

From: [P VA](#)
To: mstopher@dfg.ca.gov;
Subject: suction dredging
Date: Tuesday, March 29, 2011 7:36:28 AM

Hi,

I am a part time prospector and I think that suction dredging should be limited to the size of the dredge because some people are cleaning out the rivers with their huge machines and not leaving much for other people. If the size of the dredge is limited to 4 inches, that would probably be a good compromise. Maybe a time limit of 30 days per year per person per state might also be appropriate.

Peter Adrichan

March 29, 2011

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

Subject: Comments on Suction Dredge DSIER

The following comments and subsequent recommendation are based on a review and evaluation of the **massive** Suction Dredge Permitting Program Draft Subsequent Environmental Impact Report of February 2011 using what limited time was allowed.

1. I find many of the alleged potential impacts to be weak:
 - a. ES-12 lines 4 through 7: regarding mercury re-suspension is deemed potentially significant in one sentence and then declared significant in the next!
 - b. ES-13 lines 17 through 20: regarding the disturbance or destruction in river **buried** and **unknown** cultural materials?
 - c. ES-13 lines 30 through 32: saying that all recreationists using noise generating equipment are equally required to abide by noise ordinances and yet on lines 35 and 36 noise is identified as significant. Additionally, in 6-6, line 6, Table 6-1; noise is identified as more adverse than the Proposed Program yet the number of permits would be about the same! 6-14, lines 5 through 8: identify suction dredgers as a small proportion of the population of recreationists. **HOW CAN THIS BE CLASSIFIED AS A SIGNIFICANT IMPACT?**
 - d. ES-6 line 26: limit permits to 4,000 when there are no limits that apply to fishing and hunting?
2. I find the Proposed Amendments to Regulations to be intrusive, excessive and of questionable motive:
 - a. Page 4, line 25 through line 33 and page 5, line 1 require the identification of up to six locations and their dates of operation for the year in **advance**. Information in the public record regarding times when I will not be home is **intrusive!**
 - b. Page 5, lines 2 through 5: listing equipment to be used includes the engine manufacturer, model number, and horsepower rating. This information has nothing to do with the operation.

- c. Page 13, line 2 through line 7: The requirement of the permit number being affixed to the dredge implies that the dredge is the permit holder and not the operator!
- d. Page 14, line 17 through line 19: operating within three feet of the current water line including in-stream gravel bars is excessive. Many creeks are six feet wide or less late in the year. Previous operations at higher water levels would expose the current dredger to the accusation of operating within the three feet exclusion.
- e. Page 17, lines 14 through line 26: Use Classifications infer an ulterior motive, Classes D and E would be extended until January 31 but the winter road closures would effectively bar access to many if not most of the areas. Class F waterways would be open where they were closed under the 1994 regulations and closed where they would open under the 1994 regulations? Class G waterways would be open only the month of September?
- f. The by County listing identifies many closed waterways.

The 1994 regulations were and still are adequate to allow continued operation and provide adequate protection to the resources of the state of California.



William L. Bowman
6148 Piccolo Court
Citrus Heights, Ca 95621

David E. Dunham
6445 Bonanza Drive
Winnemucca, NV 89445

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

Subject:

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

Dear Mr. Stopher:

I am a fifth generation Californian. Please enter the following comments in the official record for the SEIR on suction dredging: Mutating the dredging permit issuance to be administered as a quota system will have many unintended negative effects by:

