get out and look for gold in a way that is worthwhile and potentially profitable. Allow locals with small dredges to sample the rocks. Since smaller dredges affect things less, maybe cheaper permits or more sites or longer season. This is real math as far as the fishery goes. Thanks for your time. Kirk

Scheidegger PO Box 203 Mad River, CA 95552

**From: Michael J. Tietz, PLS**  
**PO Box 91**  
**Proberta, Ca. 96078**

**3-26-11**

**Attn.: Mark Stopher**  
**California Dept. of Fish & Game**  
**601 Locust St.**  
**Redding, Ca. 96001**

RE: Proposed Suction Dredging Regulations

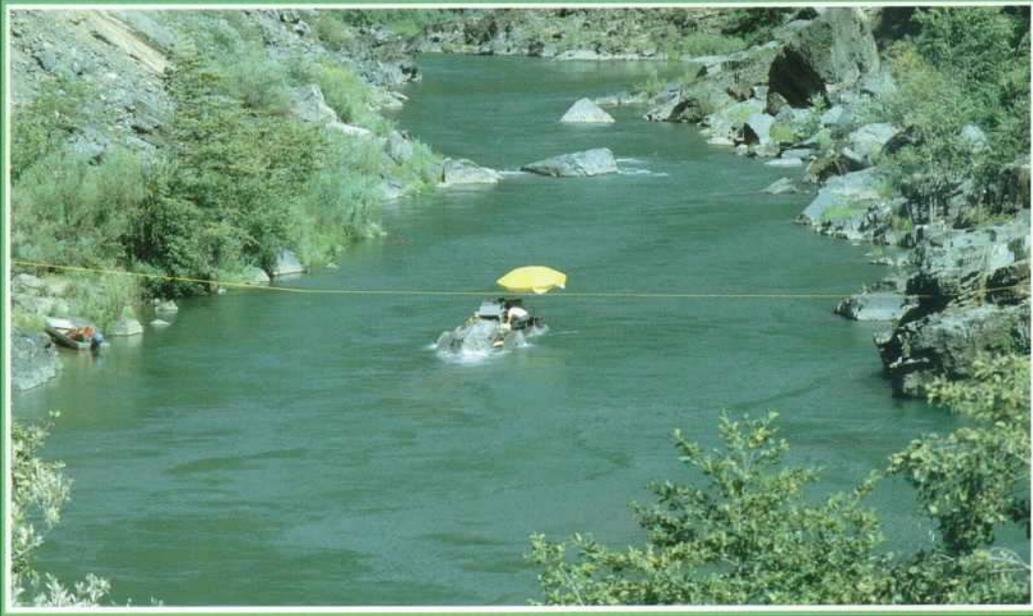
I am a professional land surveyor but my passion is week end gold prospecting and suction dredging. I used to be an avid fisherman for 20 years and would legally kill hundreds of fish a year. My dredging and prospecting activities have killed no (zero) fish. I believe that the dredge openings I have created by opening up boulder patches create excellent spawning beds for fish as the winter storms fill them with sand and gravel. If there are any detrimental effects from small scale suction dredging, it is absolutely nothing compared to the effects of any major winter storm. I am careful to pick up all trash found along the streams and rivers at my sites.

Modern suction dredgers are careful about following existing laws on this already heavily regulated activity. Fish and Game is proposing regulations that discriminate against the dredging activity as they don't ask hunters and fishermen to give exact days and a list of all types and names of firearms and fishing gear used. Our freedom and 1872 mining laws are our American heritage that should not be damaged by over regulation. The small scale mom and pop dredging operations are good for local economy and great to get young people into the outdoors doing a healthy activity. America has been blessed with many good things, but if we take them away then this will be just another oppressed country.

Sincerely,



**Michael J. Tietz, LS 5637**  
**PO Box 91**  
**Proberta, Ca. 96078**



# TRINITY RIVER

Search for Gold

TR-2326 Photo by Erich Ziller

ADDRESS

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Gold dredgers are a common sight along the Trinity River in Northern California. For many adventurers the lure and the lore of gold lives on.

**From:** [Steve Tyler](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov); [senator.gaines@senate.ca.gov](mailto:senator.gaines@senate.ca.gov); [bostwo](#); [reddy2ctsp](#); [rich4tax](#); [Rod Anderson](#); [robinsons](#); [rossfisherman](#); [eldon rodman](#); [daviddorn@wildblu.net](mailto:daviddorn@wildblu.net); [djmathat@gmail.com](mailto:djmathat@gmail.com); [Charles Bertolette](#); [Craig Wise](#); [csp2011@verison.net](mailto:csp2011@verison.net); [George Wheeldon](#); [d](#); [meandkel](#); [markonthebeast](#); [dritecrg](#); [ednorthern](#); [jamestaylor6609@att.net](mailto:jamestaylor6609@att.net);  
**Subject:** suction dredge DSEIR comments  
**Date:** Saturday, March 26, 2011 9:35:43 PM  
**Attachments:** DSeir comment Brown Weber Creek Comment.doc

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Mark Stopher,

Enlosed is a fact based contradiction of your decision to close Weber and Rock Creek and every other small stream in El Dorado Co. to suction dredge mining. These unnecessary closures are a takings of the mining rights of every private property owner on every small stream in the county and in direct violation of the 5th amendment to the United States Constitution and the Constitution of Calif. which clearly states that "No private property shall be taken without Prior Compensation!" What part of these private property protections do you not understand?

Mark Stopher  
Ca. DFG  
DSEIR COMMENT  
March 16, 2011

Mark, today at 5:30 P.M. while driving across Weber Creek on Green Valley Road, .5 miles west of Placerville, I noticed that the creek was running high, and was the color of thick milk chocolate. This is a normally occurring winter event and is a crystal clear illustration that natural processes move thousands of times more material than suction dredges ever can. No amount of dredging ever has or ever will create this type of sediment movement. And this was not even that big of a high water event. DFG's new proposed rules to permanently prohibit dredging on Weber Creek, Rock Creek and every other small creek in the state is not acceptable, in light of the magnitude of normally occurring processes. No amount of maybes, might, could or any other type of conjecture will alter the facts that are obvious in our natural world. Let's stick to only reality in this EIR process. Thank you for your consideration.

Steve Tyler  
5601 Bumper Road  
El Dorado, Calif. 95623

**From:** [Robert Weaver](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**cc:** [Robert Weaver](#);  
**Subject:** Suction Dredging in Calif.  
**Date:** Saturday, March 26, 2011 9:41:25 AM

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Dear Sir,

Please restore our dredging activities to the State of California.  
As you have Ben shone by experts that there are no detrimental  
effects of small scale dredging in are rivers.

Yours,

Robert Weaver

**From:** [P. A. Burnes](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** Suction Dredge Program Draft SEIR Comments  
**Date:** Sunday, March 27, 2011 11:34:53 AM

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Mar 27, 2011

Department of Fish and Game  
CA

California's rivers, streams, fish, wildlife and water quality must be protected from the adverse impacts of suction dredge mining. The proposed regulations simply do not provide sufficient protection for these sensitive resources

Please revise the regulations to prohibit suction dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish and wildlife.

Suction dredge mining does not provide economic value. The economic impact is tiny or probably negative compared to the recreational economies it diminishes. The recreational value of suction dredge mining accrues only to a tiny number individuals who disturb the inherent recreational and ecological values that benefit and are highly valued by millions of Californians who seek the peace and solace of the outdoors, especially our beautiful and precious rivers.

