

Kelly Hall

KLH

032811_Hall1

- (1) Nozzle size and hose size would be restricted, what is the purpose?
- (2) What is the purpose of Intake nozzles with an inside diameter no larger than 4 inches?
- (3) Following completion of the final SEIR, the DFG Director will consider whether to adopt the regulations and approve the proposed program? Why is it up to John McCamman, Director of the Department of Fish and Game to decide this important decision?
- (4) It is well known that suction dredging causes little or no environmental harm to fish and biota what many over look are the many benefits that dredging provides such as increased spawning gravels, dredge made refugia, and yes, mercury remediation to name a few??
So why are you trying to close it down? 670
- (5) You said that you could not take a good dredging test for sentiment because of the 760 Bill ? You are the (DSEIR)? Did you have a qualified dredger man doing the test?
- (6) How are you John McCamman/ Mark Stopher/ and all the people that worked on this Draft Subsequent Environmental Impact Report (DSEIR) going to feel if these new rules go through and you did not do a good job, I'm talking about the people that have and will lose the lively hood and businesses?

~~###~~

Submitted

by: Kenny
Hall

Coarsegold Prospectors Club

Read by Dan Staples

032811_Hall2

1. If the problem is Salmon on the Klamath River, what is the purpose of the added restrictions state wide to suction dredging? Why are you not addressing the specific area where there is an issue?
2. What is the purpose of requiring the additional information on a dredge permit as is outlined in Section 228, sub-section (2)?
3. What is the purpose for restricting the number of permits that can be issued each year?
4. Why would you not use a colored sticker system for identification of a current permit, rather than 3" water proof numbers and letters on the side of a dredge?

Example: stickers like those used for ATV's would be clearly visible on the pontoons of a dredge.

5. As many recreational prospectors have access to numerous claims, what is the purpose of limiting them to only six per year without numerous trips to your department to make changes?
6. What is the purpose of restricting all dredging to below 4000'?
7. What is the purpose of moving the open dredging boundary from Highway 49 to Interstate 5?

28 March 2011

Michael Kissel
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Page 1 of 7

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

Re. Public comments and objections to Suction Dredge Permitting Program Draft
Subsequent Environmental Impact Report (DSEIR), California Department of Fish and
Game (CDFG), February 2011

Sir:

These comments, opinions, professional judgments, and objections apply to the DSEIR
and CDFG's regulation development process for which the DSEIR serves as the basis.

I am a California professional civil engineer with expertise in hydraulic engineering,
geotechnical engineering and hydrology. I have completed post graduate level course
work in fluvial geomorphology at the University of California Berkeley, have experience
in fish spawning gravel recruitment environmental studies in California, and have over 40
years placer mining experience in California. I own and mine eight placer mining claims
totaling over 400 acres in El Dorado County California on the Middle and South Forks of
the American River and Camp Creek. I also mine on my timber holdings in Siskiyou
County California. I volunteered to participate on the CDFG public advisory meeting but
was excluded for unknown reasons.

In my professional experience, judgment and opinion suction dredging does not have any
negative impacts on the environment. This position is supported by two, independent
USGS suction dredge impact reports entitled, "*Studies of Suction Dredge Gold-Placer
Mining Operations Along The Forty mile River, Eastern Alaska and Placer Gold Mining
in Alaska — Cooperative Studies on the Effect of Suction Dredge Operations on the Forty
mile River*". Using two, ten inch, high horsepower suction dredges working side by side
in the forty mile river in Alaska, the USGS objectively studied, analyzed and concluded
that suction dredging has no impact on the environment. This conclusion is further

supported by my personal observations and analysis of suction dredging on the environment in California.

This 1000 page DSEIR failed to report any credible scientific or quantifiable finding that supports any conclusion that suction dredging is deleterious to fish, harmful to the environment, or a risk to public health and safety. This DSEIR is prejudiced because it fails to report and recognize the many benefits of suction dredging to the environment. It distorts and misrepresents the environmental impacts of the suction dredging by stating conclusions that are not supported by fact or its own evidence.

For example, in addition to using dredge production rates that CDFG admits could not possibly be achieved in the field, DSEIR Section 4.1.4 *Environmental Impacts*, page 4.1-16, line 32 reports the average annual dredge area to be 14 to 63 square meters. CDFG then represents the maximum value of 63 as the average amount dredged. The weighted average annual area for its own survey is actually 44.575 square meters. So, CDFG initially distorts the disturbed area by 141%, a gross and incompetent mathematical error. CDFG further inflates the impacts by using the annual disturbed area, wrongly applying this cumulative impact to this section. In so doing, CDFG distorts the actual disturbed area impact by a whopping 3,937 percent greater than the actual impact. Significant but unavoidable impact CUM-6. *Turbidity/TSS Discharges from Suction Dredging* are based on similar unrealistic production rates and overly conservative assumptions. It is on this basis that it is proposing regulations cannot be supported by this DSEIR. These regulations will in fact put us out of business and prohibit suction dredging of six of eight of our mining claims. The actual average daily disturbed area is 1.6 square meters, a square area slightly over four feet per side. There are billions of square meters of available dredge area within California. This suction dredging activity cannot, in any way, be considered significant by any rational person or organization.

For a second example, Impact NZ-1: *Exposure of the Public to Noise Levels in Excess of City or County Standards* CDFG concludes that noise from suction dredging is a significant and unavoidable impact based on the wrong, statewide application of the Yuba county noise ordinance. This ordinance is so strict that a ringing telephone violates it, making everyone living in Yuba county guilty of a crime every time their telephone rings. The sound emitted by this same ringing telephone is louder than sound levels for a 20 hp motor, the largest size reported in SEIR Table 4.7-5. Furthermore, since suction dredging is an extractive industrial activity, it can occur any time, and is within the allowable maximum level of 80 dBA under the Yuba County Ordinance. Therefore, this conclusion by CDFG have been wrongly applied, and therefore itself wrong.

Furthermore, CDFG ignored published USGS conclusions noted above and designed its own prejudiced and flawed tests that do not represent actual suction dredging impacts. It further prejudiced this DSEIR when it based these entire report findings on just two

dredge holes in exceptionally contaminated sediment conditions that are atypical and inappropriate as the basis for programmatic statewide regulation making. Rather than conduct a statistically valid study to represent actual statewide conditions, CDFG wrongly concluded significant and unavoidable impacts WQ-4: *Effects of Mercury Resuspension and Discharge from Suction Dredging and Impact* and WQ-5: *Effects of Resuspension and Discharge of Other Trace Metals from Suction Dredging* on the basis of this prejudiced testing. CDFG further concluded suction dredging will result in impacts that are not scientifically recognized, validated, or understood. The truth is that all stream sediments are subject to mixing and resuspension through natural processes that occur whether suction dredging happens or not. Suction dredging is beneficial since it spreads resuspension out over time and is the only proven technology to actually remove mercury and trace metals from the environment. Furthermore, CDFG neglected to measure the concentrations of mercury and other trace metals in sediments prior to dredging, then measure actual discharged sediments, and reported mercury and other trace metals that were retained in the sluice box. Suction dredging technology has been proven 97+% effective in the removal mercury and other trace metals from the environment. These metals existed in the environment prior to dredging and therefore constitute a baseline for which these claimed environmental impacts should have been measured. Suction dredging itself does not add any of these metals to the environment. It is on this basis that a distorted view is being advanced and unreasonable future regulations are under investigation may be proposed by other agencies and organizations that use this distorted DSEIR. CDFG prejudiced this DSEIR by failing to recognize and report these environmental betterments. Said failure to recognize and document these benefits is irresponsible and dishonest.

CDFG conclusions of significant and unavoidable environmental impacts are based on its own extreme and internally biased "beliefs" of "potential" environmental impacts and limits of its regulatory authority rather than actual adverse environmental impacts. It believes it is protecting the public interest in this ultra conservative approach. The public would be better served by an objective, complete, representative, and truthful suction dredging DSEIR as CDFG is charged by law and court order to perform. CDFG's assumptions and professional judgment are so conservatively biased that they do not represent any possible condition under which of suction dredging can be performed. It is on this basis that significant but unavoidable impacts: BIO-WILD-2: *Effects on Special Status Passerines Associated with Riparian Habitat*, CUL-1 and CUL 2: *Substantial Adverse Changes, When Considered Statewide, in the Significance of Historical Resources and Unique Archeological Resources*, and CUM-2: *Effects on Wildlife Species and their Habitats* are wrongly derived.

According to CDFG's own survey results, the average suction dredger disturbs about 17.5 square feet per dredger day out of the billions of square feet of stream and river beds

within California. Not a single fish has ever been documented to have been harmed by the suction dredge activity. Suction dredging does not add a single harmful material to the environment. On this basis, there can be no justification for any significant finding in this DSEIR or proposed regulations to restrict suction dredging within the State of California. Furthermore, this DSEIR is the wrong environmental document process under CEQA since no other finding but no significant impact can be justified by it.

It is on the basis of all statements above, that I object to the following proposed regulations:

1. **Limitations of only six locations of planned operation.** I regularly work at 9 claimed and fee title locations per year and prospect up to another 9+ locations during a single season. This regulation to limit and report the number of locations provides an unjustifiable administrative cost and burden on me and CDFG without any measurable environmental protection. Planned and ongoing mining locations are a trade secret and I object to making this competitive advantage information public.
2. **CDFG will issue up to 4,000 permits annually, on a first come, first served basis.** This DSEIR does not demonstrate significant environmental impact and therefore cannot justify a cap of annual permits. Capping permits at 4000 would regress to the mean annual permit level, resulting in fewer permits issued in the future than was available in the past. The DSEIR makes no objective or quantifiable basis for restricting the number of suction dredge permits. Given gold is valued at an all time high, similar to the conditions of 1980 when 12,763 permits were issued, 4000 permits will not satisfy current demand. In the DSEIR, CDFG acknowledges that capping permits at this level will create a shortage but provides no rational reason or basis for this regulation. All claim owners in an area open to dredging must be issued a permit to comply with Federal Mining Law. It is impossible to plan and operate our business with this unnecessary and unmitigated business risk. Furthermore, this approach guarantees that income derived from this program will not support CDFG's administrative costs, making it a likely target for elimination through the State budget process. This scenario is highly probable given the State's ongoing chronic budget shortage crisis.
3. **Intake nozzles with an inside diameter larger than 4 inches are not allowed except under certain conditions.** The maximum allowable dredge diameter should be 10 inch inside nozzle diameter per the USGS forty mile river study. A 4 inch dredge is good only for sampling, not production mining. Utilization of these small dredges limits access to minerals on our claims by depth and will make our operations lose money due to low production rates. Any dredge that is

commercially manufactured and unmodified dredge up to and including 10 inches, should be allowed without special conditions or inspection fees. The DSEIR makes no objective or quantifiable basis for making any restriction on intake nozzles or intake pipe size.

4. **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.** The lateral edge of the current water level is subject to dynamic changes throughout the day, especially on streams under tidal and hydro-electric influence. It will be very difficult if not impossible for the operator to comply in good faith with this requirement under these conditions. Furthermore, this regulation will result in a prohibition of dredging for every creek less than 10 feet wide and would stop mining on many of our claims throughout the year. Few in-stream surfaces within 3 feet of the edge of water, especially gravel bars are river banks. The DSEIR makes no objective or quantifiable basis for making any restriction on dredging near the lateral edge of the current water level. CDFG cannot regulatory exclude these areas from dredging without this substantiation. This regulation will confiscate an unreasonable amount of personal property and mineral wealth from myself and this State without compensation and legal, scientific or regulatory basis.
5. **Tailings piles shall be leveled prior to leaving the site.** This regulation cannot be accomplished because these regulations would prohibit the use of equipment that could effectively complete this work. Current suction dredge technology that could effectively accomplish this work does not exist. This regulation would actually exacerbate significant and unavoidable impacts WQ-4: *Effects of Mercury Resuspension and Discharge from Suction Dredging and Impact* and WQ-5: *Effects of Resuspension and Discharge of Other Trace Metals from Suction Dredging*. Furthermore, this regulation is not necessary because the actually disturbed areas are insignificant and scientific studies cited by this DSEIR concluded that leveling is accomplished naturally, thereby nullifying the need and basis for this regulation in its entirety.
6. **The suction dredge operator permit number must be affixed to all permitted dredges at all times and in a manner that is clearly visible from the stream bank or shoreline.** There is no CDFG provision or authority to license dredges, only dredge operators. Several operators may work the dredge during a day so there is insufficient area to affix all the number for possible operators on these low profile dredge units. Furthermore, CDFG has no legal authority, evidence that this practice will protect the environment, or any rational basis to require the licensing of suction dredges.