- 1. Creating a stampede for paperwork which will result in many applications being issued to people who may or may not intend to use them (a new kind of 'scalper');**
- 2. Inviting corruption at all levels;**
- 3. Promoting a black market of privileges;**
- 4. Crushing gold dredging as a predictable legal hedge against inflation, unemployment, and diminishing economic self-reliance;**
- 5. Capping our single-citizen-accessed resources for later exploitation by larger, vested, multinational corporations (who export most of their profit); (yes some of our canyons will be strip-mined for hydroelectric projects when nuclear power falls out of favor);**
- 6. Over-conforming the activity as a 'sport'---Ignoring the fact that the majority of miners don't pay taxes on their gold until they sell their gold. (YOU DON'T KNOW WHAT THE ECONOMIC VALUE OF DREDGING IS AND YOU HAVE NO WAY TO MEASURE IT.) We don't sell gold unless we need to sell...and now the economic need is growing as our governments fail to take care of veterans, elderly, medically indigent, and children in poverty;**
- 7. Setting a precedent for special interests, under the guise of "environmental protection," moved by fear and greed, to negatively label ordinary, law-abiding citizens, inspired patriotic people, to work outside regulations rather than within the government; AND**
- 8. Unfairly crushing the use of a dredge as a source of income for those of us who have for decades invested in mines, equipment, training, and blood and guts experience to survive economic crashes.**

Continued on page 2

For 30 years I have been prospecting for retirement, hard times, and the economic crashes we are enduring now. Most of my retirement now sits in the ground where I had planned on keeping it safe from thieves, natural disaster, relatives, and bad politics. For 30 years, I have been a very cooperative steward of a 1,200-foot section of the Trinity River: picking up trash; policing illegal uses of the land by poachers, marijuana growers, pyromaniacs, woodcutters, disrespectful campers, hunters, and claim jumpers; and legally protecting my rights. But now the "system" wants me to stand by while my occupation is treated as a sport, like hunting or fishing, and we are given 'tags' to have a chance at playing our lives out. For 30 years I have worked with CDFG, USFS, and BLM to improve the access, fishery, and protection of wildlife on my claims. Now, I'm supposed to hand my project over to a **A SYSTEM THAT IS BANKRUPTING ITSELF** while I grovel for income in 'retirement' and be characterized a selfishly ignorant second class citizen who is oblivious to my environment while I single-handedly have accomplished **MILLIONS OF DOLLARS OF IN-STREAM FISH BED REHABILITATION?** Dams have all but killed the river which I have been attempting to make viable again; your environmental study could prove that—if you don't run out of money before you run out of controlled tests. This is not a sport; belittling miners with **"first come first serve"** tactics will have too many unintended side effects to an already precarious, failing democratic system.

I respectfully request that the **LOTTERY SYSTEM** for dredge permits be withdrawn from the suction dredging program revisions as noted in **paragraph (g) Number of Permits. The Department shall issue a maximum of 4,000 permits annually, on a first-come, first-serve basis"** by its **TOTALLY** being withdrawn from the revised regulation proposal." The precedent of a quota system in issuing "permits" has devastating social and political consequences which promise to turn California miners into hostile beggars. Just what California needs.

Using the political system to neutralize the rights of others under the guise of a good "sanitary" cause is not a new game. The same mud being targeted for "mitigation" in these restrictions can be found packed on faces and bodies of the those stirred-up against the dredging of rivers that have been impacted by 50 years of dam-induced constipation; check the ingredients in cosmetics, facials, and wonderfully miraculous spa treatments.

Migratory fish find their way home due to powerful, churning, silt-swollen rivers. The dams have all but stopped that link to nature; will the same agencies that approved the dams also limit the dredge's recreating and maintaining some remnant spawning grounds? Isn't this the same agency which sells licenses to kill fish by the millions? It seems like your department is being used as a weapon for special interests rather than as a steward for aquatic life and restoration of a failing hydrology system.

Sincerely,



David E. Dunham
China Hill Mine

From: [Steve Evans](#)
To: [Mark Stopher;](#)
Subject: Suction dredge reg for the McCloud River
Date: Tuesday, March 29, 2011 10:51:19 AM

Hi Mark:

As I mentioned on the phone, the proposed regs propose an A classification for the McCloud from Sec. 16, T38N, R3W upstream to the McCloud Dam. I believe that the section number is a typo. I think it really means Sec. 36, which happens to be the legal end point for the McCloud Wild Trout Stream. Here is the narrative description for the wild trout segment on the McCloud:

18. McCloud River, from Lake McCloud Dam downstream to the southern boundary of Section 36,
T38N, R3W, M.D.B. & M. (Shasta County).