The reason suction dredge mining is pursued is that gold is perceived to have intrinsic value, which it no longer does. The value it now accrues is due to clever marketing and greedy financial speculators. The supposed noble activity of suction dredge mining for gold is of no greater value than "investing" in a paper mortgage, a valueless option, or fleeting home equity. Suction dredge miners as a group would ultimately be better off financially doing nothing and by doing nothing would be providing great value to society.

Setting aside the small, or more likely net negative, economic value of suction dredge mining, there is no industrial need for the materials acquired. There is plenty of gold and other materials already available and in circulation to satisfy society's requirements through recycling and alternative materials or sources. There is a technological alternative to or lower environmental impact means of acquiring any

dredged material. The only reason these activities appear necessary is that they are allowed to continue and therefore the readily available technological alternatives are not pursued.

Therefore, since it is both destructive and valueless, like vandalism, there is no reason that suction dredge mining should occur anywhere, let alone in these sensitive ecologically and socially valuable resources, our great rivers and streams. Suction dredge mining, like other activities that deface and diminish private and public property for the valueless aggrandizement of a few, should be prohibited.

Fish and Game as a lead agency charged with the public's interest in the environment should be working with cooperating legislators to aggressively pursue the modification of mining statues at the State and Federal levels to assure a long lasting solution to the outdated and now absurd notion that all other values should be set aside in the interest of unnecessary, and singularly destructive, extractive activities like suction dredge mining.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health and state-protected beneficial uses of our rivers and streams.

Sincerely,

Mr. P. A. Burnes  
PO Box 60235  
Palo Alto, CA 94306-0235

Mark Stopher

March 27, 2011

Department of Fish and Game

601 Locust Street

Redding, Ca. 96001

Re: Proposed Suction Dredge Regulations - Project No. 09.005

Mr. Stopher,

First let me thank you, the staff of the California Department of Fish & Game and Jodie Monaghan for providing the opportunity for the community to attend and participate in the Public Comment Hearing meetings. I attended the Fresno meeting.

I am opposed to the Proposed Program as presented to the public. I have spent many hours studying the data presented which supposedly backs up the conclusions drawn in the Draft Supplemental Environmental Impact Report (DSEIR) on which the new Proposed Regulations are based. It is apparent from those conclusions that the analysis of the collected data has been misinterpreted and twisted to arrive at self-serving and bias findings.

Specifically: **6.3.2 1994 Regulations Alternative.**

### **Impact Analysis**

Starting line 32: Depending on a number of factors, including the current selling price of gold, it is *reasonable to assume* that demands for permits under this alternative *could* reach, or even surpass, these peak levels. *If* this were the case, adverse effects identified for the Program *could be* exacerbated.

*(The words "reasonable to assume", "could be", are not words used when relating scientific data).*

### **Hydrology and Geomorphology**

Starting line 4: Implementation of this alternative is *likely* to have a greater adverse effect on hydrology and geomorphology resources in the Program Area due to the *potentially* unlimited number of permits that could be issued each year and the less restrictive regulations.

(“likely” and” potentially” again, Mr. Stopher, words used to create biased and self-serving conclusions. These are only two examples in the Proposal that fears “what might happen”).

I am in favor of returning to the 1994 Regulations Alternative.

During the meeting in Fresno on March 24<sup>th</sup>, in your speech to the participants, you implied that the 1994 Regulation Alternative was not really a viable alternative because the Court, (*Karuk Tribe of California et al. v. 20 California Department of Fish and Game* [Super. Ct. of Alameda County, 2005, No. 21 RG05211597]), would simply strike down the return to the 1994 Regulation Alternative. What the Court really declared was for the CDF&G to... “conduct further environmental review pursuant to CEQA of its suction dredge mining regulations and to implement, *if necessary*, via rulemaking, mitigation measures to protect coho salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon rivers, listed as threatened or endangered after the 1994 EIR”.

The Court did NOT declare that the 1994 Regulations could not be considered as an alternative pursuant to CEQA.

The Court did NOT declare that the CDFG must change the regulations statewide, only in the watershed of the Klamath, Scott & Salmon Rivers. The CDFG seems to have taken that upon themselves... “CDFG informed the Alameda County Superior Court that it intended to prepare a subsequent environmental impact report (SEIR) that would be statewide in scope...” I do not believe that the signing of SB 670 into law changes the Court order nor does it force the CDFG to “take on” more than the Court ordered.

The new Proposed Regulations, as presented, seem to be based on a DSEIR that is prejudicial against suction dredging, rife with anecdotal opinion and arbitrary conclusions. I am opposed to ALL the restrictive and burdensome changes made in the new Proposed Regulations for suction dredging.

Sincerely,

Tom Chambers  
2126 Franklin Way  
Hanford, Ca. 93230

**From:** [Richard Kelsey](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov);  
**Subject:** suction dredge comments  
**Date:** Sunday, March 27, 2011 9:23:23 AM

---

From: Richard Kelsey  
3838 Shooting Star Rd  
Creston, Ca

To: Department of Fish & Game  
[dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov)  
[www.dfg.ca.gov/suctiondredge](http://www.dfg.ca.gov/suctiondredge)

Hello,

I oppose three of the suggested regulations on suction dredging in California:

1. I believe that requirement of disclosing a list of equipment is intended to give DFG unnecessary powers to selectively enforce (harass) otherwise law abiding California citizens.
2. I believe that disclosing the location of dredging will limit dredging opportunities.
3. I believe that disclosing the approximate date of dredging will limit dredging opportunities and (through the public records act request) give robbers, thieves, and vandals the information they need to raise havoc at the dredging location or at the dredgers residence.

Please omit these proposed regulations from future dredging law.

Thank You

March 27, 2011

California Department of Fish and Game  
1416 Ninth St.  
Sacramento, Ca. 95814

Comments Regarding: Suction Dredge Permitting Program  
DSEIR

To Whom It May Concern:

Throughout the Report, there were premature assumptions and faulty analysis of alleged problems because the real answer was not known or the available data would not support the desired conclusion. In such instances, the problem was simply declared “significant and unavoidable.” Despite all these pitfalls, surprisingly, there were parts of the Report itself that make a good argument for why more restrictive dredging regulations were NOT justified. Beginning with the very first paragraph of Section 228 of the DFG proposed regulations related to suction dredging, it states in part, “...*the Department finds that suction dredging...will not be deleterious to fish.*” Notwithstanding that published conclusion, the DFG proceeds to propose implementation of a prolonged and tedious number of changes affecting the manner in which suction dredging is performed. Even more disconcerting to the financial interest of claims owners, the proposed restrictions on dredging contained in the DSEIR take away “property rights” granted by the Mineral Estate Trust Act of 1866 and the Mining Law of 1872.

**Impact WQ-4: Effects of Mercury Resuspension and Discharge from Suction Dredging:**

The report also defines the low flow, summer months of dredging as between March and October. Therefore, the question presents itself as to why the proposed regulations are striving to cut short the dredging season for most dredgers to three months between July and September? WQ-4 is unfounded and should be corrected to read a finding of “less than significant.”

**Impact WQ-5**

The conclusion imagines that the perfect storm of conditions might exist out there somewhere to affect trace mineral conditions. That’s like saying, “Somewhere in those mountains, there is gold.” Impact WQ-5 is unfounded and should be corrected to read a finding of “less than significant.”