7. **Dredging may not happen from sunrise until sunset.** At locations under hydro-power influence, working after dark and before dawn is the safest and most productive method to mine these areas for our company. This unnecessary regulatory restriction is not supported by the DSEIR, will increase production costs, and create an unreasonable burden on our operations without commensurate environmental justification, study or benefit.

8. **Seasonal and year-round closures for various water bodies throughout the state have been identified in the draft regulations, based on potential for impacts to sensitive aquatic species.** I strongly object to the removal or limitation to dredging on any water body on the basis of "Species of Special Concern" status as applied by CDFG to animals not otherwise listed under the Federal Endangered Species Act or the California Endangered Species Act. I especially object to the proposed limitations on listed reaches of the South and Middle Forks of the American River and Camp Creek located in El Dorado County. These proposed regulations will change dredge access from July through September to September through January. These locations are typically not accessible after October 15 because the USFS closes dirt road access in wet weather. From November through January, these claims are under 10+ feet of snow, the water is too cold to safely dive and dredge under, and water in pumps and sluice boxes will freeze solid, making it impossible to run our dredges. Low water during September will eliminate dredging on these claims due to the 3 foot water edge regulation restriction. So under these proposed regulations, it would not be possible to dredge these claims resulting in a complete and total take by CDFG of the only feasible way to mine six of eight of our mining claim locations. CDFG is taking with action without any legal authority to establish these regulations. These proposed regulations would result in the loss of \$180,000 in our claim value plus the loss in gold not mined amounting to millions of dollars. Area wide losses to the claim owners and California economy will result in billions of dollars of losses, for which CDFG will be held financially responsible.

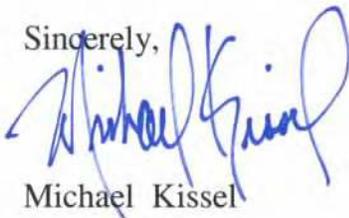
9. **Suction dredging is not permitted in State Wildlife Areas or Ecological Reserves, and may also be restricted in waters designated under the state and federal Wild and Scenic Rivers Acts.** These restrictions are not supported by the DSEIR and violate Federal Law. CDFG has no legal authority to regulate or enforce these provisions on an area wide and general basis. This proposed CDFG regulation violates the 1872 Federal Act to Promote the Development of Mineral Resources of the United States. Furthermore, the Multiple Surface Use Act of 1955 (30 USC 611-615) empowers the mining claim owner to prevent others' engaging in lawful recreational activities that interfere with the claim holder's

operations. Therefore, mining claim owners on Federal and Private land have a senior legal right to mine and to exclude others, including fisherman and rafters, who would limit those mining activities in any way.

Suction dredging is the most cost effective and least environmentally invasive technology to recover precious metals and remove existing heavy metals from the environment. Hundreds of individuals and small, family owned businesses, including mine, directly benefit from suction dredging. These proposed CDFG regulations are irrational, not supported by the DSEIR, exceed CDFG's legal and regulatory authority, violate State and Federal laws, waste billions of dollars of mineral wealth, kill jobs, are politically misaligned during these tough economic times and will regulate my small business and hundreds individuals out of existence.

Suction dredging conditions and technology has not changed since the original 1994 EIR. Therefore, the only explanation for the extremely distorted findings and recommendations of this DSEIR is that it is not representative of suction dredging within California. Given my discussion, evidence and objections above, I have proven that CDFG's assumptions and professional judgment are so conservatively biased that they do not represent any possible condition under which of suction dredging can be performed in California. Since this DSEIR fails to objectively evaluate this activity, we strongly encourage CDFG and the Fish and Game Commission to reject CDFG's recommended DSEIR alternative and regulations and to adopt the 1994 Regulations Alternative instead.

Sincerely,



Michael Kissel

28 March 2011

Michael Kissel
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Page 1 of 2

California Department of Fish and Game
Attn: Mr. Mitch Lockhart
830 S Street
Sacramento, CA 95811

Re: Proposed listing of Mountain Yellow-legged Frog as an endangered species under the California Endangered Species Act.

I am the owner of eight placer mining claims in El Dorado County California on the South Fork and Middle fork of the American River. I object to the proposed listing of the Mountain Yellow-Legged Frog because it will do nothing reestablish this highly depleted species. Furthermore, it will greatly restrict my placer mining operations and put us out of business, especially under proposed California Department of Fish and Game (CDFG) Suction Dredging regulations. This will result in the loss of about \$180,000 in mining claim value and millions of dollars of unrecoverable gold and other mineral wealth from my mining claims.

The species, *Rana sierrae*, or the Sierra mountain yellow-legged frog is already a candidate species under the United States fish and Wildlife. They declined to list the species as endangered.

In the Sierra Nevada, mountain yellow-legged frogs have disappeared from nearly all known low elevation sites on the west slope (4500-9000feet). It is extremely rare east of the Sierra crest and are increasingly uncommon in the most remote alpine habitats along the west side of the Sierra Crest (10,000-12,000 feet). Most remaining mountain yellow-legged frog populations are located in Sequoia, Kings Canyon, and Yosemite National Parks. These frogs are very rare in national forests and wilderness areas. (Vrendenberg et al 2007, and Knapp and Matthews 2000a).

Knapp, from the Center for Biological Diversity states "Mountain yellow-legged frogs are adapted to high elevations without aquatic predators. Widespread stocking of non-native trout in high elevation Sierra Lakes by CDFG has been the Primary cause of the decline for the species". The Center for Biological Diversity places most of the blame at

Proposed listing of Mountain Yellow-legged Frog
Michael Kissel
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the feet of CDFG. However, it also seems to lay some blame on all other predators of the frog such as otters, bears, and brown trout. If all of these other species are removed, then we could see a rebound of the frog; but at what cost?

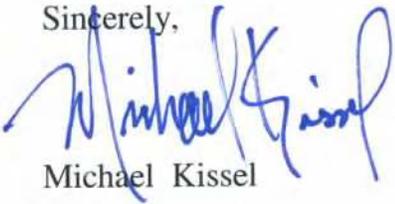
Other reasons for the decline of the species are likely due to disease and pesticides.

Rather than list this species as endangered, CDFG should work with the National Park Service to remove trout from the parks and build a healthy and thriving population of frogs; that could later be transplanted to other locations within the Sierra.

Under this proposed listing, it would not be possible to mine and dredge six out of eight of these claims, resulting in a complete and total take by CDFG. Area wide losses to the claim owners and California economy will result in billions of dollars of losses, under which this yellow legged mountain frog species would not recover.

Blanket listing the species will not help it recover in areas where it has been completely depleted. I support the no action alternative.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Kissel", is written over the typed name. The signature is fluid and cursive.

Michael Kissel

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

28 March 2011

Reference: Proposed CDFG Suction Dredging Regulation 228.5 (46) which closes Slate Creek in Sierra County

Dear Mr. Stopher;

Thank you for allowing me the chance to respond to the draft SEIR and proposed dredging regulations. First, let me say my opinion is the 1994 regulations should remain unchanged. Table ES-2 (Executive Summary) shows that all activities under CDFG regulation authority are rated as "Less than Significant."

This letter specifically addresses the closure of Slate Creek and all tributaries in Sierra County due to protection of the Sierra Nevada Mountain Yellow Legged Frog.

Summary:

The preponderance of evidence clearly shows that the cause of the Sierra Nevada Mountain Yellow Legged Frog is due to the introduction of trout. There are no studies related to dredging or the impact of dredging on the MYLF.

- The Sierra Nevada Mountain Yellow Legged Frog is not found in large areas that are proposed for closure under the draft dredging regulations
- There is no data that supports closing areas to dredging would have either negative or positive impact on the ability of the frog to recover
- Frog habitat is typically not good dredging areas
- The primary cause of the frogs decline has been the introduction of trout

While the results from the draft SEIR appear to provide very minimal impact from dredging, the broad application of the results based on a statewide rationale has significant local impacts. It is inappropriate to broadly apply rules that should be specific. Examples are closing entire watersheds to protect the frog when sampling shows there are no frogs in that watershed – or more likely the field sampling has not occurred. The Knapp study [reference 3] provides a probabilistic model for determining high quality MYLF habitat and should be consulted by CDFG in determining specific areas for closure – these would primarily be high alpine lakes.

The proposed dredging regulations close the entire Slate Creek watershed, and numerous other similar watersheds based on restrictions to protect the MYLF. From a review of available

literature on the MYLF it appears the likely cause of the frogs decline is the introduction of non-native trout into its habitat and dredging has no impact, or no measured impact. Representative MYLF habitat is shown in Figure 1:



Figure 1. Californiaherps.org provided MYLF habitat

Specific to the area of Slate Creek but generally applicable to many of the higher elevation streams I provide a couple of pictures of the area that is proposed to be classified as "A" due to classification as MYLF habitat. From the above pictures to the below it would appear there is very little in common from a habitat perspective, and the above habitat is a highly unsuitable location for dredging and the below habitat is unsuitable for frogs.

Figure 2 provides a typical environment encountered in the Slate Creek watershed. The canyons are extremely narrow and the bank edges in most places are near vertical and rock.



Figure 2. Slate Creek Watershed Typical Terrain – near 5,000'

Figure 3 is from amphibiaweb.org and provides the sampling locations for the MYLF in the Slate Creek drainage area. As shown, no frogs have been found in the Slate Creek watershed or tributaries.

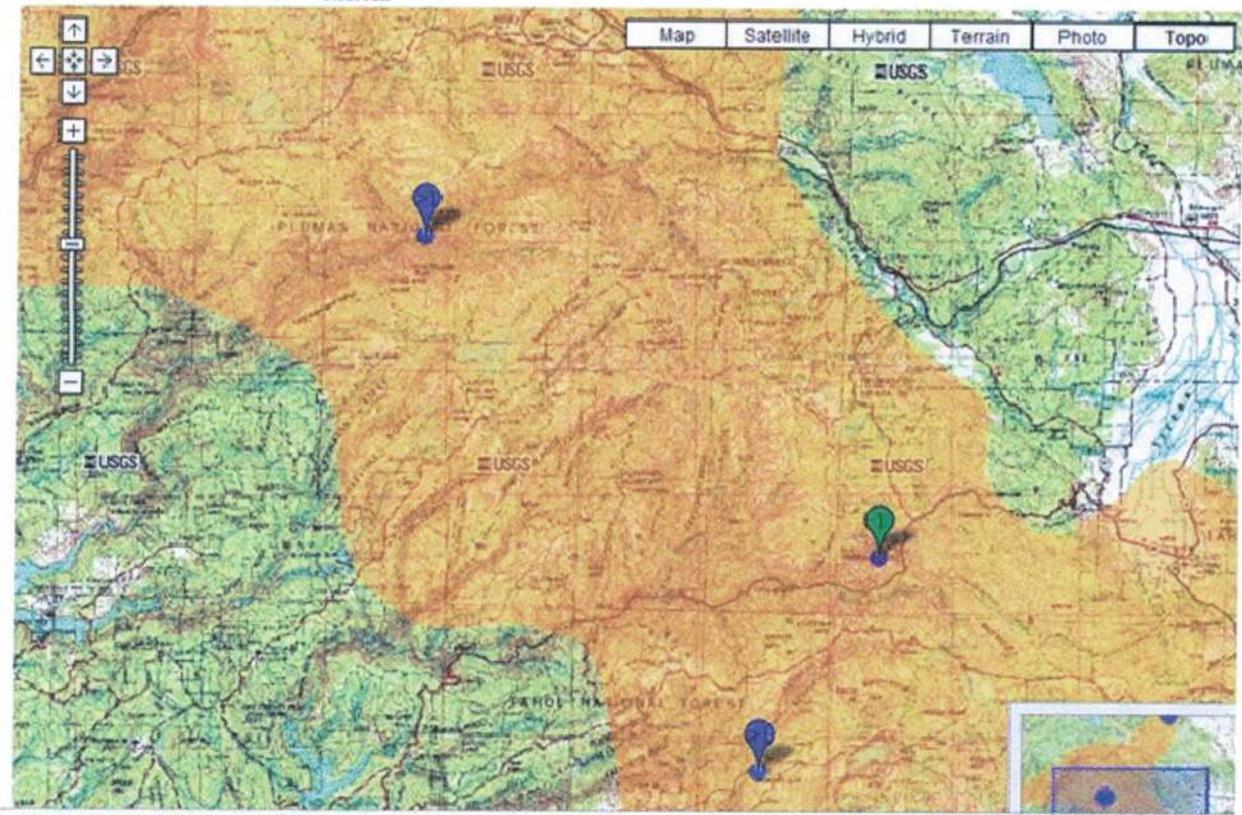


Figure 3. Confirmed locations of the Sierra Nevada Yellow Legged Frog – *Rana sierrae*

While the sampling doesn't preclude the MYLF from being present it does show that no frogs have been found in the area. While the frogs may exist in the area the conclusion is the habitat for most of the proposed closed area isn't suitable for the frogs – or at least not broadly suitable or that no species counts have taken place in this area.