Steve

Steven L. Evans
Conservation Director
Friends of the River
1418 20th Street - Suite 100, Sacramento, CA 95814
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Fax: (916) 442-3396
Email: sevans@friendsoftheriver.org
Web Site: www.friendsoftheriver.org

Received 03/29/11

Draft Subsequent EIR and Proposed Suction Dredge Regulations Comments

By
James Foley
Property and Mining Rights Advocate
Klamath River, California
jfoley@sisqtel.net
530-465-2211

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

California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Comments Regarding: Suction Dredge Permitting Program
Draft Subsequent Environmental Impact Report
California Department of Fish and Game
February 2011

The Administrative Procedures Act requires that from Notice to promulgation every step of the hearing process shall be MEANINGFUL, providing opportunity on all fronts avoiding that the rule promulgated will not adversely affect a property right, or interest in property. To provide to the contrary of at least this standard of MEANINGFULNESS is to commit a due process violation, likely causing an unlawful takings. The reason for an agency "public" meeting is in its essence to "ensure" that the proposed rule, when promulgated, will not adversely affect a property right.

In this respect, and regarding class "A" waters, even if there is no mining claim in a Class A water, the new rule will be a "taking" of federal Public Domain. The Congress of the United States has already disposed of the mineral estate in the Mineral Estate Grant of 1866. That means that the minerals on any public domain land now belong to the people, not the government.

The Congressional Act of 1866 further provides that all mineral lands of the public domain are "Free and Open" to mineral exploration. Free and Open means that no federal or state agency can close federal mineral estate lands. This act of congress has never been rescinded or overturned. And no legislation or rule is able to overcome it.

Class A waters are a "taking" by CDFG of private property in instances where miners hold valid mining claims. Case law has held that mining claims are private property.

In opposition to the solidly peer reviewed science we PAC members provided, CDFG has chosen to totally ignore the consultation of experienced dredgers and scientists. CDFG is regulating based on possibility of harm rather than CEQA requirements to show actual harm. Instead, CDFG has chosen to include unscientific and in some cases biased information to justify an agenda for gross overregulation.

C.D.F.G. does not have peer reviewed scientific evidence that supports any deleterious effect to fish and aquatic life. Therefore if there is no cause or negative impact to the environment as required by CEQA, no changes are needed from the 1994 dredging regulations.

Title 14. Natural Resources *F & G,*

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 5. Preliminary Review of Projects and Conduct of Initial Study

(1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR. Where is this substantial evidence?

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Mercury:

In regard to any mercury issue, CDFG has chosen the route of over-regulation instead of choosing a direction that could improve the waters of the state of California by accepting the aid of the dredging community who are ready and willing to help remove 98% of mercury from its waterways whenever possible. Currently, miners are the only user group that removes mercury from our rivers.

CDFG's lack of concern for miners or environmental improvement seems to be based on incomplete poorly planned out USGS research purposely carried out in a known hot spot unlike any other place in the state. There is no way that this research is indicative of rivers state-wide.

This USGS report in question authored by Fleck et al. includes highly suspect claims of environmental harm from mercury to California's waters using unscientific calculations projected from the dredge industry sales data never intended for that purpose nor collected using scientific method of the quality required for use in a scientific report. In doing so USGS does a disservice to the agency represented.

CDFG failed in the DEIR to consider, as requested, a magnitude of peer reviewed scientific research proving selenium's protective antagonism to mercury as presented to the CDFG public advisory committee. Selenium is in sufficient quantities in California's waters to be protective of any harmful effects of methyl mercury to fish and human health. The proof is available to show mercury is not detrimental to fish, birds, or mammals when sufficient selenium is available.

CDFG's DEIR reflects their lack of leadership capability in presenting regulation based on solid scientific evidence.