• **Impact BIO-WILD-2: Effects on Special-Status Passerines Associated with Riparian Habitat:**

The specific disturbance of reported concern is noise from dredge equipment or encampment activities. This whole discussion is prejudicial against miners without a

scintilla of scientific proof to back it up. Further, the report totally ignored any discussion or consideration for the level of noise generated by hunters, fishermen, campers, hikers, recreational vehicles, and other outdoor activities.

Impact NZ-1: Exposure of the Public to Noise Levels in Excess of City or County Standards:

This impact considers whether operating dredge equipment exceeds noise standards. If this entire study were not so serious in its potential impact to miners, this particular impact would be laughable for lack of support and scientific merit. First of all, where are the noise level standards that apply to conditions, equipment, and animals found in Mother Nature? Does a mountain lion, wolf, or moose violate this unknown standard when they sound a mating call? The fact is that this particular impact is another “pie in the sky” effort to dream up problems and blame the problem on dredging.

Impact CUM-6: Turbidity/TSS Discharge from Suction Dredging:

This impact considers alleged turbidity impairments from dredge discharges impacting fish. It is a shame that the writers of this report have not actually dredged themselves or they would know firsthand the ridiculous nature of this argument. Fish surround dredgers when they are dredging because they know that food is on the menu again. Yet the false premise that turbidity from dredge discharges hurt fish has spawned into an argument for closing or restricting dredging operations.

Section 228:

It is Impossible to pinpoint exact location of dredging without sampling first, especially using latitude and longitude.

As to number of permits issued, everyone with a claim should be entitled to a dredge permit. Who is to stop anti dredgers from flooding in with dredge permit applications?

There is no reason for closed dredging on a lot of the creeks when there is no fish spawning.

Dredge size limit should be at least 6 inch.

Dredging season should be extended.

Irvin Matsalla

38729 State Highway 96

Klamath River, Ca. 96050

**March 27, 2011**

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

**Dear Mr. Stopher**

**Our family has been involved in one sort of mining or another since they first came from Cornwall (Michigan Copper, Minnesota Iron Ore & California Gold) in the late 1800's. For some people it is an interest. The reason we dredge, it is a savings for our family. It is a long time interest and a goal that has brought our family together with a reward in the end.**

**When able we run a 3" or 4" dredge depending on water flow in our area. We belong to five different claims in Plumas County and actually perform our assessment work, diligently pay our fees to all agencies and counties involved barely breaking even. When the state has no money where is it going to come from? To file a claim with the BLM is \$175.00 and to keep the claim assessment payment is \$100.00 annually if it is not completed plus filing fees. Fish and Game for dredge permits was \$42.50 in 2007 and it goes up each year. There are county filing fees and taxes. We work with all of them, advising them of our intentions and any problems in our areas.**

**I would like to address the issue of the water line level. Dredging is within the high water line level as the water lowers space gets smaller, the rule should remain the same. You move rock within the streambed not remove it. When the water drops and we have to move, whatever rock we have moved and the overburden is put back into the area it was removed from when we are done. Storm damage does way more than what we do.**

**By October, many higher areas are inaccessible due to snow and water levels are lower then. Dredging seems to attract fish and reptiles to the area dredged up where they clean up on insect food sources. Winter storms change the streams and creeks way more then Dredgers do. In late winter and early spring, runoff waters rush through and all signs of dredging are gone. Dredgers have to start over each spring removing over burden and rock that changed the flows and refilled areas worked the previous year.**

**The mining season proposed for the Feather River is actually a low period of water and becomes almost un-mineable in November when wetter and colder weather comes in. In Plumas county we were told we had to shut down due to a frog study that turned out not to even be in our area. Now we cannot dredge due to a shut down by an ignorant ex-governor's special interests.**

**The fact is that dredgers do remove 90% of toxic materials such as mercury, and trash from the areas worked, we have found mercury ourselves just panning. There is scientific evidence that the amounts of mercury in fish and crustaceans either has remained the same or even decreased since first introduced into the water systems. I believe it was Fish and Game that introduce toxic substances into Lake Davis in Plumas County seeping into tributaries poisoning fish that were native in order to eliminate an introduced species. Well guess what? That did not work, creating chaos in our county. Then D.F.G. spent money on stocking a lake that they have since poisoned again.**

**The current regulations are sufficient as they already create a responsible miner if they want to keep the area they dredge and their permit. Remember each winter obliterates any trace of mining and most have to start from the beginning each spring moving rock and overburden.**

**We have seen streamsidess cleared of small brush and left in slash piles to burn during the winter. Some of the piles are partly burned, some are missed all together creating piles of dangerous fuel during late summer months. They are unsightly creating a fire hazard in late summer and erosion during the winter months.**

**Disabled persons should still be issued a permit and it is hard to designate a specific person as an assistant as one certain person cannot always be depended upon to be there for the disabled person with the permit. As a person who is disabled I have had to use a different person depending upon the day, time and month. It depended upon who was available to help me dredge. We did have the permit or a facsimile in our possession at the time.**

**I recommend that before regulations are changed or put into effect, anyone involved ought to try suction dredge mining at least once so they actually experience dredging before they turn innocent people into criminals and remove a California tradition.**

**Exactly how accurate are the reports, have all of the rivers and creeks actually been tested or is it someone looking at a map or from the shore and judging. I believe that education is the key and ignorance is not bliss. I remember when I was a kid I was told that a stream or creek will clean itself after so many feet.**

**Revenue is lost to the government agencies, counties and the miners due to catering of the special interest groups that our EX- Governor S. favored and the brash stop to all suction dredging without substantiated studies or facts. I am sure that if added up it would be surprising the amount of money each agency collects to start a claim and each season.**

**In past years, we have seen instances where salmon was passed out to tribe members who had so much of it and such large fish many of the people did not know what to do with it and were trying to give it away. We have turned it down. Would not that be a case of over fishing? I would also like to know what the suit on the Klamath had to do with us?**

**Remember it is hard to stop moving water when it is flowing down hill.**

**Sincerely,**

**Russell & Joan Stoermer  
P.O. Box 721  
Quincy, California**

**Cc Governor Brown**

SUCTION DREDGE PERMITTING PROGRAM  
DRAFT SUPPLEMENTAL EIR – COMMENT FORM

Robert J. Anderson  
3067 McKelvy Avenue  
Clovis, CA 93611  
Andee2@att.net

No Dredging within 3 ft. of bank –

This will eliminate all of the small water courses. It needs to be that no undercutting of the bank is allowed and that dredging is allowed up to the high water mark. If someone violates the rule let the one responsible be cited.

Limit of 4000 Permits Per Year –

This is unnecessary as only 3,000+ permits per year have been issued over the last 15 years. Keep in mind that for the most part dredging is to a large degree self regulated due to the very high cost of dredges and ancillary equipment. If you must put up a number I would suggest 6,000 per year.

Further if you have to place a number allowed I would suggest that previous permit holders be given the first opportunity to purchase next years permit. This would keep any group with ulterior motives from coming in and buying up many or most of the permits. Some groups have a lot of money

Archeological and Culture Concerns –

This should not be a significant concern as I am not aware of archeological sites at the bottom of a river. Camping by dredgers should have no more impact then any other group that go camping. For example, the millions that visit Yosemite National Park each year and the many that camp there. It has been my experience that most dredgers either go home each night or stay in commercial camp grounds or government camp grounds.



Chris Auby

35 Surrey Ct.

Danville, CA 94526

925-708-3099

Items in the proposed draft of Suction Dredge Regulations that need adjustment.