Further reading on the habitat of the frog provides the following taken from www.natureserver.org (emphasis added):

"Habitat Comments: *The habitat of frogs of the *Rana muscosa/Rana sierrae* complex includes sunny river margins, meadow streams, isolated pools, and lake borders in the Sierra Nevada. Sierran frogs are most abundant in high elevation lakes and slow-moving portions of streams.*

Restoration Potential: **Rana muscosa/Rana sierrae* populations that have been extirpated or reduced as a result of fish introduction can recover to predisturbance levels after fish disappear, if a nearby source population of frogs exists (Knapp et al. 2001). Several agencies*

*(National Park Service, CDFG and U.S. Forest Service) have begun and/or planned **recovery efforts involving removal of introduced fishes, and a number of populations have recovered (Vredenburg 2004).***

*Preserve Selection & Design Considerations: **Basins with a variety of deep lakes and shallow ponds may be the most appropriate reserves for this declining species (Pope and Matthews 2001).***

It appears the frogs prefer slow moving bodies of water and ponds/lakes. These are typically not dredging sites and certainly don't represent high elevation mountain streams which typically have steep gradients. [Reference 3, Knapp]. Additionally, as shown in Reference 3 the occurrence of frog tadpoles is directly correlated to the water depth and is statistically shown to be found in lakes deeper than 3m (aprox 10'). Research shows that the frog habitat is fragmented for various reasons, but appropriate habitat has been shown scientifically to not be correlated with areas that are considered good dredging locations. It can also be inferred from the above that dredging would have beneficial impacts on frogs by:

- Introducing into the stream small aquatic insects that would normally be under the cobbles
- Providing aeration to the water in slower moving portions of the creek
- Providing a fine layer of silt which acts to protect and hide the eggs (taken from californiaherps.com and proven through scientific study by Knapp, reference 3)

The SEIR and the proposed draft regulations should take into account that dredging can actually benefit the frog.

I support the reestablishment of the frog, but the reality is dredging has no impact on this species. As you know the petition to list the frogs as endangered cites the introduction of non-native trout as the primary cause of the decline. The introduction of trout has dramatically reduced the frog's numbers and it's expected that the elimination of the trout would result in the expansion of the population.

Another example that clearly rules out dredging activity as a cause of the frogs decline is reported in the Fresno Daily Republican on March 1st, 1996. The following excerpt is the summary of study of the frogs decline in Yosemite Park, an area completely free of dredging and protected. (emphasis added)

Park Service biologists have compared their findings with a 1915 study of frog and toad species in Yosemite National Park. They found that 80 years ago, the wilderness in and around Yosemite National Park was rife with the trilling, croaking songs of frogs and toads. This is no longer the case, according to the new study.

By comparing a recent survey of frog and toad species with one done in 1915, researchers were able to provide long-term data needed. For while many researchers are documenting

declines of frogs and toads around the world, most focus on one or a few species with data spanning 20 years at best, leaving some to question whether the drops in numbers seen are simply harmless, short-term fluctuations.

*National Park Service zoologists say the new study, published in the current issue of the *Journal Conservation Biology*, provides some of the best evidence that the declines are a long-term problem. "I was really very impressed by the [Yosemite] study," said Dr. Martha Crump, a behavioral ecologist at Northern Arizona University in Flagstaff, suggesting that the new paper would convince the last remaining skeptics. "It's such a large fauna declining over such a large area. That's what makes this a really important study." **The Smithsonian's amphibian expert Dr. Ronald Heyer, said: "It's kind of chilling in its effect. Here we have what we consider to be a relatively protected place, and amphibian declines are occurring even there."***

Researchers have ruled out habitat destruction as a cause of the disappearance. "You can't find a place on earth that's entirely pristine," Drost said, "but by and large, this is about as pristine an area as you can find in the lower 48 United States." Drost said the field sites still look essentially as they did in the 1915 photos.

The 1996 study conducted by Ronald Knapp (reference 2) provides a strong linkage between the non-native trout and the decline of the frog.

" The introduction of non-native trout has caused widespread declines of native trout species such as golden trout as a result of hybridization, competition, and predation. The decline of at least one amphibian species, the mountain yellow-legged frog, has been attributed largely to predation by introduced trout.

*My report suggests that lakes and probably other aquatic habitats in the Sierra Nevada, including those in wilderness areas, may be so extensively modified by the introduction of non-native trout that they are unable to serve as refugia or as control areas. One species may already have disappeared (the phantom midge) and several others endemic to the Sierra Nevada have suffered dramatic population declines (e.g., golden trout, mountain yellow-legged frog). Continued decline of these species will likely result in listing under the Endangered Species Act, a step that could have far-reaching consequences for the management of aquatic ecosystems throughout the Sierra Nevada. **The simplest and perhaps most effective way to reduce impacts of introduced trout is to modify current trout stocking programs to cause the die-out of some introduced trout populations.**"*

Knapp continued his studies of the effect of trout on the MYLF populations with a 2000 report that specifically addressed this issue, and a 2007 report (Reference 2) in which he studied the recovery of the MYLF when trout were removed.

Figure 3 provides an excerpt from his work which shows the dramatic increase in frogs when the trout populations were removed.

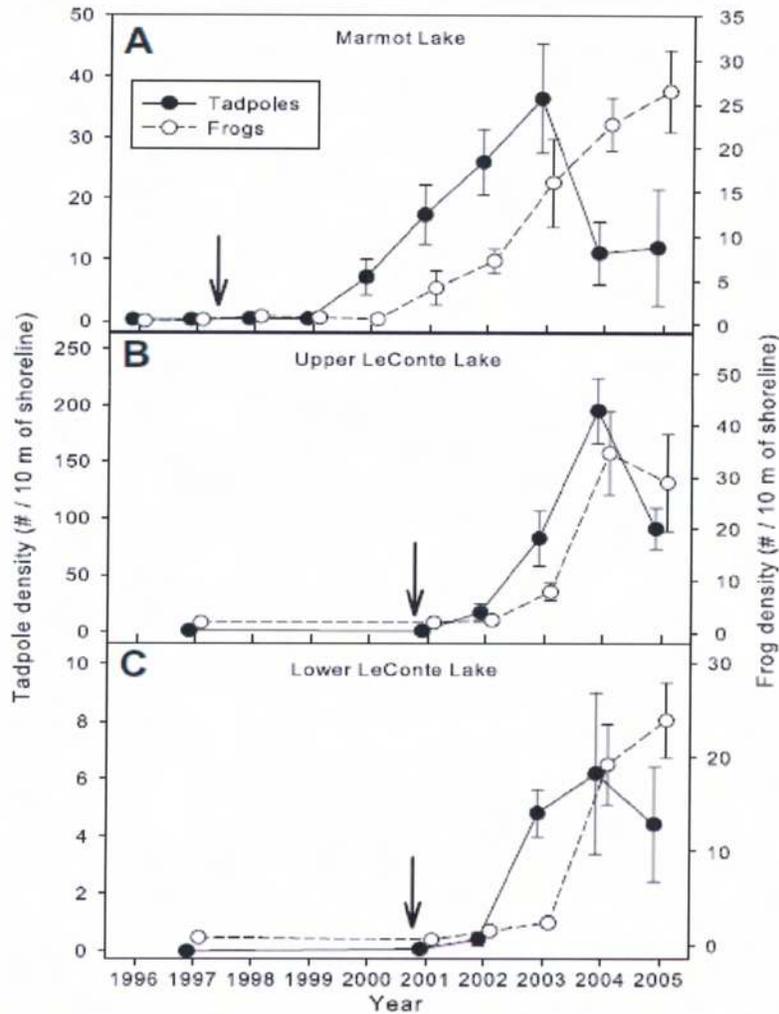


Fig. 4 – Density (± 1 SE) of *Rana muscosa* in (A) Marmot Lake, (B) Upper LeConte Lake, and (C) Lower LeConte Lake before, during, and after the eradication of nonnative fish. Arrows indicate the date on which fish removal was initiated.

Figure 5. Recovery of MYLF on removal of trout

I contacted Dr. Knapp to inquire whether any studies had been conducted on the effects of suction dredging on the MYLF and he responded that there were no studies he was aware of that looked at dredging and the impact on frogs. [Ref. e-mail dated 27 March 2011]. Studies on restoration show the frog increases rapidly when the native trout are removed.

"Numerous mountain yellow-legged frog recovery projects have been conducted in the last five years, with more in the planning stages. Virtually all of these projects relied on the removal of

nonnative trout and most have met with stunning success... [Knapp 12 December 2008, from website]

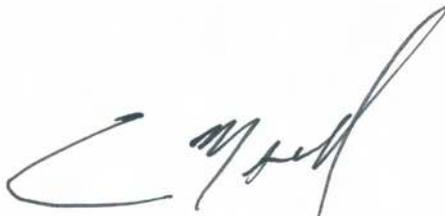
...high quality habitat is generally characterized as lakes deeper than 3 m (10'), located at elevations below 3600 m (11800'), and surrounded by other suitable habitats including fishless lakes, ponds, marshes, and low-gradient streams (see [Knapp et al. 2003](#) for details)." [Knapp 12 December 2008, from website].

Conclusion

There is no scientific basis to close large areas of the State to suction dredging based on the possible location of the frog. As shown in Figures 1 and 2 above the specific terrain must be evaluated as an area can contain both suitable and unsuitable habitat. It would be sufficient to simply regulate the specific destruction of amphibian eggs or the willful destruction of the frog. Using established probability models in existing research can help define the precise areas these frogs are likely to be found and establish protected refuges for them. As mentioned earlier the areas where the frog tends to locate is normally not a desirable dredging location. The high alpine ponds simply have no gold and the slow moving areas of the rivers are typically the high overburden areas which require too much effort to reach bedrock.

Again, thank you for your consideration and I hope you will consider alternative measures to restore the frog while maintaining our ability to conduct suction dredging.

Respectfully,



ERIC M. MAKSYMUK

References

Websites consulted in preparing the response:

www.californiaherps.com

www.amphibia.net

www.mylfrog.info

www.natureserver.org

<http://anuranblog.blogspot.com/> (Roland Knapp's website)

Scientific papers referenced in preparing this response.

1. Knapp, R. A. 1996. Non-native trout in natural lakes of the Sierra Nevada: an analysis of their distribution and impacts on native aquatic biota. Pages 363-407 in Sierra Nevada Ecosystem Project: final report to Congress. Volume III, Chapter 8. Centers for Water and Wildland Resources, University of California, Davis (available at ceres.ca.gov/snep/pubs/v3.html).

2. Knapp, R. A., D. M. Boiano, and V. T. Vredenburg. 2007. Removal of nonnative fish results in population expansion of a declining amphibian (mountain yellow-legged frog, *Rana muscosa*). *Biological Conservation* 135:11-20.