Michael Kissel

2011 Suction Dredging DSEIR Public Testimony Talking Points
29 March 2011 – Sacramento, California, United States of America

I have mined placer deposits in California for over 40 years and currently own mining rights on over 500 acres of placer deposits in California.

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 scientifically verifiable or actual adverse environmental impact. 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.

Though some proposed regulations are reasonable and will protect the environment, I object to the following proposed regulations:

1. **Limitations of only six locations of planned operation.**
2. **CDFG will issue up to 4,000 permits annually.**
3. **Intake nozzles with an inside diameter larger than 4 inches are not allowed.**
4. **Dredging within three feet of the lateral edge of the current water level is prohibited.**
5. **Tailings piles shall be leveled prior to leaving the site.**
6. **The suction dredge operator permit number must be affixed to all permitted dredges.**
7. **Dredging may not happen from sunrise until sunset.**
8. **Suction dredging is not permitted in State Wildlife Areas, Ecological Reserves, and federal Wild and Scenic Rivers Acts.**
9. **Seasonal and year round closures for various water bodies throughout the state.**

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.

This proposed regulation alone 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.

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.

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. It improves the environment through the removal of mercury and other trace metals.

This DSEIR is the wrong environmental document process under CEQA since no other finding but no significant impact can be justified by it.

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.

This DSEIR is so prejudiced and biased that it does not represent suction dredging in California. I 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 3/29/2011

Over


Received 03/29/11

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name: <u>PATT MACGOWAN</u>
Mailing Address: <u>3866 Leach Ln. Loomis CA</u>
Telephone No. (optional): <u>-</u>
Email (optional): <u>-</u>

Comments/Issues:
There is a reason that certain areas have mercury built up in them. There is Gold there. If we can't dredge in these areas we can't find the Gold.
You changed the North Fork from Clementine up to Big Valley to class E it before to a 1 month season. I have several claims on the Short Trail and do not understand the limited season. It does not seem justified.
The 4000 limited permits is not fair. It slows the progress of the mining industry, limits the funds DFG can collect and decimates against fellow miners.
Thank you 

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

Received March 29, 2011

032911_Nutting

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	RAY Nutting	History = Ken Owens Professor
Mailing Address:	6161 Happy Valley Road	"Native Americans = Thousands of years"
	Somerset CA 95684	"60lb Discovery"
Telephone No. (optional):	(530) 621-5651	
Email (optional):	RAYNutting@Hughes.net	

Comments/Issues:

~~5/5/3~~ Every River & Watershed is different!

1) Have they evaluated the number of miles to suction dredging?

a) The one's on the list And the one with the new rule of three feet from the bank? We should be able to see its impacts. Also, we need to see the effects statewide.

2) In the South Fork of American river the flow in the summer months changes hourly due to Hydro operations. How do you regulate river level when it changes sometimes as much as 9 feet in a day. Also, this area of the bank is void of most amphibians due to this ~~fluctuations~~ fluctuations.

3) El Dorado County has documented thousands of pounds of human trash that have been cleaned up by suction dredgers. Mercury has been collected out of the rivers and new clean gravels for spawning were created. How will the loss improvements by dredgers of the river environment be mitigated.

4) ~~Do nothing is based on proposed program~~ → No Program

4) Capping the numbers at 4,000 permits is taking economic opportunity away from the citizens of California & People of US

5) Class A needs to be reevaluated ~~that~~ Science is not conclusive & vague at best

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: [Michael O'Connell](#)
To: mstopher@dfg.ca.gov; dfgsuctiondredge@dfg.ca.gov;
Subject: DSEIR / Suction Dredge Regulation
Date: Tuesday, March 29, 2011 9:24:20 AM

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

Mr. Stopher,

I am unable to attend the planned public meetings for the DSEIR / suction dredge regulation due to my employment obligations and distance of my home (Crescent City, Ca.) to the meeting locations.