- Proposed classifications in Mariposa County eliminate suction dredging on seasonal creeks. The proposed classification is only open when seasonal creeks are dry. July 1- Sept. 30. Class "F". Reclassify Mariposa County and other Mother Lode areas back to Class "H" open all year or Class "D" July 1-Jan 31, when water is flowing at higher levels. By having the a short season, this would concentrate the dredging activity to just a few months instead of spread out over the course of the year.
- Remove section- 228. (c) (2) A list of up to six locations where the Permit applicant plans to suction dredge. Location information shall include...

The whole point of prospecting is exploring. By making the dredge applicant forecast when and where they may be suction dredging is very limiting. Recreational suction dredgers will need to plan months in advance with regards to future outings. Fishing license holders don't know when and where every fishing trip will take them when they get their fishing license. Don't make suction dredge users predict where they will be working months in advance. Many suction dredgers are recreational and do it for fun, like fishing. They may only be able to dredge when time allows from the rigors of work and family. Remove this requirement and keep suction dredging fun.

SEE POSTER

Chris Auby

35 Surrey Ct.

Danville, Ca 94526

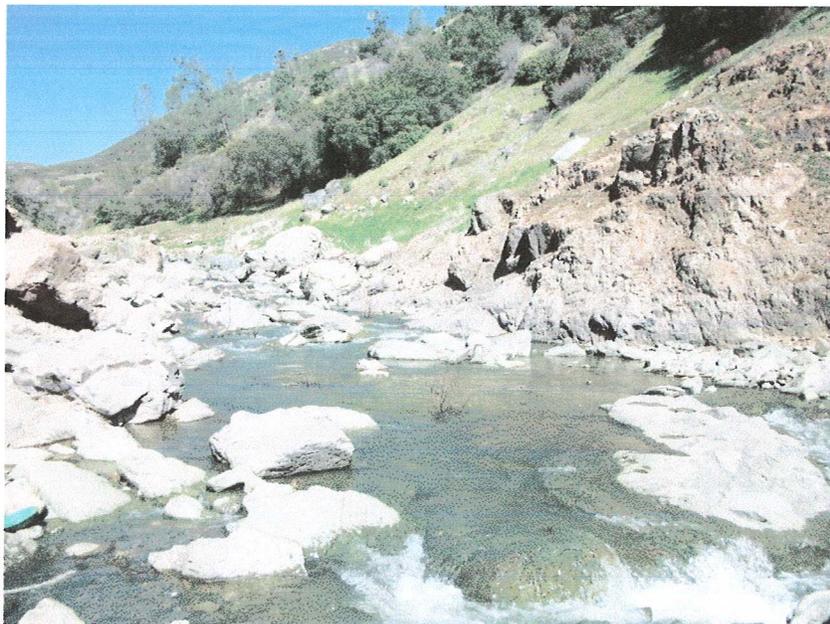
925-708-3099

### **Comments on the new proposed suction dredging regulations**

I have read the proposed new regulations for suction dredging in California. There are several issues that I have identified that need a little more work prior to being released.

The biggest issue that I have, with the new rules are the reduction for time allowed to suction dredge. I have a claim in Mariposa County and have worked it for several years. The new rules will only allow suction dredging between July 1 and Sept 30 on my claim. This will not work for me and my claim as the creek that runs through my claim runs dry during the summer months. I have been looking forward to the return of suction dredging, however I am extremely disappointed that I will not be able to dredge on my own claim due to the lack of water during the allowed time. I have left some pictures to illustrate my point.

The first picture is shows Maxwell Creek as a flowing stream with thousands of gallons of water flowing. This picture was taken in February of this year. There is plenty of water for suction dredging.



The second picture in the same location was taken during the month of June. The once flowing creek is reduced to a few gallons of water a min. This picture was taken in June and the creek completely dries up after the first part of July. The allowed time of suction dredging for Maxwell Creek in Mariposa County is not feasible due to the lack of water at that time.



**I would like to see the new regulations expanded to accommodate the seasonal creeks in the Mother Lode Gold Belt. Mariposa County was once classified a Class H outside of the National Forests. I would like to see this classification renewed with the new regulations.**

Without this classification suction gold dredging will not be occurring on my placer gold claim. (The College Fund CAMC296414, Sec 5, T3S, R16E) This issue will affect many claim owners in the area and all through the Mother Lode. Please keep suction dredging in the drier parts of California by expanding the time that suction dredging is allowed in the dry areas.

*Ch. Aubry*

Mark Stopher

MARCH 28, 2011

Department of Fish & Game

601 Locust Street

Redding, Ca. 96001

Re: Proposed Suction Dredge Regulations - Project No. 09.005

Dear Mr. Stopher,

I am opposed to all of the proposed changes made in the CDFG Proposed Suction Dredge regulations. In this comment letter I will focus specifically on Section 228 (g) Number of Permits, page 5 starting line 29. This subsection limits the number of suction dredge permits to 4,000.

First of all, it is a proven fact that the anti-hunting zealots use the tactic of buying up as many deer/bear tags as they can to prevent as much hunting as they can. There is every reason to believe that the anti-mining zealots will use this tactic to prevent mining activity. Millions of other public land users such as rafters, fisherman, kayakers & boaters are not limited in their activities as you propose to do to mining in the Proposed Regulations.

In reading the DSEIR it is apparent that the data concerning this limit on permits is anecdotal and based on assumptive opinion used to form self-serving and biased conclusions. In other words, someone said "we think suction dredging is bad for the environment so we want you to limit the number of permits". Yes Mr. Stopher, I read a couple of comment letters from the CDFG web page (link) submitted around the time of the scoping meetings that could be summarized by that statement.

Here is a list of studies, papers and reports performed by scholars, biologists and government agencies which conclude that the affects of suction dredging are "*de minimus*" or barely measurable. I need not quote them here Mr. Stopher, I have sent them to you previously as have a few others that I know of.

Badali, Paul J., 1988, Prepared Statement to Sate of Idaho, Department of Water Resources, Recreational Dredging Seminar on February 3, 1988.

Harvey, Bret C., 1986, Effects of suction dredging on fish and invertebrates in two California streams. North American Journal of Fisheries Management 6:401-409.

Hassler, Thomas J., Somer, William L., Stern, Gary R., 1986, Impacts of Suction Dredge Mining on Anadramous Fish, Invertebrates and Habitat in Canyon Creek, California. California Cooperative Fishery Research Unit, U.S. Fish and Wildlife Service, Humbolt State University, Cooperative Agreement No. 14-16-0009-1547, Work Order No. 2, Final Report.

Huber, C. and D. Blanchet, 1992, Water quality cumulative effects of placer mining on the Chugach National Forest, Kenai Peninsula, 1988-1990. U.S. Forest Service, Chugach National Forest, Alaska Region. 74 pages.

Lewis, Robert Pollution Bioanalyst III, 1962, Results of Gold Suction Dredge Investigation. Memorandum of September 17, 1962. California Department of Fish and Game. Sacramento, California, 7 pp.

North, Phillip A., 1993, A Review of the Regulations and Literature Regarding the Environmental Impacts of Suction Gold Dredges. U.S. Environmental Protection Agency, Region 10, Alaska Operations Office.

Somer, W. L., and Hassler, T. J., 1992, Effects of suction-dredge gold mining on benthic invertebrates in Northern California Stream. North American Journal of Fisheries Management 12:244-252.

Stern, Gary R., 1988, Effects of suction dredge mining on anadramous salmonid habitat in Canyon Creek, Trinity County, California. M. S. Thesis, Humbolt State University, Arcata, California, 80 pp.

U.S. Environmental Protection Agency, 2001, Fact Sheet NPDES Permit AKG-37-5000, U.S. Environmental Protection Agency, Region 10, Alaska Operations Office, 16 pp.