3. Knapp, R. A., K. R. Matthews, H. K. Preisler, and R. Jellison. 2003. Developing probabilistic models to predict amphibian site occupancy in a patchy landscape. *Ecological Applications* 13:1069-1082.

To California dept. Fish & Game

I'm a Third gen Californian small scale gold miner & dredger
I live in Mendocino CO. and use to fish the
eel river during 70's 80's and early 90's, the river had
huge runs of Salmon & steelhead but now there
pretty much gone, worth more in the water than
on the table. I would like to state that
the eel river is a non gold bearing river
and has never been mined, and Mendocino
CO. has always been closed to dredging.
I don't know what happened to the Fish but
gold miners had ~~Ø~~ effect

I would also like to comment on the USGS
mercury study site, the largest hydrolic mine
in the state dumped there tailing down
humbug creek, this is probably the most
mercury contaminated area in the state,
there have been reports of pools of mercury
in this area it is the extreme of the extreme.

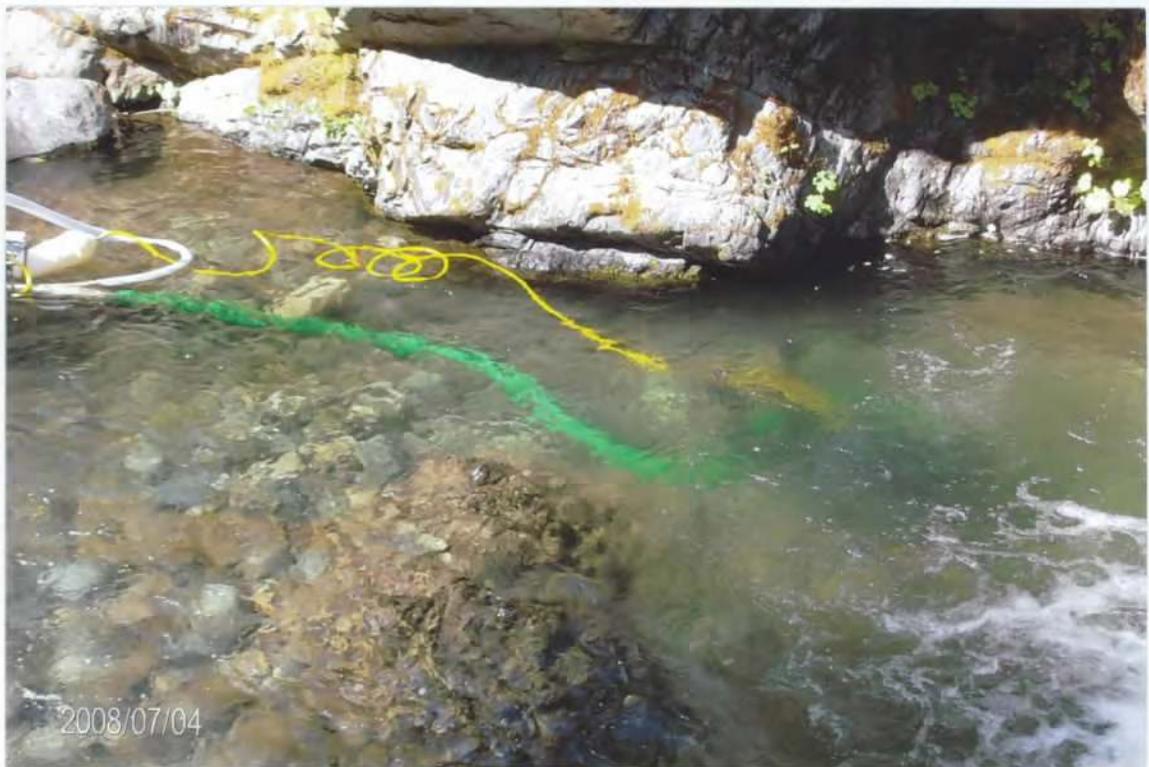
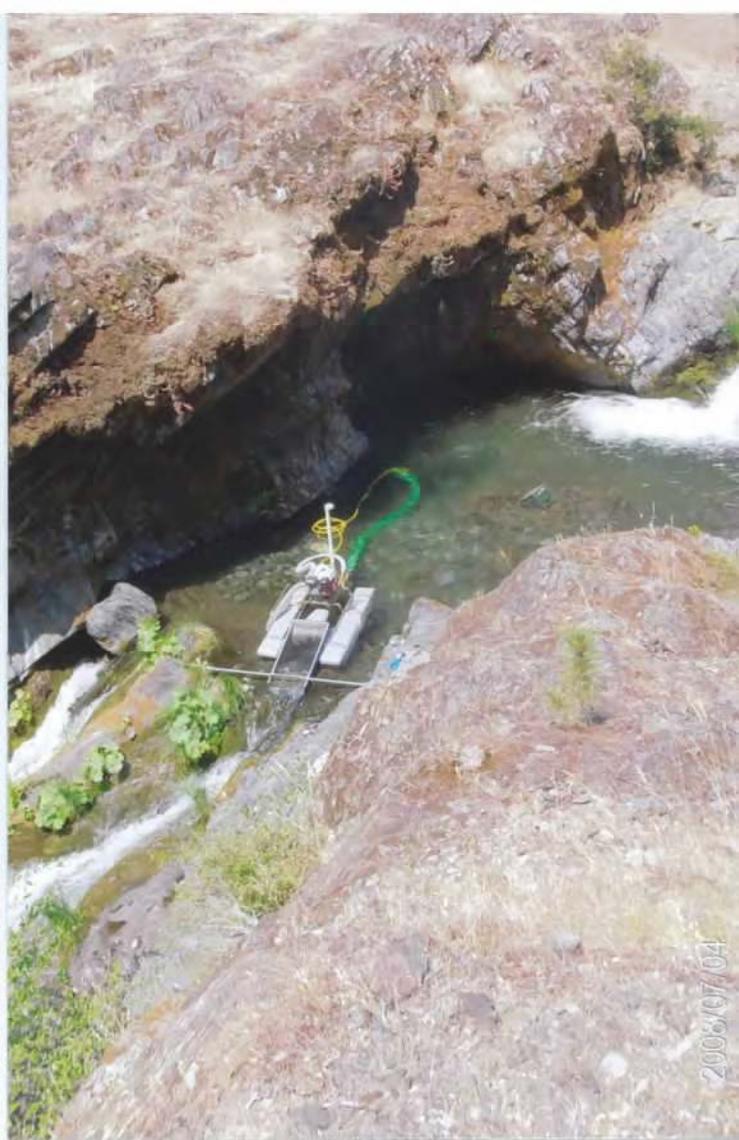
I have been suction gold dredging in California since 1993
and can honestly say Fish like us They like swimming
along side us as we dredge They like the holes we make
They like the gravel piles we make, it just that some
~~PEOPLE~~ PEOPLE CAN'T STAND the sight of US. →

also there is a lot of lead in most waterways that a suction gold dredge will catch, since lead tends to catch in the same traps as gold. Im sure over the years gold dredgers have removed Tons of lead - bullets fishing weights, Tire weights, bird shot, lead fragments other heavy metals From rivers and creeks.

Thank you for your time

Joseph Martin

PS The pictures are of a 4" suction dredge opperating on the E. Fork Elk creek Siskiyou, CO. 2008





3/28/2011

My objections to DSEIR

1. 4000 limit on permits.

A. What's to prevent an adversary from buying as many permits as they have resources?

B. What about the future population needs of our state?

C. Severe financial times we are living in. We have been out of the water for 2 years.. Many more folks could be forced to subsidize their income with dredging. The cap will prevent this.

D. The Cap is not based on a Fact . Millions of Rafters, Fisherman, kayakers & other users are not being LIMITED in their activities.

E. arbitrary number. It is a takings if a single claim owner cannot purchase a dredge permit.

4000 limit on permits should be eliminated.

2. Three Foot rule. Riparian life forms.

A. Dredgers are typically site specific of ingress and egress which means entering and exiting the dredging area from one path.

B. If intention were to protect the life forms in the riparian zone they would not allow the millions of fisherman to walk up and down the zone. In addition rafters, kayaks, tubers, swimmers. Would also be banned from the Riparian Zone.

Our activity is Less than significant.

3. Proposed 4" ring restriction.

A. a 4' ring restricted dredge is a sampling dredge. Small scale miners cannot move enough material to be profitable. The effect of this is to make dredging nonviable.

B. The costs of maintaining a claim cannot be made with a 4" ring dredge.

C. 1994 Regs were prohibitive but allowed larger dredges.

D. Special use permit allowed us to use larger dredges than the 1994 regulation took from us.. Permits were later canceled. An act of bad faith.

4" ring has no bases in science, should be eliminated

4. DFG was not interested in our Federally Granted Mining Rights.

A. Stopher said "don't even bring up your mining rights.

B. They seemed uninterested and apathetic at any speaker who addressed the Takings and Prohibition of our Granted Rights.

C. The new permit attempts to restrict and circumvent our Federally granted mining right.

D Dredging permit and restrictions that they are proposing are nothing more than an attempt to regulate Suction dredging out of existence.

E. There attempted to over regulate thus eliminate suction dredging is a blatant attempt to do away with our civil liberties.

5. Gas powered Winching: DFG wants a site visit for use of a gas powered Winch.

A. Winching is used as a safety measure. Prevents crushing and dangerous situations.

B. Waiting for a site survey could take how long?? At what cost? Who is qualified to conduct this survey. How much will DFG have to spend on that!!
C. DFG used to require a Stream alteration permit for Winching. They quickly did away with the permit replacing it with the wording wet rocks stay wet,, Dry rocks stay dry. This is a rehashed old Idea. Its more about the money and regulating us out of dredging.
D dredgers who don't live near their claims will be severely impacted.
E. How are you to find our claims? Arrange a meeting place? on and on.
No change is necessary.

6. Adjustments to mining seasons. Favor Frog.

A. effect is to make mining unprofitable.
B effect is to keep us out of the water.
C. effect is to favor other user groups.
D. We are being treated different that other user groups (who don't have GRANTED RIGHTS)
E. Seasons have worked for 50 years
No change necessary.

7. Gas can restriction

A. impracticable if not impossible in many mining locations.
B. 1994 Regs found that incidental fuel and oil where less that significant.
No Change necessary

8. 3/32 Screen on Intake

A. it is unreasonable and unwarranted
B. NO evidence of entrainment for fish or aquatic life.
C. Diameter of hole is so small as to clog with any floating debris. unnecessary burden to constantly clean screen.
D. Studies show juvenile fish have the burst rate sufficient to escape entrainment.
E. All dredgers will immediately be out of compliance.
No Change necessary

9. DFG plan is to spend us out of existence with excessive permits, fees. Trying to keep us from making a living, trying to favor other user group over us.
They say we can still mine.. Yea with a PAN, but not make a living.

10.D.F.G does not have the manpower, budget, or resources to enforce proposed regulations and on site inspections. leaving the dredger waiting for months or the entire season. Effect is to keep him or her out of the water.

For 50 years our seasons and winching have been allowed.
IF the DFG were really trying to protect Riparian zones, they would adopt similar regulations,
permits and fees on the other user groups.

11. No pro dredging reports that were presented at the PAC meeting were used.
Where is all the PRO Dredging Science?

Benefits of Suction Dredging were strikingly missing from DSEIR

1. Economic impact to state, local cities and county businesses, tax revenue etc. 200 million a year that we are out of the water (source 1994 EIR)

2. Removal of the polluting heavy and toxic metals from the water ways. 1994 EIR found that Suction dredging would have a beneficial impact related

to the capture and removal of lead from waterways which, would help to keep lead from entering the food chain.

Less-than-Significant impact on water quality as it relates to mercury present in streams.

3. Creating beneficial habitat for Fish see section 45 of DFG regulations.

Fish is defined a wild fish, mollusks or crustaceans, invertebrates or amphibians, including any part, spawn or ova there of.

4 Preventative health benefits to the operators and participants in suction dredging. Physical exercise is a Large part of Dredging.

The D.F.G. does not have peer reviewed evidence at any time, that supported any Deleterious effect to fish and aquatic life. Therefore if there is no cause or negative impact to the environment, we cannot see any changes needed from the 1994 dredging regulation.