It is my understanding the meetings will be video taped by your people. I would like to obtain copies of these taped meetings (as they occur if possible) before the comment period on this subject is over (April 29, 2011). I realize there may be time and expense considerations and am willing to pay a reasonable fee for the cost of copying and sending these duplicate tapes to me.

Thank you for your time,

Mike O'Connell
2555 Morehead Rd.
Crescent City, Ca. 95531
707-954-0718
mikeoc4@charter.net

MARCH 29, 2011

I've hiked and prospected in many WATERSHEDS IN THE STATE OF CALIFORNIA. IN 1963 during the month of FEBRUARY I FIRST HIKE INTO THE NORTH FORK OF the American River ON the GREEN VALLEY TRAIL. The River was wall to wall and ROARING. The River carried log & whole trees, ONE HEARD the Boulders BANGING Along the river bottom and the water was Milk Chocolate Brown. The River was moving tons of dirt and debris, ripping up the water way from top to bottom and destroying banksides AS IT HEADED downstream. No MODERN DREDGING operation could cause that much Turbidity in many many YEARS OF OPERATION. DREDGING IS AN ON AGAIN OFF AGAIN operation DURING each day of dredging with frequent stops for clearing hoses, repair and catching ones breath. NATURAL RIVER High Water + Spring floods last for Months with huge spikes of flow that ravage the river banks 24 hours a day - NON STOP.

HERBERT G. RETTKE
2041 SAN LUIS ROAD
WALNUT CREEK, CA
94597

REPRESENT: SELF AS A
RECREATIONAL MINER +
BACKPACKER

DREDGING BAN

EVEN AFTER THESE ^{NATURAL} MASSIVE FLOWS HAVE SUBSIDED THE Fish, Frogs and other aquatic NATURAL INHABITANTS ARE DOING JUST FINE. During dredging operations it is common to have Trout Feeding at the output end of the sluice Box.

DREDGING DOES NOT KILL OFF THE INHABITANTS OF the rivers and streams NOR DOES IT CAUSE ANYWHERE NEAR the turbidity that naturally occurs DURING the winter and spring Months of high flows in the CALIFORNIA RIVERS.

Conclusion - STOP ATTEMPTING TO PASS THIS LEGISLATION TO BAN DREDGING.

Herbert G. Rettke

Karuk Community Health Clinic

64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tri**Administrative Office**

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Karuk Dental Clinic

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Post Office Box 1016
Happy Camp, CA 96039
Phone: (530) 493-2201
Fax: (530) 493-5364

March 29, 2011

Suction Dredge Permitting Program - Draft Subsequent Environmental Impact Report

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

Dear Mr. Stopher,

I have reviewed the *Draft Subsequent Environment Impact Report* (Project No. 09.005, February 2011) with particular attention to *Chapter 4.5 – Cultural Resources*. As the Tribal Historic Preservation Officer for the Karuk Tribe, my responsibilities are defined by the National Historic Preservation Act (16 U.S.C. 470) and approved by the National Park Service. These duties include “advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities,” and to “cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal agencies, State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development.” The following comments reflect those THPO duties and my professional experience as a field archaeologist in a variety of Federal, state, and local government projects with the potential impact on cultural resources:

I appreciate the thorough description, as developed in *Sections 4.5.1 – 4.5.3*, of the regulatory and environmental settings that accurately contextualize the proposed Suction Dredge Permitting Program. It is clear from both archaeological and ethnographic evidence, as well as from indigenous oral histories, that California prehistory offers irreplaceable resources that are part of our shared heritage.

The *Criteria for Determining Significance* defines three significant impacts: Resources eligible for national, state, or local registers of historic places; unique archaeological resources; and human remains. The document further states that suction dredge mining has the potential to affect significant historical resources, traditional cultural properties, and archaeological resources. Your document recognizes that significant archaeological resources and traditional cultural properties “are located along waterways throughout California,” and may be impacted by this project, and that these resources may also retain the integrity needed for National Register Nomination as addressed in *Chapter 4.5.2 – Regulatory Setting*.