I cannot detect where any of this scientific data or other known benefits of suction dredging (98% of mercury removal and 100% lead removed) was used in the DSEIR or considered at the PAC meetings. The limit of 4,000 suction dredge permits is arbitrary, not based on science and should be eliminated from the Proposed Regulations.

Sincerely,

Tom Chambers  
2126 Franklin Way  
Hanford, Ca. 93230

032811\_Chambers2

- (1) If a DF&G official finds that I am dredging in a location not listed on my permit or if he/she deems my location to far away from my list will I be cited?
- (2) Why has the dept. proposed to limit the # of permits when there is no peer reviewed scientific evidence that suction dredging is harmful to fish habitat?
- (3) Prospectors, including suction dredging, have the right to go upon the public domain to search for and mine valuable minerals. Please explain why the department feels it can limit the number of locations we do this.



Darryl DUNN  
4027 Hillswood Dr  
Sacramento CA 95821

Place  
Stamp  
Here

**MARK STOPHER**  
**CALIFORNIA DEPT. OF FISH AND GAME**  
**601 LOCUST STREET**  
**REDDING, CA 96001**

..... (Fold Here) .....

Tape  
Here -  
Do Not  
Staple

2

Dear Mark Stopher:

Greetings, My Name is Darryl Dunn and I have lived by, on, in and under the American River since I was six years old. Exploring the river as a child, I observed thousands of salmon spawning and dying among the tailings. Seagulls would arrive for the feast and poop all over the place. People complained about the smell and mess.

As a teenager I attended weekend parties on the upper American River were I first watched people dive for gold using a Suction dredge. Nixon had taken America off the gold standard. Price of gold doubled. That old elephant long asleep, woke once again and I, it's newest admirer.

I studied the old maps, learned the history of where gold was found, built a six inch surface dredge, and set out find a spot. I learned that operating a suction dredge, while breathing threw a hooka, was a formidable task. Clog after Clog, equipment failure, and cold water make any progress to bedrock a miserable impossible task. Add large boulders and it is a wonder anyone attempts to get to bedrock. Undaunted I added a ten inch submersible suction dredge to the task. It still took three strong teenagers and two large dredges eight weeks to get through twenty feet of sterile overburden to get to bedrock. Bedrock was a 1800s junk yard with a few small gold nuggets here and there.

The gold fields of California located in the sierra Nevada mountains are not exactly paradise. Dangerous roads. Temperatures in the day are as high as 115 degree, and at night low as 55 degrees. Living in the river canyon I contended with tics, fleas, mosquito, wasps, scorpions, spiders, no see-ums, snakes, berry bushes, poison oak, thieving ground squirrel, coyotes, bears, raccoons, skunks, wild dog packs, possums, pumas and felons. There are not many birds. Thousands of bats eat all the insects at night leaving only lizards and ground insects for birds to eat. The only place I felt safe was in the water, or on the dive platform.

Diving in the fresh water of a cool sierra mountain river is a sublime, intoxicating experience. Just like the training tanks of NASA weightless is the only way to describe it. You are able to glide twenty or thirty feet across the river floor, effortlessly. Because of the more dense environment rocks and boulders you could never move above water are picked up with ease. You feel like superman. It is no mystery why older people love it. It makes you feel strong and young again. The down side is, you can easily Drown. Adds some sport to it.

For another two summers my bachelor friends and I dove to strike it rich. Gold never found. College, girls, graduation, real jobs. We all eventually went our own ways. I continued living near the river taking long walks on Arden bar. Back in 1980 there was life on the river. Little birds nesting in the tailings, quail, pheasant, ground owls, and squirrels. Beaver lived in the pond left by a giant bucket dredge. You could see schools of stripers ridding from the sun under the river bank. Few people visited, some saw the place as a blight. I loved it.

The bike trail and rafting companies changed everything. The bike trail provided people easy access to parts of the river they could not get to before. On Arden bar the tailing were bulldozed flat and sod rolled on, a parking area added, the beavers evicted, their pond filled in. Then a pay both built. I stopped going there. Rafting became so popular and rough that all alcoholic beverages were band from the river. Sacramento forgotten place had become it's party place and was trashed. Volunteers now have to clean up the river each year. Tons of rubbish are removed every fall. Furthermore, I have to pay to get near the water. I stopped visiting the river and spent more time at Folsom Lake, which is still sort of the river.

Career, Family and friends, life goes on. Until one day I noticed something is missing. For nearly ten years in the morning when I opened my front door the get the news paper, my dog would bolt under my legs to chase the nosy quarrelsome Magpie birds off my front Lawn. My dog died, and time past. About five years ago picking up the paper I noticed no birds. There were hundreds of those black and white noisy pests. As a mater of fact I did not find many birds at all. All the millions of birds were gone. My bird loving neighbor confirmed to me that the Magpies and other birds had started to disappear a couple of years back. What happen? Where are the birds?

I remember back in High school the birds were so noisy in the morning they would wake me up, and I would close the window in order to get back to sleep. Now, I found myself looking for any bird. I remembered the Magpies would peck the silicon caulk out of my homes sky lights. When I replaced the caulk, the bold ones would steal the old caulk right out of my hand. I had to place it immediately in to a bag to keep them from stealing it. At the time I did not know why they wanted it so badly. I know now, they were eating it. I have also watched sparrows squabbling over a plastic straw tearing bits off and flying away with them. The birds seem to believe plastic is alive and delicious.

When I was married in 1983 soda came in returnable 2 liter glass bottles. When I was a boy straws were made of paper. They would get soggy. Candy was in parchment, and milk came in glass or wax cartons. Now, every thing comes in, or is made of, plastic. Plastics have entered the environment in a massive way, and it has created the silent spring we all feared. And, I believe that it is slowly poisoning us. Autism may be our wake-up call.

So, I say to the EPA and the Food and Drug administration, Thanks for nothing! You a loud big energy to sell us products made from their waste slug as good and safe. Furthermore, If anyone tries to stop big plastic from destroying the earth, they are politically and financially crushed. So good luck saving the environment. You are going to need it.

To the California State Department of Fish and Game. I just recently learned of the ban on all suction dredges. I thought, if the most ecologically friendly and clean form of extracting gold from the environment is illegal, then gold prospecting itself is illegal. Will looking for gold in California, the golden state, become a thing of the past? I attended the March 29th Meeting in Sacramento, curious to find out what it was all about. I was shocked to see how old the attendees were. Last of the argonaut? The tail end of the elephant? Most were older than me! I listened to people complain how the state law is locking their money in. Or, try and refute the EPA Report on suction dredging for gold. Like the noise of the engine will disturb the nesting birds. Truth be told there are very few birds (even in 1978) and you can hear nothing around the next bend, or beyond the next rapid. I stayed at the meeting long enough to say that I thought dredges did not do enough damage to the river bottom beyond the next run off to be a problem for the environment, and returned home.

It really angered me to watch the process the state is using to strip all gold prospecting from the citizens. It reminded me of when the head of the BLM locked-up shirt tail canyon, the richest canyon in the state, and sold it to his own family. It just seems wrong.

I wanted to see my old prospects. How have things changed? Why would the state care about a few old gold divers out in the middle of no were. I drove to my old river access roads to find NO PARKING signs along new access roads and pay to park boxes. Down at the river a new road had been built to the top of the rucky-chukky Rapids. There was no safe access to top of the rapids in 1980. Now everyone has access to the upper river. Why would they need to get to the top of the rapids? Rafters!