**Irvin Matsalla
38729 Highway 96
Klamath River, Ca.**



3/28/2011

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**Pat Matsalla
38729 Highway 96
Klamath River, Ca.**

From: goldminer04@netzero.net
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Proposed SIER Regulations
Date: Monday, March 28, 2011 2:08:51 PM

March 28, 2011

California Department of Fish and Game

To Whom It May Concern:

Having reviewed all 897 pages of the above Report and countless other related documents, a lot of time and taxpayer money was spent trying to educate the public and DFG personnel about mining and more specifically about "suction dredging." Education is never a waste but in this case it may have been. It is apparent from the conclusions cited as "Significant and Unavoidable Environmental Impacts" that analysis of the collected data has been twisted in places into what appears to be self-serving and bias findings. 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. The taking of such rights is a blatant violation of due process guaranteed by the 5th amendment as it applies to the Federal Government and to the 14th amendment as it applies to states. The taking of "property" without just cause or compensation is illegal and will continue to be pursued in lawsuits filed by the Public Lands for the Public and this litigation will continue to be pressed forward regardless of the outcome of these proposed new regulations. Notwithstanding the violations and legal entanglements referenced above, let us address the alleged "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 impact details analysis of Hg (Mercury) discharge and transport resulting from both dredging operations and watershed sources such as rainfall and runoff. Nobody disputes that there is mercury present in historic gold mining areas as a result of earlier gold mining efforts But, as the report indicates, this

mercury continues to slough into the river without regard to dredging activity. The report clearly points out 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." Yes, every winter Mother Nature creates a "significant disturbance" and dredges without a permit. The report further cites a series of mercury samples that were taken once a month in the summer while preparing this Report. The conclusion at the bottom of Page 4.2-38 was that, "...it is possible that suction dredges were contributing to the annual HG load calculated, but Hg levels do not appear to reflect unusually high concentrations during the dry season Given this, there are inherent uncertainties to the Hg loading estimates." The Report itself stipulates that there are uncertainties as to the cause of HG loading that is present. So, the conclusion stated clearly in the report is that nobody knows anything for sure about movement of HG in streambeds. Even more indicative of this conclusion, on Page 4.2-40 it is reported that HG particles less than 63 um, "...do not remain suspended during summer low flows and are thus deposited back into the river." This conclusion is no surprise to dredgers. Even further, on Page 4.2-41 it is finally concluded that, "Transport of elemental Hg that is floured and discharged from suction dredging is largely unknown as floured HG has been observed to float initially but subsequently sink or float until they are dissolved." Yes, what goes up must come down and nobody knows how much mercury is discharged by suction dredging but the report makes clear that Mother Nature is the biggest contributor. 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: Effects of Resuspension and Discharge of Other Trace Minerals from Suction Dredging: This area details results to determine the impact of other sediments encountered when dredging such as copper, lead, zinc, etc. Again, the conclusions on Page 4.2-58/59 are that dredging has a "negative impact." It is reported that suction dredging would not be expected to increase levels of trace minerals nor result in substantial, long-term degradation of trace metal conditions that would cause adverse effects. Finally, it is further reported that the potential to mobilize the trace metals would not substantially increase health risks to wildlife. Everything sounds good for dredgers so far. However, then the report begins to speculate. It reaches out in desperation to suggest 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. There are too many "ifs" and "maybes" in that assumption. Yet, despite the lack of data or knowledge to accurately identify where such conditions might exist, the report suggests that the "unknown" itself presents a significant and unavoidable impact. This is pointless analysis at its

worst. 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: This impact details the results to determine whether dredging impacts special-status passerine species by altering behavior, movements, and distributions. Passerines were defined as birds that are adapted for perching. This means that they primarily live in the trees. 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. On a scale of noise makers, suction dredgers have to be far and away the minority in number and create the least impact on the environment. This whole argument is a stretch and complete over-reaching by the Report writers. The report attempts to support its weak position by stating that, "even a small disturbance could be substantial." Where is the scientific data for that conclusion? These are passerine creatures that live in the outdoors and expect noise as well as other disturbances all the time and on a wide range of levels. In addition, on Page 4.3-49 of the report, it suggests an accurate determination of any potential impacts to these special-status passerines must be studied using field surveys by qualified biologist to determine their location using the California Natural Diversity Database (CNDDDB) and other such sources. So, the report is really stating that nobody knows where these alleged passerines live. Well, if the locations of these passerines are important, DFG needs to submit a proposal for funding of research by qualified biologists to pinpoint locations and see what kind of funding support is present. Impact BIO-WILD-2 is unfounded and should be corrected to read a finding of "less than significant."

Impact CUL-1: Substantial Adverse Changes, When Considered Statewide, in the Significance of Historical Resources: This impact was to consider how dredging might affect historical and cultural resources. This is yet another example of when we don't really know anything, let's just assert that dredging is the cause. How do we know this to be true? On Page 4.5-12, it discusses the potential impact of dredging on historical resources. The Report states, "...Whether this impact would have a substantial adverse change in the significance of a resource when considered statewide is a function of the likelihood of disturbance of these resources and their individual and/or collective significance. It is unknown whether suction dredge mining would affect significant historical resources to a level that would be considered significant statewide." In other words, such impact cannot be attributed to dredging. Yet nonetheless, again, the writers of this Report use the same old crutch as used previously and conclude that since an impact cannot supported by scientific data, it will simply be labeled a

“potentially significant impact” attributable to dredging. But, further on Page 4.5-13, the report also confesses that the only way to know for sure about the location of any historical resources would be to conduct archival research using the California Historical Resources Information System (CHRIS). Well, by all means, let the DFG propose a research team be assembled to conduct this perceived vital research and send it along the aforementioned study on passerines. Clearly, this whole issue is again over zealous staffers trying to make reach a preconceived conclusion when no data exists to support it. Impact CUL-1 is unfounded and should be corrected to read a finding of “less than significant.”

Impact CUL-2: Substantial Adverse Changes, When Considered Statewide, in the Significance of Unique Archaeological Resources: This impact was to consider how dredging might affect archaeological resources listed in the California Register of Historical Resources (CRHR). This is another case as detailed previously where CFG has put the “cart in front of the horse.” What impact and where are these archaeological resource sites? Well, again, the report clearly describes that nobody knows. Beginning on Page 4.5-14, the Report states, “... Whether this impact would have a substantial adverse change in the significance of a unique archaeological resource when considered statewide is a function of the likelihood of disturbance to such a resource and its individual and/or collective significance. It is unknown whether suction dredge mining would affect unique archaeological resources to a level that would be considered significant statewide.” The report goes on further to suggest that the only way to know if there are unique archaeological sites, one would need to perform archival research using the California Historical Resources Information System (CHRIS). Well, this sounds like another budget proposal that DFG would need to submit for fundins. The fact is that if this allegation were true and verifiable, the DFG or some environmental group would have already performed this research and published the information. Impact CUL-2 is unfounded and should be corrected to read a finding of “less than significant.”

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. However, again, the Report tells us what we need to know. The report states that while dredging has the potential to generate excess noise, the existing regulations do not authorize permit holders to use their equipment in a manner that violates existing noise standards. 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." Nonetheless, absent any concrete data to support that dredgers violate recognized noise standards, the writers of this report use the same approach as in other situations where they lack scientific data. The Report writers declare the impact to be "significant and unavoidable" out of nothingness. This is a outrageous conclusion and unfounded. Consequently, Impact NZ-1 should be corrected to read a finding of "less than significant."

Impact CUM-2: Effects on Wildlife Species and Their Habitats: This impact considers the extent dredging operations could have on non-riverine aquatic invertebrates, reptiles, birds, and mammals. Amazingly, the Report finds that dredging does not have any considerable cumulative impact on any of these creatures and declares a finding of "less than significant" in these cases. However, in the case of several bird species, the report expresses a concern with the so called "incremental effects" of the proposed program. This is puzzling since on Page 5-23 of the report, it states that, "Similar to fish species, declines in non-Fish species populations are largely due to long-term degradation of environmental conditions. With few exceptions, 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 already saying that it's not "dredging" per se that impacts non-fish or bird species but a lot of "unknown" human factors. The Report acknowledges that there are other influencing factors besides dredgers affecting the environment. And, let's not forget that "dredgers" are in the water and birds are in the trees. Yet, this report contends that out of all the other thousands of bird, plant, and non-fish species discussed in the report, the eight non-fish species listed on Table 4.3-3 are in danger to dredging operations. This is like pulling out the mythical "needle from the haystack." It is the position of miners that these eight species are no less impacted or at risk than the hundreds of other species determined in the Report to be "less than significant." This impact is not based upon any scientific proof but mere conjecture. Consequently, impact CUM-2 is unfounded and should be corrected to read "less than significant."

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. Reference is made again to the Report itself in Section 228 of the DFG Proposed Amendments to the Regulations related to suction dredging where it makes the bold statement that, "...the Department finds that suction dredging...will not be deleterious to fish." Further on Page 5-28, the Report references past, present, and future turbidity sources of turbidity which include: agriculture, aquaculture, effluent pollution, recreation, urbanization, timber harvest, and wildfire, fire

suppression, and fuels management. In essence, the Total Maximum Daily Load (TMDL) of turbidity touted in the Report has many causes and the least of which is from dredging. This impact is overstated and embellished to serve its masters rather than speak the truth. Impact CUM-3 is unfounded and should be corrected to read "less than significant."

Impact CUM-7: Cumulative Impacts of Mercury Resuspension and Discharge from Suction Dredging: This impact considers how dredging affects existing concentrations of Mercury present in the sediments of historic gold-mining and gold bearing regions. There is no getting around that Mercury was left behind by historic miners and mining operations. However, as previously discussed under in Impact WQ-4 and detailed on Page 4.2-8 of this Report, "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 Report suddenly mentions a new mysterious field study conducted by USGS scientists in the Yuba River system. First, who are these alleged "scientists and Hg experts" and what are their qualifications? Quite candidly, this new field study just seems too obvious and convenient. It is also too premature to be accepted as reliable data. On Page 4.2-19 of this Report, it clearly states that the information provided by these unknown experts was "preliminary results." In other words, this study (if it is one) has not undergone any peer review or been validated. And validation is necessary since the USGS chose a location where Humbug Creek meets the confluence of the South Yuba River. This is a prejudicial site for any representative field test since this is the location of the Malakoff Diggings where heavy hydraulic mining occurred and is not likely to result in data that can be repeated in other field research. Point in fact, on Page 4.2-23 of the Report, it states, "...The South Yuba river watershed experienced the most intensive level of hydraulic mining, in which mercury-contaminated hydraulic mining debris was produced, and discharged in the watershed. Reasonably, this is not a scientifically representative location from which to extrapolate a conclusion about effects of mercury Resuspension. This explains why on Page 4.2-54 of the Report, it concludes, "...because not all locations of elemental mercury deposits are known, the feasibility with which sites containing mercury could be identified at a level of certainty that is sufficient to develop appropriate closure areas or other restrictions for allowable dredging activities, is uncertain at this time." Further on the same page, the Report states, "...a comprehensive set of actions to mitigate the potential impact through avoidance or minimization of mercury discharges has not been determined at this time, nor is its likely effectiveness known" So, we don't know exactly where all this mercury resides and, even if we did, the effectiveness of trying to mitigate impact is unlikely. And finally, on Page 4.2-36 of the Report, it states, "...modern equipment may result in less flouring" when discussing the impact of mercury. So, the data used to support this impact is based upon inconclusive field results and the whole problem itself may be admittedly an insolvable one. But we do know that material disturbed in any waterway will find

its way to the bottom and Mother Nature does more to disrupt Mercury sediments than any dredger ever could. Impact CUM-7 is unfounded and should be corrected to read "less than significant."

Somewhere between the "1994 Regulations Alternative" and the "Reduced Intensity Alternative" there exists an alternative that would allow CFG to continue to do its job as well as allow miners greater access to their claims. But, only data that can be scientifically supported should be considered. Meanwhile, dredging should not be restricted or prohibited in those areas and during those times of the year when dredging would not pose a problem to the environment. All miners are open to some better dredging practices but dredgers should not be scapegoats.