In *Section 4.5.9:27-30*, the DEIR states that “all mining activities have left their mark on the landscape, including river diversions, waste rock and tailing piles, dredge tailings, cut banks, prospect pits, shafts, adits, and water conveyance systems such as dams, reservoirs, ditches, and flumes.” However, the draft language (*4.5.10:17-20*) goes further in acknowledging that “regardless of these natural and human-made disturbances, the state’s waterways remain abundant with both recorded and unrecorded cultural resources, all of which provide a detailed record of California’s rich cultural heritage.” Thus you

have clearly established the potential to adversely impact significant cultural resources in the Suction Dredge Permitting Program.

I strongly disagree with the department's findings that such impacts are "unavoidable," and that CDFG has no jurisdictional authority for enforcement or mitigation. Those statements have no supporting documentation. If DFG does not have such authority, who does? This needs to be clearly defined in the document. The DEIR also suggest that DFG does not have the resources for Native American consultation (4.5.14:1-4). This statement is very problematic. As a sovereign tribal government, the Karuk Tribe must have the ability to negotiate in good faith through formal government-to-government consultation. This consultation needs to be on-going.

Thus, the DEIR recommended measures for protection of cultural resources are inadequate and ineffective:

- An advisory informational packet to each suction dredge permit holder to provide "Best Management Practices" guidance that will "include guidelines to minimize and avoid adverse affects...such guidance would only be advisory and would therefore not reduce adverse effects to a less-than-significant level" (4.5.13). Such an approach is likely to encourage rather than mitigate unauthorized looting, and would typically function to identify resources that have been discovered following site disturbance. The information would effectively help permit holders to identify resources in the tradition of "amateur archaeologists," an avocation whose adverse impacts on these resources are well documented by both Native people and the scientific community.
- Archival research at CHRIS and "field surveys by qualified archaeologists and/or architectural historians, to determine the location of recorded resources prior to dredging activities, and data recovery and other documentation efforts designed to collect or record the significant data associated with resources" (4.5.13:15-19). This language does not address the unrecorded resources that may be encountered, and suggests "data recovery" as appropriate mitigation for dredging impacts. This also implies that priority would be given to suction dredging, even if potentially significant cultural resources are discovered, and without any professional evaluation of eligibility for nomination to the National Register. The potential for impacts to Traditional Cultural Properties (which may or may not contain tangible cultural resources) is also not addressed.

In the context of cultural resource management, I am therefore uncomfortable with these proposed actions, and the reinstatement of largely unmanaged ground disturbing activity along the Klamath River and its tributaries. To effectively manage and avoid impacts to these resources the Karuk Tribal Historic Preservation Office recommends:

- At a minimum, prior professional archaeological and tribal review and evaluation of all sites to be permitted for suction dredging. This assessment recognizes that many sites are unrecorded throughout California, and maintain both their significance and integrity.
- Funding for such site review to be provided by CDFG or other State of California revenues.
- Clear provision for enforcement and defined jurisdictional authority.
- All permit holders must be advised of Federal and State laws that govern cultural resources, and the associated penalties for any infractions of those laws.
- All cultural resource information must remain confidential, and not made public. Any associated records, site maps, and associated materials are to be kept in a secure facility – either the appropriate Information Center and/or THPO office.

- Annual review of the program with key stakeholders, including tribal government representatives. Development of a clear and comprehensive mechanism to provide findings and assess impacts, including cultural resource protection and management.

The Karuk Tribal Historic Preservation Office appreciates the opportunity to comment on the *Draft Subsequent Environmental Impact Report* and looks forward to working with the California Department of Fish and Game on this and future projects. If you have any further questions or comments, please feel free to contact me at 530-493-1600.