I drove up to Oxbow reservoir to see what had changed there. Pay station, bathrooms, parking area, raft launch area, everything a rafting company could want. If launched here are rafts floating through the diversion tunnel at horse shoe mine? Sounds like fun, will be very popular. And just like the lower American River it will be trashed!

I then headed to Mammoth bar. Same thing only more. Raft removal, parking on the bar, Horse trails, pay boxes, and a moto-cross track right next to the water, all oily and black. What hypocrisy. I am standing on the filthiest bar I have ever seen, but it is grandpas toy dredge that is the ecological threat.

Do you employees of The Department of Fish and Game really believe that outlawing Grandpas Lawn mower engine powered toy dredge is going to save a signal fish? In 1849 one hundred thousand desperate miners wing damed the rivers, and flipped them upside down. The fish survived. From 1855 to 1888 billions of tons of rock and sand were washed into the rivers by hydraulic mining. The fish survived. After the anti-debris Act of 1888, drag lines and factory size bucket dredges flipped the rivers to the delta. The fish thrived.

From 1942 to 1970 thousands of dams were built in California. Shasta, Englbright, Oroville, Folsom, Comanche, Pardee, New Hogan, Don Pedro, Lake McClure I could fill a page with all the dams constructed since 1950. Starved from above, and choked off from the sea the rivers and eco-systems are Dying. With out the water the fish will perish. With out the fish the land will starve.

Grandpas toy dredge did not cause this problem. It is big agriculture shipping water south and poisoning it, growing crops. It is big Power needing to produce electricity for a billion people.

After seeing the deferential treatment of rafting companies. Finding the river turned into an amusement ride. Knowing, it will kill animals with plastic rubbish lost in the rapids. I no longer believe this to be about protecting the ecology.

I believe that the EPA and the California Department of Fish and Game are using suction dredges as political cover in order to show progress on fish protection. I also believe that the Department of Fish and Game will use this ban on dredges as an opportunity to gain more control over California waters using enforcement to secure more funding, thus growing the agency.

I think it is California state policy to stop all non-commercial gold prospecting. I have nothing to show to the contrary. California treats its own mining history like a crazy uncle you keep out in the country. Eureka is the state motto but I no longer believe it.

Sincerely

Darryl Dunn

# SUCTION DREDGE PERMITTING PROGRAM

## Draft Subsequent Environmental Impact Report (DSEIR)

### Comment Form

Name:	RICK EDDY
Mailing Address:	5411 RUSSELL HOLLOW RD PILOT HILL CA - 95664
Telephone No. (optional):	530 - 823-8658
Email (optional):	

**Comments/Issues:** PLEASE CONSIDER: SPLIT SEASONS INSTEAD OF CLOSERS: SPING SEASONS APRIL MAY / YEAR SEPT. OCT TO PROTECT MEADOW LEGGERS FROG

~~ALTERNATIVE!  
PLEASE LOOK~~

STRIKE THE 3 FT RULE. DOES NOT MAKE SENSE.

Please use additional sheets if necessary.

### SUBMIT WRITTEN COMMENTS (POSTMARKED BY 05/10/11) TO:

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

**Email:** dfgsuctiondredge@dfg.ca.gov

**Fax:** (530) 225-2391



Mark Stopher

032811\_FrauenholzB

RESPONSE TO THE CDFG DSEIR REPORT

The findings in the DSEIR exonerates the dredgers of any significant deleterious effects to aquatic life in California lakes, rivers, reservoirs and streams. According to the results of Table ES-2 there is no harmful impact created by the suction dredgers in California. Should not dredging be restored to the conditions of the 2008 C DFG Dredging Regulations?

The recommended restrictions for the dredgers is above and beyond reasonable. No fault; no foul. Why are you instituting such severe restrictive measures/suggestions when the report clearly shows there is no significant impact made by California dredgers?

Many times issues are not negotiable, especially when one party has done nothing to deserve the wrath of the other. It appears as if the CDFG is trying to appease the environmentalist backing this lawsuit instead of making a determination based on facts.

Dredgers are requesting that this panel "Do the Right Thing" and restore the 2008 dredging regulations now.



Dredger since 1984

Blaise Frauenholz

37678 Cardinal Lane

Squaw Valley, Ca. 93675

PAGE 22 Lines 19-24

### 18 **Application Requirements**

19 At a minimum, suction dredge permit applications shall include valid identification and  
20 contact information for the permittee or assistant permittee, a list of up to six locations  
21 where the permittee plans to suction dredge providing either the county, stream name,  
22 township, range, quarter section, base, and meridian, or approximate centerpoint using  
23 latitude/longitude, as well as the approximate dates of dredging for each identified location  
24 and a list of all suction dredge equipment to be used under the permit.

The information you are requesting about the locations is the information needed for filing a claim. 'When dredging on public waterways there is no requirement to file a claim in order to dredge. This is under the domain and authority of the Bureau of Land Management. The nature of suction dredging does not permit compliance with the proposed application requirements for listing up to six locations. As written it is simply not feasible. It would require every dredger to have a GPS, which usually don't work in many canyon areas. It would require a trip to the location, finding the longitude and latitude readings, then going back to the CDFG to report it. Each trip would require 2 or more trips to the river, the DFG office and back to the river. Then if you get into your dredge hole and discover it has already been dredged you have to do the process all over again. Even if on your first trip, you took 6 reading in the same river to report to the CDFG, you'd have to make a trip to the CDFG office before every dredging trip. Seldom does a dredger find one location in which to dredge for more than a day. Many move several times each day. When you add in a Streambed Alteration Notification and approval process, which takes up to 30 days, I might actually get use my 5" dredge 2 or 3 times in a much reduced season at exorbitant costs (over \$1000 plus, in the 90 day reduced dredging time period allowed on the Merced River above Schnelling dam where there are no migratory fish, but the season has been reduced anyway. The process as proposed, simply does not work.

### SUGGESTION:

***Simply have the dredgers list up to six locations identified by County & waterway, with an optional location descriptor. i.e. Merced County/Merced River/Shepard's Point.***

If the CDFG is trying to create data for future studies and more specific locations are needed, then have your Game Wardens GPS locate the dredges on a random bases or every time they encounter a dredger during their normal duties. They can then transmit that information into a CDFG file for future reference and study. The onus of collecting data is on the DFG itself. It is not the responsibility of dredgers using public land to supply the data. Fishermen can fish anywhere within the State of California they wish without reporting their locations. Hunters can hunt anywhere within a hunting district without specifically reporting the location of where they are hunting. This requirement is discriminatory and prohibitive and an invasion of privacy.

### 27 **Equipment Restrictions**

28 The draft proposed regulations restrict nozzle size, hose size, and pump intake screens.  
29 Only the equipment listed in the application form may be operated under the permit.  
30 Intake nozzles with an inside diameter larger than 4 inches are not allowed except under  
31 the following conditions:  
32  CDFG has conducted an on-site inspection and provided written approval of the  
33 proposed nozzle size, and the provisions of Fish and Game Code section 1602,  
34 subdivision(a) have been completed; and  
35  The maximum inside diameter of the intake nozzle is no larger than six inches  
36 (except in certain locations where an eight-inch intake nozzle is allowed), or a  
37 constricting ring with an inside diameter no larger than four inches has been  
38 permanently attached to the intake nozzle.

Line 32 Do you really have enough personnel to do on-site inspections and provide written approval of the proposed nozzle size. ....for each and every time a dredger wants to move his dredge 100 feet up the river and start over?