Sincerely,

Kelly Morris

7720 Garden Grove Ct

White City, Or 97504

From: [Ron Morris](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Disagreement of the Proposed SIER
Date: Monday, March 28, 2011 2:04:30 PM

March 28, 2011

California Department of Fish and Game

To Whom It May Concern:

Having reviewed all 897 pages of the above Report and countless other related documents, a lot of time and taxpayer money was spent trying to educate the public and DFG personnel about mining and more specifically about “suction dredging.” Education is never a waste but in this case it may have been. It is apparent from the conclusions cited as “Significant and Unavoidable Environmental Impacts” that analysis of the collected data has been twisted in places into what appears to be self-serving and bias findings. 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. The taking of such rights is a blatant violation of due process guaranteed by the 5th amendment as it applies to the Federal Government and to the 14th amendment as it applies to states. The taking of “property” without just cause or compensation is illegal

and will continue to be pursued in lawsuits filed by the Public Lands for the Public and this litigation will continue to be pressed forward regardless of the outcome of these proposed new regulations. Notwithstanding the violations and legal entanglements referenced above, let us address the alleged “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 impact details analysis of Hg (Mercury) discharge and transport resulting from both dredging operations and watershed sources such as rainfall and runoff. Nobody disputes that there is mercury present in historic gold mining areas as a result of earlier gold mining efforts. But, as the report indicates, this mercury continues to slough into the river without regard to dredging activity. The report clearly points out 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.*” Yes, every winter Mother Nature creates a “significant disturbance” and dredges without a permit. The report further cites a series of mercury samples that were taken once a month in the summer while preparing this Report. The conclusion at the bottom of Page 4.2-38 was that, “*...it is possible that suction dredges were contributing to the annual HG load calculated, but Hg levels do not appear to reflect unusually high concentrations during the dry season. Given this, there are inherent uncertainties to the Hg loading estimates.*” The Report itself stipulates that there are uncertainties as to the cause of HG loading that is present. So, the conclusion stated clearly in the report is that nobody knows anything for sure about movement of HG in streambeds. Even more indicative of this conclusion, on Page 4.2-40 it is reported that HG particles less than 63 um, “*...do not remain suspended during summer low flows and are thus deposited back into the river.*” This conclusion is no surprise to dredgers. Even further, on Page 4.2-41 it is finally concluded that, “*Transport of elemental Hg that is floured and discharged from suction dredging is largely unknown as floured HG has been observed to float initially but subsequently sink or float until they are dissolved.*” Yes, what goes up must come down and nobody knows how much mercury is discharged by suction dredging but the report makes

clear that Mother Nature is the biggest contributor. 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: Effects of Resuspension and Discharge of Other Trace Minerals from Suction Dredging: This area details results to determine the impact of other sediments encountered when dredging such as copper, lead, zinc, etc. Again, the conclusions on Page 4.2-58/59 are that dredging has a “*negative impact.*” It is reported that suction dredging would not be expected to increase levels of trace minerals nor result in substantial, long-term degradation of trace metal conditions that would cause adverse effects. Finally, it is further reported that the potential to mobilize the trace metals would not substantially increase health risks to wildlife. Everything sounds good for dredgers so far. However, then the report begins to speculate. It reaches out in desperation to suggest 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. There are too many “ifs” and “maybes” in that assumption. Yet, despite the lack of data or knowledge to accurately identify where such conditions might exist, the report suggests that the “unknown” itself presents a significant and unavoidable impact. This is pointless analysis at its worst. 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: This impact details the results to determine whether dredging impacts special-status passerine species by altering behavior, movements, and distributions. Passerines were defined as birds that are adapted for perching. This means that they primarily live

in the trees. 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. On a scale of noise makers, suction dredgers have to be far and away the minority in number and create the least impact on the environment. This whole argument is a stretch and complete over-reaching by the Report writers. The report attempts to support its weak position by stating that, “even a small disturbance could be substantial.” Where is the scientific data for that conclusion? These are passerine creatures that live in the outdoors and expect noise as well as other disturbances all the time and on a wide range of levels. In addition, on Page 4.3-49 of the report, it suggests an accurate determination of any potential impacts to these special-status passerines must be studied using field surveys by qualified biologist to determine their location using the California Natural Diversity Database (CNDDDB) and other such sources. So, the report is really stating that nobody knows where these alleged passerines live. Well, if the locations of these passerines are important, DFG needs to submit a proposal for funding of research by qualified biologists to pinpoint locations and see what kind of funding support is present. Impact BIO-WILD-2 is unfounded and should be corrected to read a finding of “less than significant.”

Impact CUL-1: Substantial Adverse Changes, When Considered Statewide, in the Significance of Historical Resources: This impact was to consider how dredging might affect historical and cultural resources. This is yet another example of when we don’t really know anything, let’s just assert that dredging is the cause. How do we know this to be true? On Page 4.5-12, it discusses the potential impact of dredging on historical resources. The Report states, “...*Whether this impact would have a substantial adverse change in the significance of a resource when considered statewide is a function of the likelihood of disturbance of these resources and their individual and/or collective significance. It is unknown whether suction dredge mining would affect significant historical resources to a level that would be considered significant statewide.*” In other words, such impact cannot be attributed to dredging. Yet

nonetheless, again, the writers of this Report use the same old crutch as used previously and conclude that since an impact cannot supported by scientific data, it will simply be labeled a “potentially significant impact” attributable to dredging. But, further on Page 4.5-13, the report also confesses that the only way to know for sure about the location of any historical resources would be to conduct archival research using the California Historical Resources Information System (CHRIS). Well, by all means, let the DFG propose a research team be assembled to conduct this perceived vital research and send it along the aforementioned study on passerines. Clearly, this whole issue is again over zealous staffers trying to make reach a preconceived conclusion when no data exists to support it. Impact CUL-1 is unfounded and should be corrected to read a finding of “less than significant.”

Impact CUL-2: Substantial Adverse Changes, When Considered Statewide, in the Significance of Unique Archaeological Resources: This impact was to consider how dredging might affect archaeological resources listed in the California Register of Historical Resources (CRHR). This is another case as detailed previously where CFG has put the “cart in front of the horse.” What impact and where are these archaeological resource sites? Well, again, the report clearly describes that nobody knows. Beginning on Page 4.5-14, the Report states, “... *Whether this impact would have a substantial adverse change in the significance of a unique archaeological resource when considered statewide is a function of the likelihood of disturbance to such a resource and its individual and/or collective significance. It is unknown whether suction dredge mining would affect unique archaeological resources to a level that would be considered significant statewide.*” The report goes on further to suggest that the only way to know if there are unique archaeological sites, one would need to perform archival research using the California Historical Resources Information System (CHRIS). Well, this sounds like another budget proposal that DFG would need to submit for fundins. The fact is that if this allegation were true and verifiable, the DFG or some environmental group would have already performed this research and published the information. Impact CUL-2 is unfounded and should be corrected to read a finding of “less than significant.”

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. However, again, the Report tells us what we need to know. The report states that while dredging has the potential to generate excess noise, the existing regulations do not authorize permit holders to use their equipment in a manner that violates existing noise standards. 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.*” Nonetheless, absent any concrete data to support that dredgers violate recognized noise standards, the writers of this report use the same approach as in other situations where they lack scientific data. The Report writers declare the impact to be “significant and unavoidable” out of nothingness. This is a outrageous conclusion and unfounded. Consequently, Impact NZ-1 should be corrected to read a finding of “less than significant.”

Impact CUM-2: Effects on Wildlife Species and Their Habitats: This impact considers the extent dredging operations could have on non-riverine aquatic invertebrates, reptiles, birds, and mammals. Amazingly, the Report finds that dredging does not have any considerable cumulative impact on any of these creatures and declares a finding of “less than significant” in these cases. However, in the case of several bird species, the report expresses a concern with the so called “incremental effects” of the proposed program. This is puzzling since on Page 5-23 of the report, it states that, “*Similar to fish species, declines in non-Fish species populations are largely due to long-term degradation of environmental conditions. With few exceptions, 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 already saying that it’s not “dredging” *per se* that impacts non-fish or bird species but a lot of “unknown” human factors. The Report acknowledges that there are other influencing factors besides dredgers affecting the environment. And, let’s not forget that “dredgers” are in the water and birds are in the trees. Yet, this report contends that out of all the other thousands of bird, plant, and non-fish species discussed in the report, the eight non-fish species listed on Table 4.3-3 are in danger to dredging operations. This is like pulling out the mythical “needle from the haystack.” It is the position of miners that these eight species are no less impacted or at risk than the hundreds of other species determined in the Report to be “less than significant.” This impact is not based upon any scientific proof but mere conjecture. Consequently, impact CUM-2 is unfounded and should be corrected to read “less than significant.”

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. Reference is made again to the Report itself in Section 228 of the DFG Proposed Amendments to the Regulations related to suction dredging where it makes the bold statement that, “...*the Department finds that suction dredging...will not be deleterious to fish*” Further on Page 5-28, the Report references past, present, and future turbidity sources of turbidity which include: agriculture, aquaculture, effluent pollution, recreation, urbanization, timber harvest, and wildfire, fire suppression, and fuels management. In essence, the Total Maximum Daily Load (TMDL) of turbidity touted in the Report has many causes and the least of which is from dredging. This impact is overstated and embellished to serve its masters rather than speak the truth. Impact CUM-3 is unfounded and should be corrected to read “less than significant.”

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exactly where all this mercury resides and, even if we did, the effectiveness of trying to mitigate impact is unlikely. And finally, on Page 4.2-36 of the Report, it states, “...modern equipment may result in less flouiring” when discussing the impact of mercury. So, the data used to support this impact is based upon inconclusive field results and the whole problem itself may be admittedly an insolvable one. But we do know that material disturbed in any waterway will find its way to the bottom and Mother Nature does more to disrupt Mercury sediments that any dredger ever could. Impact CUM-7 is unfounded and should be corrected to read “less than significant.”

Somewhere between the “1994 Regulations Alternative” and the “Reduced Intensity Alternative” there exists an alternative that would allow CFG to continue to do its job as well as allow miners greater access their claims. But, only data that can be scientifically supported should be considered. Meanwhile, dredging should not be restricted or prohibited in those areas and during those times of the year when dredging would not pose problem to the environment. All miners are open to some better dredging practices but dredgers should not be scapegoats.

Sincerely,

Ron Morris

7720 Garden Grove Ct

White City, Or 97504

From: Michael O'Connell
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Suction dredging DSEIR comments
Date: Monday, March 28, 2011 4:23:37 PM

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

Re: Draft Subsequent Environmental Impact Report

Dr. Mr. Stopher,

I would like to briefly comment on the CDFG proposed dredging regulations.

I am sure the technical negative aspects of these proposed regulations will be well presented by others who can articulate them much better than I.

I in turn hope to convey some of the monetary and human consequences to these proposed regulation changes.

First off, the placer mining community is, by and large, a very responsible and conscientious group of people. They take the right and responsibility of taking care of our natural treasures seriously. I personally have witnessed and participated in admonishing folks would abuse our right to mine. Many have invested substantially in their claims and equipment. They actually invest much more than the average user of our wild lands.

The activity of mining adds a great deal of wealth to our economic system. These dollars are and brand new, from the earth, like farming or fishing. They are the foundation upon which all the exhausted, fake dollars rest and which coarse through our economy. Without this "real wealth", from these natural sources, the rest of our system of commerce and government cannot stand.

From the 1994 EIR it was estimated the economic loss to California, private and public, would be \$200,000,000 per year. As time goes by this will only increase. Both the loss of real dollars and the generation worthless ones.

Mr. Stopher, after 40 some years of land surveying, hunting fishing and prospecting in northern California, I truly believe the mining community is, in fact, an asset to our natural environment. Just the tremendous amount of lead recovered from the bottoms of rivers make this a desirable activity. The turning over of compacted and or mossed covered gravel beds are two more readily apparent benefits. I've personally seen gravel beds which were covered with moss not being use by returning salmon and steelhead. These same beds were then dredged and again became a desirable spawning runs for the returning salmon and steelhead.

Most all of the proposed regulations in this report will result in a detriment to not only the miner but also a detriment to the environment.