***This requirement should be removed from the proposal.***

Line 36... The CDFG already has limitations on which rivers 8" dredges can be used. There is no need to change or restrict those locations. The mode of operation of an 8" dredge is dictated by the amount and depth of the waterway so it is self-regulating by it's size. I see no reasonable reason to change current/past regulations concerning 8" dredges. The requirement for a 4" restricting ring should be removed from the new regulations and 5", 6", & 8" dredges should be allowed to operate under the same provisions as the 1994 regulations.

## SUGGESTION:

***LET THE SIZE OF THE DREDGE DETERMINE THE USER FEE AMOUNT AND DO AWAY WITH THE REQUIREMENT FOR A STREAMBED ALTERATION APPLICATION AND ASSOCIATED FEES.***

Using Table 2 – Volume of Sediment Moved Based on Nozzle AND Engine Size (Page 16 of the November 2009 Suction Dredge Permitting Program Notice of Preparation/Initial Study)

Take the average amounts of each size dredge and establish a graduated scale of Suction Dredge Permit fees based on the amount of material moved.

Dredge Nozzle Diameter (inches)	Average Cubic Yards/Hour	Comparative Amount	Fee based on Amount/Hour
Less than 4"	2.1	Baseline Amount	\$25
4"	5.2	2 x >4"	\$50
5"	10.06	2 X 4"	\$100
6"	15.28	1.5 X 5"	\$150
8"	27.5	1.75 X 6"	\$225

Fees should be based on a yearly amount with no Streambed Alteration Application required.

It is unfair to disallow the use of dredges with a larger than 4" intake nozzle. By changing the rules, you've also changed the resale market of these NOW unusable dredges. Those who own a 5", 6", or 8" dredge have no way to replace their dredges by selling them and purchasing a 4" dredge. By using a graduated fee based on the amount of materials moved through the dredge, the owners have the option of continuing to dredge with their larger sized dredges or to replace them. As written they have no choice. Graduated fees would satisfy the needs of the dredgers and the CDFG by not requiring a Streambed Alteration Application.

The Streambed Alteration Application is **not** the proper procedure to use for dredges over the 4" nozzle limit. Notification is required when an activity that "substantially" diverts or obstructs the natural flow of any river, stream, or lake. Even an 8" dredge operating 7 hours a day does not have the capacity to "substantially divert or obstruct the natural flow in the rivers where 8" dredges are allowed. Smaller rivers and streams would not be impacted either, because the dredge is too large to function in less than 3-4 feet of water. The tailings off a 5"-8" dredge can only be as high as the level of the sluice box of the dredge before it backs up and sinks itself. Therefore it must constantly float and move forward to create a discharge area for the tailings which is usually right back into the hole from which it was removed.

***Requiring a streambed alteration permit is not appropriate, it is cost prohibitive, and unduly restrictive due to the fact CDFG does not have the personnel to fulfill its requirements in the procedure to accommodate the dredgers. This requirement should be removed from the proposed regulations.***

**25 *Number of permits***

26 CDFG will issue up to 4,000 permits annually, on a first-come, first-served basis.

2 million plus fishing permits issued.

Hundreds of thousands of hunting permits issued.

Show charts.

***Limiting the number of dredge permits is discriminatory and unfairly restrictive. The amount should be unlimited and available to anyone fulfilling the requirements of purchasing a suction dredge permit. The limited amount of 4000 permits issued should be removed from the new regulations.***

**PAGE 24**

12 □ The suction dredge operator permit number must be affixed to all permitted  
13 dredges at all times and in a manner that is clearly visible from the streambank  
14 or shoreline.

Are you licensing the dredge or the dredger? Fishermen are not required to post their fishing license numbers on their fishing poles or on their boats. Hunters don't post their license numbers on the barrel or stocks of their guns. You are discriminating against dredgers by requiring that they post their permit number on their dredge. What if I borrow my friends dredge and use it? What if I loan my dredge out to someone? We typically have 4 dredgers in our party with everyone using each other's dredge at some point during the weekend. Does each dredge now required all four permit numbers to be displayed? The CDFG is inviting litigation by requiring such action by dredgers and not fishermen nor hunters.

Licensing, hull numbers on boats, green stickers on ATVs are all the domain of the Department of Motor Vehicles, not the DFG. Those numbers and registrations are concerning ownership titles not usage.

***This requirement is not feasible. It is an unreasonable and discriminatory regulation and should be removed from the proposed regulations.***

The complete DSEIR is written so that when speculation and conjecture is used, a negative adverb is used i.e. "possible substantial negative impact" "might cause" "could cause". For every negative adverb that is not a proven fact, the disclaimer of "may or may not" should also be used to transform the document into a neutral document rather than a negative document. As written, unproven information is taken as negative and appears to blame the dredgers for facts not proven. When in many cases the CDFG itself is the cause or natural causes are to blame.

**The tone of this document should be rewritten to remain neutral unless negative facts are supported and proven by scientific method.**

Respectfully submitted by

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Squaw Valley, Ca 93675

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## Suction Dredging Questions for CDFG

Can the people petition the new governor to rescind the past governor's executive order and allow the CDFG to begin selling suction dredge permits again?

Considering many of the studies used in this report are about human recreational impact, not just dredging impact and more than 2 million fishing licenses are issued in the State of California each year, why are you requesting the suction dredge permits be limited to 1,500 or 4000?

What do you mean by the use of the term "potentially significant"? I could "potentially" fly to the moon in my Tundra pickup as soon as I master the power of dark matter. After all, anything is possible given the correct information and tools required. Doesn't using the term "potentially significant" give the appearance of harm, when there is not necessarily harm occurring?

Do you have standards of how much in "amount" statistics would be significant when referring to mercury or heavy metals in the water being re-suspended?

Page ES-12 How much mercury have you determined has been moved by suction dredgers? From which study did you get those numbers? How much mercury is naturally moved by spring runoff? From which study did you get those statistics?

Page ES-12 Where are the "identifiable" HOT SPOTS associated with past mining operations? Please name several of these specific locations.

Page ES-16 Please identify which specific river areas are of concern for high mercury level? Is mercury re-suspension a naturally occurring event with the natural river turbulence associated with spring runoff? How can you determine how much is caused by the flow of the river itself, and how much is caused by the dredgers?

Page ES-17 If you have identified the locations of impaired water bodies for mercury and can put restrictions on those areas, why is the reduced intensity alternative better than the water quality alternative? The Reduced Intensity Alternative would allow dredging in "identified" mercury impaired waterways. How is that better? And why are you suggesting it as the solution?

Dredgers actually reduce the amount of mercury and heavy metals in the water by removing the mercury covered gold, removing nails, pieces of iron, and scrap. Wouldn't it be helpful to allow them to continue to remove those harmful chemicals from the waterways, even though it is in minute amounts?

In the CEQA process why was there no suggestion of an alternative that is better than the 1996 Alternative? Why only less than 1996? If CEQA requires you to formulate four alternatives then throw out the lowest, and the second lowest becomes the recommendation, it's only fair to provide as many better than present conditions as you provide less than present condition alternative. You are automatically disqualifying the 1996 (most recent) regulations by not providing a "better than 1996" option. The reasonable man theory would say, if it's not broken, don't fix it. Just by the way the report is written, it becomes deleterious to dredgers, local economies, and the CDFG budget and punishes suction dredgers when the findings of the report find no significant fault with the way they have been operating in the past. By reporting the finding as is, Horizon Water & Environment LLC has stacked the deck against the suction dredgers unfairly.

Page ES-16 How many dredging permits will be issued if the Water Quality Alternative is chosen?

Quantitatively, how much negative impact on aquatic life and mercury/heavy metal re-suspension has been PROVEN using scientific method? Or is it mostly conjecture and opinion? Most of the reports cited in the DSIER say mercury "can" "could" "possibly could" be re-suspended in the waters. Nowhere did it say mercury "is" re-suspended. So the

Why the recommendation to reduce nozzle size to 4"? Isn't this just a way to punish those with 5", 6" or 8" sized dredges by raising the fee exorbitantly?

Wasn't the lawsuit Karuk Tribe of CA v. CDFG to complete the 1996 environmental study? How can the scope of the study be expanded to the extent it has been legally? Whose decision was it to expand the study? CDFG, Horizon Water & Environment LLC or someone else?

Has anyone from Horizon Water and Environment LLC actually observed in person, a suction dredge in operation? When and Where? And has anyone from that company operated a dredge themselves?

It appears to me as if Horizon Water & Environment LLC has included many studies not related to the scope of this inquiry, to make it appear "more scientifically detrimental" to allow suction dredging. What do studies of divers on the Brazilian coral reef have to do with suction dredging in California? What do studies on lichen in the Sierras have to do with aquatic life in California streams and rivers? What do studies on caddis flies (Wright and Li 1998) and Idaho mayflies have to do with this issue? Does California even have mayflies here? What do studies of Iberian frogs have to do with the issue? They have taken studies from around the world that have little or no "potentially significant" connection with the suction dredging issue. Yet the actually scientific studies on suction dredging (Griffith and Andrews 1981, Stern 1988, Thomas 1985, Harvey 1986, etc) show that there is no "significant impact" in virtually every area of this investigation. In fact most of those actual dredging studies showed that suction dredging had beneficial effects to aquatic life. Again, it appears to me Horizon Water and Environment LLC is trying to stack the deck in favor of environmental issues as opposed to the truth.

Our rights as American citizens is guaranteed in the Constitution of the United States. This document is the foundation of all subsequent laws and regulations in this country. One of which we are embroiled in, in this controversy now. The Constitution states; "OF the people, BY the people, and FOR the people." Nowhere does it say, OF the salmon, OF the Alpine toad, OF the song bird, OF the caddis fly, BY the salmon, BY the Alpine toad, BY the song bird, BY the caddis fly, FOR the salmon, FOR the Alpine toad, FOR the song bird, or FOR the caddis fly. Common sense and our founding fathers dictate that human rights are to be considered with more gravity than "potential" detriment to the environmental species.

As taxpayers, and historically a California gold miner, we want equal access to conduct our recreational hobbies along with protecting and caring for our planet. 98% of all public land uses are respectful to the environment and are conservationists. It is unfair to punish the 98% by not allowing us to use "our" land by trying to punish that 2% who live and act unconsciously in the world. The dredgers I know clean up after that 2%. We don't need governmental bureaucratic suppression and mandating of regulations. We are not stupid people. We love our rivers and public lands. By restricting access you are pushing the average American citizen and pushing us closer to the conditions of the oppressed people of Egypt, Libya, and Yemen. Look at what is going on around the world. The citizens of the world are tired of governmental oppression. Wake up and place appropriate value on the human conditional as well as environmental concerns. This is America, the land of the free. We don't need more rules and regulations. We need equal access, rights, liberty and the pursuit of happiness.

Respectfully submitted,

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Suction dredger since 2000  
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From:  
Robert E. Haenel  
2085 Ellendale Rd  
Reno, NV 89503

To:  
Program Directors  
Suction Dredge Program  
Sacramento, CA.

Why are there all the references to subjects for which the CDFG has no authority? I understand that they all *could* effect the environment. And each of them seems to be negative towards suction dredging. Could there be some positive environmental impact to Suction Dredging. Why was that side left out?

How about the health of the families that get out and do something instead of using electricity and gas to drive around their home towns and pollute the environment?

What about the environmental economic impact to the communities where the families go mining.

What about the small supplemental income impact that a recreational miner might receive from suction dredging? This money is usually spent in California. What is the unemployment rate now?

All of this and not to mention that suction dredging brings new wealth to our great nation. This is not re-circulated wealth.

There may be some instances when mercury is diffused into the water from a suction dredge operation, but overall a suction dredge removes more mercury from a stream or river than it dispenses back into the water. That is not even mentioned as a benefit to our environment.

It seems to me that you might be missing a primary issue here. "Education" We really want more people out in the woods and near the streams that know how to help with the issues brought up by this study. IE: How to recognize and test stream quality for mercury, or issues with bird nesting. This would allow the system to be self regulated. The CDFG does not have the man power, or money, to regulate the extent of the regulations in this proposal. Isn't California broke?

Instead of stiffer regulation, how about spending some of that money on education? There are many ways of educating including on-line courses, educational type signs in key locations near suction dredging sites, and many many more.

Where is the proof that many of the suggested changes are needed or required? I did not see that. They mention the possibility that a certain action may be required, but gave no evidence that such regulation is required at this time. Are the suggested regulations actually addressing a problem that we have at this moment. Do you really want to pass a law and regulate something that is not really a problem at this time?

I am a person who loves being out in nature, and the beauty of the streams and rivers, and the history of mining, let us not forget our own history. The history that first brought modern type civilization to this State was gold mining.

In particular placer mining in the rivers, streams, stream banks, and hill sides all over California. These are the same rivers and streams that we are working in now. Most of them have already been work from top to bottom, hillside to hillside.

Most suction dredging is done where the old timers already did it. We get the leftovers. The rivers and banks have been turned over many times by miners. Not to mention that one of Mother Nature's floods will move more material, rocks, boulders, trees, bushes, and banks, then all the recreational suction dredge miners have moved in the past 50 years. I can't prove that, but if you know how much material a suction dredge moves, and you look at what a single major flood does to a stream or river you should believe it.

Reduced nozzle size:

We work both 5 and 6 inch dredges. With the restriction on the nozzle to 4 inches, we can't be productive. Therefore, with your new suggested regulations, we would get two 4 inch dredges to work where one 5 inch dredge was working before. Do you think that this will help the water quality, noise levels, etc.?

3 feet from stream bank:

We have claims where the stream is 3 to 5 feet wide in the summer when we can get to them. This regulation would then not allow us to dredge in that stream. Is this what you intended?

Gas cans 100 feet from the stream:

There are spots where we only have 10 to 20 feet on the sides of the creek before it goes straight up a cliff for 25 feet. Do we have to be certified in cliff climbing?

Winching Boulders:

Boulders are one of the most dangerous parts of suction dredging. If you aren't going to allow dredgers to winch boulders, then I hope you take the responsibility for the increase in deaths. These things are widow makers, and if a person can't move it, then they will try to dredge under and around it to try to move it by hand and may get injured or die.

Extra screening for pump intake:

This is suggested in your regulations but I could not find any explanation as to why this is necessary. Is your idea here to make it harder and harder for a recreational suction dredge miner to operate in hopes that they will just give up?

There are many parts of the new proposed regulations that are important, but mainly it looks like you are throwing regulations at things that are not yet a problem.

In closing, I would like to see a return to the 1994 restrictions. This is way OVER regulated and the restriction of a 4" intake would put many **more** dredges on the streams and rivers and add to the *potential* environmental hazards that you have listed. Also, seriously consider the positive side of suction dredging.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Haenel". The signature is written in black ink and is positioned below the word "Sincerely,".

Robert E. Haenel