We are already a heavily regulated activity. I request that you not

add to this burden.

Thank you,

Mike O'Connell
2555 Morehead Rd.
Crescent City, Ca. 95531
mikeoc4@charter.net

joescabinrental.com

SUCTION DREDGE PERMITTING PROGRAM
Draft Subsequent Environmental Impact Report (DSEIR)
Comment Form

Name:	Michael Ortiz
Mailing Address:	329 Bennett St. Grass Valley CA
Telephone No. (optional):	(530) 277-3423
Email (optional):	mekotee1@yahoo.com

Comments/Issues:
I live in Abandoned Mine Country - where mitigation was ignored by the Mining Industry for 150+ years. The rules have no guidelines for Cultural Impacts, mitigation training or egregious oversight considering Noise, Sacred sites, Fish Passage that is consistent, Mining Toxicity with Arsenic & Flowering Mercury, Enforcement and education.
I question the credentials of the study as too narrow - without solid science, social science and tribal participation - it is impossible to focus on fish only and not get the whole picture

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

Questions? Please call us at (530) 225-2275 • More information: www.dfg.ca.gov/suctiondredge

Mark Stopher

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

To: Whom it may concern

I have read your recommendations for the revisions in the suction dredging regulations and pursued several rebuttals from Prospectors. I sadly have to admit some disagreement with portions of your report.

Over the past 75+ years I have had many exciting and rewarding adventures particularly when communing with nature in our country's vast natural resources. During this long learning curve I always looked at the Forest Service and Fish & Game personnel as super public servants making every effort to make these superb natural artistry pallets available for all of us to enjoy and utilize for the maximum benefit of society including the utilization of the minerals along with the wildlife through fishing and hunting, photography etc. It appears to me now that someplace along the way some (hopefully a minority) of these dedicated folks have assumed their goal in life is to act as preservationists instead of the preferred conservationists and keeping the recreational prospectors from enjoying and even adding to the economic prosperity of the country. I'll point out a few areas that have spiked my curiosity and led to sincere doubts with their ultimate goals:

1. Some of us more ancient specimens have difficulty doing the normal dredging and actually do it for rewarding recreational activities. I no longer have the ability to scrunch these shiny new stainless steel knees into wetsuits and crawl around under water with a suction nozzle in hand. There are times I can work close to the bank with my small low powered dredge in search of those elusive glittering morsels of gold. Some of these streams may be only 3 feet wide. Whoever dreamed up the 3 ft minimum distance from the bank either had the idea of keeping us out of the hills or had no concept of the Sierra streams likely putting all in the category of roaring rivers.
2. My absolute favorite prospecting sights are directly correlated with the beauty and serenity of the mid-high Sierra streams which are normally in the 4 to 5,000 ft elevation. I am totally baffled at the logic of limiting this to prospecting. It appears to circumvent the intent of long held mining laws and regulations with no legitimate reason data other than to keep us out of someone's private preserve. I figure I have another 5 years of outdoor recreational opportunities if I can keep the old rewired heart and other infirmities under control and certainly hope this narrow approach doesn't deprive many others in my condition of utilizing our wonderful Sierra Nevada back yard.
3. I find it amazing the proposal to limit the number of permits for dredging to a predetermined relatively small number. Some of us would likely only utilize it a few times in the summer and want the ability to go to various locations when they become available rather than the requirement to sign up for predetermined locations.

It would appear to me there are many more fisherman on the same stream beds throwing their lead weights in the creeks and generally finding an outlet for relaxation and reconditioning their hard working souls in mother nature's natural environment.

4. I find the concerns for stirring up other minerals that past fishermen and miners dispersed rather amusing for a lack of viable evidence that it is detrimental to our resources other than figments of some folks' imaginations. Whenever I pan or sluice in the Sierra streams I tend to find lead weights from fishermen in my pan and always dispose of them appropriately. As you hopefully have found in your studies gold will amalgamate (adhere) with mercury and was often used in the olden days. If I find gold with mercury I can process this through my dandy little retort which will recover 99.9% of the mercury. Can't vouch for you but these sounds like a real benefit to our natural resources.
5. Some of the report can actually be a bit amusing. Refilling a hole in a running stream bed prior to the annul spring run-off appears to fall into this category and be totally counterproductive. When up on the banks but still in the high water areas it would also be refilled on run off but most of us to my knowledge fill these in for the natural beauty perception of others with the opportunity to be out in nature absorbing this spiritual revitalization
6. I would advise anyone seriously interested in the pros and cons of dredging to find some time to sit down with an expert such as my super advisor and friend Rick Mahoney at the RCM Mining supply in Clovis Calif. This gentleman shoots straight, is very articulate, and has a handle on the process. He has also designed and manufactured numerous products in this area that he sells around the world generating jobs and resources for California. In hindsight, it would appear someone should have done themselves a favor and spent time out actually doing some dredging and becoming acquainted with the operation prior to their research.

I first prospected for gold with my father shortly after the end of WW2 on the Fresno River and played with it occasionally over the years. A few years back I located my Great Grandfather's mine in the Sierras according to a professor at Fresno State the most southern of the successful Mother-lode mines in the 1860's. This was a dangerous mission since I caught a case of gold fever resulting in many hours of solitude in the wonderful world of nature which massages the spiritual needs of some of us who claim to be a vital part of humanity.

Thank you for considering these thoughts and, in my rather biased opinion, reasonable suggestions. I will be watching intently to see if these and other well thought out suggestions are included in the final draft of your report.

Sincerely,



James R. Parker
10521 Sierra View
Madera, CA 93636

559 - 435-7654

jrparker36@hotmail.com

GOOD MEETING
THANKS


My name is William Parker

I have been mining in Siskiyou County for 15 years and most of my estate is tied up in mining related assets and is the result of mining activities and mining property ownership. My LLC which pays substantial taxes—both income and sales—is wholly dependent on mining and mining equipment manufacturing and sales. You have put me out of business.

I have studied the 1,000 plus pages of the SEIR and find no new or significant scientific data that substantively change any knowledge we had in 1994 relating to the effects of suction dredging.

We had seasons and regulations that more than adequately protect our in-stream resources, particularly anadromous fish and mitigate harm. Your study tacitly supports this conclusion.

If the problem is fish, which the lawsuits and your statements indicate then certain facts and conclusions must be addressed:

- There have been no recorded incidents of a taking by small scale miners, particularly dredgers.
- You continue to issue licenses to kill fish by recreational fishing.
- You apparently ignore the commercial tribal fishing by non-traditional methods.
- You rigorously protect all natural predators of fish even though their natural predators have been largely taken out of the equation.
- Neither you nor the feds effectively control the off-shore taking of the fish.
- You yourselves take fish regularly without an incidental take permit.

You have included an economic analysis that is sadly inadequate, failing to include all affected areas of the economy. This includes many small businesses and individuals including myself. I am financially devastated by your selected alternative.

Your selected alternative is inimical to the customs, culture and economic health of entire regions and specific segments of the population

Fish and Game is conducting an egregious assault upon private property owners. This includes home properties and federal mining claims. Many of us have a long-standing investment in these properties that become virtually worthless by your actions. I paid a premium for my property based upon values that are only recoverable by in-stream dredging. When and how much are you proposing to pay me for these takings. The constitution requires this of you.

I have an interest in over 500 acres of dredge claims. These are legitimately private property and represent a substantial taking, again with no hint of compensation.

What about the \$50,000 worth of unsalable mining equipment this leaves idle in the yard?

The only reasonable alternative suggested by your study is to re-implement the 1994 dredge regulations. Any other selection will prove that your actions are only motivated by agenda to destroy a whole segment of our society by an uncompensated taking of our property, livelihood and culture based upon biased speculation and innuendo.

William Parker
436 MILL CR. RD.
PO BOX 26
SCOTT BAR, CA 96085
530-496-3170
dooliffse@sigsfel

From: [Tim Ragan](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Suction Dredge Program Draft SEIR Comments
Date: Monday, March 28, 2011 9:37:01 AM

Mar 28, 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 legislation would allow further degradation of our wild and scenic rivers, and take away from the public use and enjoyment of our rivers. Please prohibit 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. Tim Ragan
4716 Della Robia Ct
Fair Oaks, CA 95628-6142
(916) 363-2846

032811_Reynolds



SUCTION DREDGE PERMITTING PROGRAM
DRAFT SEIR PUBLIC COMMENT HEARING

SPEAKER INFORMATION CARD

Name: John Reynolds

Organization: _____

Address: (Spoke at Yreka meeting)
please see other side of card.

City: _____ State: _____ Zip: _____

Telephone (optional): _____ Email (optional): _____

Note: Your contact information will be included in the Final SEIR.

Call US Atty. John Grisla (Sac Courthouse)
handled 6 1/2 yr. case
can attest to Mr. Reynolds sincerity.

Day vs. U.S.

(Mr. Reynolds was codefendant)

A note from...

Frank C. Robinson

DEAR MARK:

I LIVE ON MARK WEST CREEK
IN SONOMA COUNTY. THERE
ARE TWO PLACES ON THE CREEK
WHEN THERE WERE HADY
POOLS WHEN TH TROUT
WOULD HANG OUT. NOW
BOTH HOLES ALONG THE
CREEK ARE FULL OF GRAVEL.
I AM GOING TO PROPOSE
THAT WE DREDGE OUT THE
HOLES AND POSSIBLY BUILD A
WIER. GOOD FOR TROUT!
THERE SHOULD BE SOME
RESTRICTIONS BUT COMMON
SENSE SHOULD PREVAIL!
THE AXE APPROACH I THINK
IS EXCESSIVE.

RESPECTFULL FRANK ROBINSON

County of Santa Clara

Regina Alcomendras, County Clerk-Recorder
County Government Center, East Wing, 1st Floor
70 West Hedding Street
San Jose, California 95110
(408) 299-5665

March 28, 2011

California Department of
Horizon Water and Environment
P.O Box 2727
Oakland CA 94602

California Department of Fish and Game:

Transmittal # 205007

In regards to your recent filing/request:

The CEQA document has been filed and will be posted for 60 days.

If you have any questions, please contact our office at 408-299-5000
(see extension below) between 8:00 am and 4:30 pm.

Regina Alcomendras, County Clerk-Recorder



By Mary Rattanapanya
Clerk-Recorder Office Specialist

Extension 7647

Santa Clara County Clerk-Recorder's Office
State of California

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



Document No.: 16551
Number of Pages: 3
Filed and Posted On: 3/25/2011
Through: 5/24/2011
CRO Order Number: 397797
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk-Recorder
by Mary Rattanapanya, Clerk-Recorder Office Spe, me

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: California Department of Fish and Game
2. PROJECT TITLE: Suction Dredge Permitting Program Subsequent EIR
3. APPLICANT NAME: Mark Stopher, Environmental Program Manager PHONE: 530-225-2275
4. APPLICANT ADDRESS: 601 Locust Street, Redding, CA 956001
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 60 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|---------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) | \$ 2,839.25 | \$ 0.00 |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,044.00 | \$ 0.00 |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 965.50 | \$ 0.00 |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS | \$ 949.50 | \$ 0.00 |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ 0.00 |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|---------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ 0.00 |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ 0.00 |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|---|--------|-----------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ NO FEE |
|--|---|--------|-----------|

8. OTHER: Notice of Availability for the Suction Dredge Permitting Program DSEIR FEE (IF APPLICABLE): \$ 0.00
9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	CARL SCHMITT
Mailing Address:	20466 GARIBO CT
Telephone No. (optional):	559-999-8842
Email (optional):	carlschmitt@netpro.net

Comments/Issues:

why limit the dredge permits to 4,000.
 why not leave it open? Allow participation!
 1500 permits? is it 4,000 or 1500?
 CAN we do a proactive study on the benefits
 of suction dredges.
 what is to keep a environmental
 group from buying up the permits.

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY APRIL 29, 2011) 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

Website: www.dfg.ca.gov/suctiondredge

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

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	Jan Stanton
Mailing Address:	608 Huntington Dr Monrovia CA 91016
Telephone No. (optional):	
Email (optional):	

Comments/Issues:	
	<p>1) When flash floods come down through canyons - they do more damage than any small river can ever do - the floods bring down more silt, tear up rooted trees, move huge boulders and in some case reroutes the river -</p> <p>But the fish instinctively know where to go in the 'slow zones' for protection -</p> <p>How can a small dredge even come close to this? Nature takes care of itself</p> <p>2) The miners I know (including myself) - ARE environmentalists - that's why we're out there - most miners don't get enough gold to pay for their gas getting out there, but we love nature and we protest the critters and clean up the mess around us when we leave - why aren't the fishermen (who leave pounds of lead in the river) or the party people who leave trash, filth and graffiti ticketed? - A suction dredge does not have a cutting blade in the motor - and does not harm anything -</p>

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY APRIL 29, 2011) TO:

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

Email: dfgsuctiondredge@dfg.ca.gov

Website: www.dfg.ca.gov/suctiondredge

Fax: (530) 225-2391

We also remove pounds of mercury and lead every year - does anyone thank us for that?

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

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	Moreland L. Stevens
Mailing Address:	10143 Indian Hill Road Newcastle, CA 95658
Telephone No. (optional):	(916) 663-2868
Email (optional):	mlstevens7@yahoo.com

Comments/Issues:	
	<p>Our family has had property on the South Fork of the Feather R. since 1925. I have not seen any problems from the minimal amount of dredging done in the area. Our main problem with sedimentation and increased water temperatures is a result of decreased water releases from the Woodcreek Lake and powerhouse above our property. When I was a boy in the 40's + 50's, the river bottom was clear, pristine, and healthy looking. Now, depending on winter river flows, late summer brings algae, sediment, and even exotic water plants. Not a pleasant site for us or the fish (trout, squaw fish, suckers) who want to spawn. Skip the dredgers; go after the water flow regulators!!</p>

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

From: [marcia stigge](mailto:marcia_stigge)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Draft SEIR on Suction Dredging
Date: Monday, March 28, 2011 11:59:48 AM



this is not sufficate process of situations which we need to have. We need more allowed permites also more days it take approcimently 3 days set up then 4 to 5 day to take down to move.

the material to produce is about 20 day to 30 days to inspect gold finds. this basic hobbie that is safe and excicated fun filled occupation for alot of claim people . Gold mining started way before any of you all exited . the reasons why people do want to gold mine because its an exciting part of or heritage and history . Please reevaluate the new ordence which has been put down its by no means within a meaning ful adjustment towards true passing on heritage to us.

From: [marcia stigge](mailto:marcia_stigge)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Draft SEIR on Suction Dredging
Date: Monday, March 28, 2011 12:17:52 PM



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I consider the new regulations against miners that use suction dredges is tyrantical and prejudice. We would like to see fair use of rivers in the future and as far as damage to the rivers boaters, rafters and fisherman are noisy and as disturbing to the fish and wild life.

From: [marcia stigge](mailto:marcia_stigge)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Draft SEIR on Suction Dredging
Date: Monday, March 28, 2011 12:21:13 PM



For many miners this is there livelyhood each year. Most miners are very respectful of there surroundings when they are on the rivers. We find that campers and day campers are more destructive then ever. I hope that this will be reconidered for all the miners in CA.

SUCTION DREDGE PERMITTING PROGRAM
Draft Subsequent Environmental Impact Report (DSEIR)
Comment Form

Name:	Terelle Heisch Terry
Mailing Address:	1701 O STREET #101
	SACRAMENTO, CA 95811
Telephone No. (optional):	916-448-8365
Email (optional):	tsterry5@msn.com

Comments/Issues:	My great grandfather George Christopher Heisch came to CALIFORNIA FOR THE GOLD RUSH. My grandfather ran a dredger, my father panned for gold as did I. I panned for gold here and in Alaska.
	At 76 I have some wisdom, recognizing the environmental damage my family and others have done. Over the mountains of tellings we can see the ghosts of fish and other living creatures.
	The small gold benefit of a few must not trump the millions of people who feed their families on the fish & other wild life.
	These regulations seem to be an end run around the protections granted for species and river protection. The Indians tell us that once they could walk across the river on the backs of the salmon. Now we need to protect the rivers themselves.

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

032811_Thomas

To: California Department of Fish and Game
Atten: Mark Stopher
530-225-2391

From: Robert Thomas
20501 Schell Ranch Road
Caliente, CA 93518
661-867-2866

Re: Issues of Concern About New Proposed Dredge Regulations

I would like to contest these newly proposed regulations.

1. Dates: information regarding proposed dates provided with a chart.
2. Opening the upper Kern River (with the same regulations as lower) should be allowed to be dredged the same as the lower Kern.
3. Regulations that are concerning creeks with no fish or frogs due to not having year round water, that are being closed for no reason. These creeks should remain open year round and not closed.
4. Application for permit asks for too much information from us. No other application for licenses requires this type of questioning and answering. If you require this type of information from us, you will need to implement these same standards on fishermen, hunters, etc..
5. Actual proof and facts, where a dredge has been detrimental to the waterways or its inhabitants, before the closing of rivers.
6. The closing of all the rivers during the frog breeding season, and reopening when the season is over, is a reasonable proposal. The new proposed closing of all the rivers, even when the frogs are not in need of them for breeding purposes, makes no sense what so ever.

I look forward to hearing from you to go over my concerns.

Thank You



Robert Thomas

3-28-11

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	ROBERT THOMAS	3-28-11
Mailing Address:	20591 Sched Ranch Rd.	
	CALIFORNIA CA 93518	
Telephone No. (optional):	661-867-2866	
Email (optional):		

Comments/Issues:	<p>KERN RIVER - AFFECTED ^{YELLOW} BACK Frogs</p> <p>#1 Breeding Season dictates SEASON, FIGURE when they breed - WATER TEMPERATURE HAS TO BE RIGHT - NOT TOO HOT OR COLD SPRING TIME TEMPERATURES ONLY.</p> <p>OPEN RIVERS, BOTH LOWER & UPPER KERN RIVER when the Frogs (the only concern) ARE NOT BREEDING.</p> <p>BREEDING SEASON JUNE, JULY, AUG.</p> <p>OPEN. SEPT, OCT, NOV, DEC, JAN, FEB, MAR, APR, MAY.</p> <p>#2 SEASONAL CREEKS HAVE NO FROGS - OPEN YEAR ROUND.</p> <p>#3 OMIT PROPOSED QUESTIONNAIRE FOR PERMIT, YOU WILL NEED TO IMPLEMENT ON ALL RECREATIONAL USES NOT JUST DREDGES, DO YOU HAVE THE EXTRA TIME?</p>
------------------	--

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY APRIL 29, 2011) 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

Website: www.dfg.ca.gov/suctiondredge

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

Page 5 of 10

Robert Thomas
3-28-11

were not recorded along with the video. The sounds heard here were recorded with an underwater microphone placed about 3 feet behind the frog.

Watch more short movies of this frog at <http://www.californiaherps.com/frogs/pages/r.boylii.html>

Description

Size

Adults are 1 1/2 - 3 1/5 inches long from snout to vent (3.8 - 8.1 cm).

Appearance

Coloring is gray, brownish, or olive, tending to match the background of its habitat. Can be plain or mottled with dark spotting. There is no mask through the eyes. Light-colored band across top of head. Underneath rear legs and lower abdomen are yellow. Underneath is whitish with dark spotting on throat and chest. Skin is grainy. Dorsolateral folds are not distinct.

Voice (Menton)

The calling of this frog is rarely heard. A faint one-note low-pitched, raspy series of 4 - 6 notes per second, made with small, paired vocal sacs. Grunts and pinks may also be heard. Calls at night and during the day mostly underwater and occasionally in the air in the noisy stream environments where this frog breeds. Underwater sounds are easier for the frogs to hear.

Behavior

Little is known about the life history of this species. It is usually found near water and is mostly active during daylight. It dives to the bottom and hides in rocks or litter when threatened.

Diet

Diet consists of a wide variety of invertebrates including aquatic, terrestrial, and flying insects, spiders, snails, and grasshoppers. Prey is located by sight, then a large sticky tongue is used to catch the prey and bring it into the mouth to eat. Tadpoles graze the surface of rocks and vegetation to consume algae and detritus.

Reproduction and Young

Reproduction is aquatic. Fertilization is external. Mating and egg-laying occurs in streams and rivers (not ponds or lakes) from April until early July, after streams have slowed from winter runoff. In California, researchers (G. Feilers) have found egg masses between April 22nd and July 6th, with an average of May 3rd.

Clusters of eggs are laid on the downstream side of rocks in shallow slow-moving water where they are attached to submerged rocks and pebbles and occasionally vegetation. Eggs can number from 300 - 2,000, averaging 900. Egg masses are often covered with a layer of silt, which probably helps to hide them from predators. Eggs hatch within 5 - 37 days, depending on water temperature.

Open Dredging
Months not
Affected by
Breeding →
April-July only
Concern.

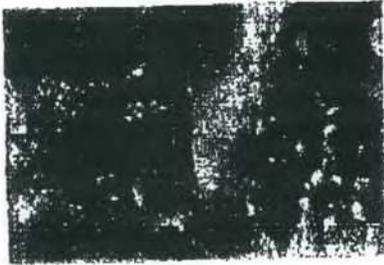
Robert
Thomas
3-28-11

Thomas Boy III Foothill Yellow-legged Frog

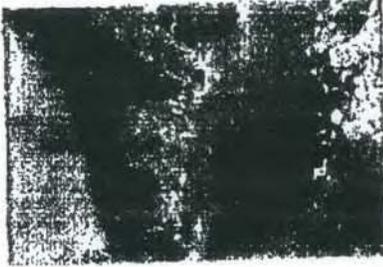
LIVES IN
SMALL
RIVERS
NOT LOG
FAST ONES
LIKE KERN RIVER.



Habitat, Santa Clara County



Habitat, Humboldt County



Habitat, Santa Clara County



Habitat, Shasta County
© Mirna A. Peters



Habitat, 1600 ft., Del Norte County
© Alan Hartzel



Habitat, Santa Clara County



Scenes from a Foothill Yellow-legged Frog breeding site along a river in Oregon, including calls made in the air and underwater. The underwater calls



A Foothill Yellow-legged frog calls at the edge of a small pool in a river with just its head out of the water, producing a call that can be heard in the air and

Short Video

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	David W. Thornton
Mailing Address:	35669 Arrowhead Ln
	Squaw Valley Ca 93675
Telephone No. (optional):	(559) 285-3312
Email (optional):	dlthorntonswppp@wildblue.net

Comments/Issues: 1. I believe the proposal that states that we can not dredge within 3' of the existing water line severely limits or closes small stream dredging, while this proposed regulation is intended to preserve the streambank there needs to be a provision for small dredges and small waters.
2. The proposal requiring the permit # to be displayed on the dredge needs to address dredges belonging to clubs with multiple users, individuals with multiple dredges, borrowed equipment, and or equipment modified or purchased after the the permit has been purchased.
3. The proposal that would require permit applicants to provide a list of proposed dredging sites and dates needs to address the fact that prospecting is a mobile pastime and in order for new minerals to be discovered we can not be locked in to one area additionally peoples schedules change and so does the ability to dredge with changing water levels, weather conditions, and other recreational users.

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED BY APRIL 29, 2011) 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

Website: www.dfg.ca.gov/suctiondredge

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

MR. M.STOPHER

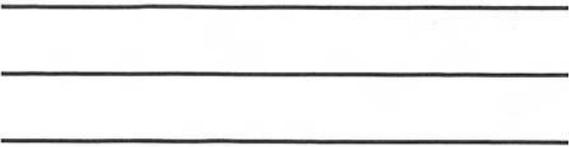
032811_Wilson

I'am a dredger. My wife and I spend two to three months each summer in plumas co.calif.I dredge two or three times a week,its fun and relaxing. I find these new proposed regulations wrong and unjust.The DEPARTMENT OF FISH AND GAME intends to impose on suction dredgers a class of permit requirments and restrictions that it does not impose on hunters and fishermenThese new proposals discrimanate against dredgers and miners.These proposals give D.F.G. law enforcement tools for selective enforcement on dredgers and miners.

THANK YOU

FROM

Geary Wilson
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Place
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Here

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

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Do Not
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