Yôotva (thank you),



Hélène Rouvier
THPO
Karuk Tribe

HR/hr

From: [John Buckley](#)
To: [Mark Stopher;](#)
Subject: to Mark from John at CSERC
Date: Wednesday, March 30, 2011 8:24:08 AM

Hi, Mark:

Good morning... I expect that you got to bed later even than I did, although I had the hours' long drive home after speaking so briefly at the session last night.

The meeting was brutal, to say the least. In the hour before it started and during the time that I was seated in the midst of the miners, the comments expressed ranged from miners being totally misinformed/but passionate, to miners talking openly about wanting to get rid of any damn frogs they found and similar nasty sentiments about anything that appeared to be restricting their mining.

You had my sympathy sitting there across from some of the more virulent speakers, since you obviously couldn't correct their mis-statements or defend the agency.

But here is why I am contacting you (besides sympathy):

Last night could not have been any better example of how little State Fish and Game can count on the wisdom, good intentions, environmental ethics, and personal responsibility of the miners to ensure that resources aren't harmed.

Miners openly shared that they are still going to suction dredge within 3' of streambanks (for many reasons). They still intend to winch boulders without "begging for approval" and they repeatedly pointed out that they will suction silt areas "because that's where the gold is."

Many miners also made it clear they couldn't care less about frogs or tadpoles or riparian birds or anything else that might get in the way of their mining.

So this is not a public comment. It is just a personal e-mail to underscore more than ever that unless DFG comes up with strong, err-on-the-side-of-resources final plan that has teeth and consequences, then you can guarantee that a lot of miners are going to be irresponsible and do actions that not only violate the rules, but will harm water

quality, wildlife, and other resources.

Rewarding the nastiness and low mentality advocacy of the majority of those who spoke last night is the last thing that DFG should do.

John Buckley
CSERC

I and the groups that I am affiliated with would like to work with DFG on a constructive basis, to the end that the final product in this proceeding is a solid, enforceable set of regulations that embody the resource protections that are needed, and implement DFG's duty to act as a trustee for the resource. We will provide clear, concise comments on the regulations and CEQA document.

"This is because that is. That is because this is."

[illegible]

EDWARD C CASSAYRE
18524 SOAP CR. RD.
FT. JONES CA

TO: CALIFORNIA DEPARTMENT OF FISH AND GAME: 96032

I AM 67 YEARS OF AGE. I AM RETIRED. I LIKE TO GOLD MINE - PANNING, SLUICING, HIGH-BANKING AND DREDGING. I DO IT 12 MONTHS A YEAR WEATHER PERMITTING. I DON'T FIND A WHOLE LOT OF GOLD. GETTING-OUT AND LOOKING FOR GOLD IS WORTH MORE TO ME THAN THE GOLD I FIND.

THE NEW PROPOSED REGULATIONS STATE THAT I LIST SIX LOCATIONS WITH EXACT GEOGRAPHICAL LOCATION'S - COUNTY'S, STREAM NAME'S, TOWNSHIP'S, RANGE'S, SECTIONS AND QUARTER SECTIONS IN WHICH I WANT TO DREDGE, ALSO AN APPROXIMATE DATE I WANT DREDGE EACH.

I BELONG TO THE NEW 49'ERS AND THE GOLD PROSPECTORS ASSOCIATION OF AMERICA.

BETWEEN THE TWO CLUBS I HAVE ACCESS TO APPROXIMATELY 118 CLAIMS PLUS 9 AREAS OPEN TO THE PUBLIC ON STATE AND FEDERAL LANDS FOR A TOTAL OF 127 PLACES THAT I CAN MINE.

I KNOW THAT I WON'T BE ABLE TO DREDGE ON ALL THE CLAIMS THAT I HAVE ACCESS TO.

TO HAVE A LIST OF SIX LOCATIONS IS VERY RESTRICTIVE TO ALL THE CLAIMS I HAVE ACCESS TO THAT CAN BE DREDGED.

AS FAR AS APPROXIMATE DATES I WANT TO DREDGE I AM NOT SURE WHEN I WILL BE DREDGING. I JUST GO WHEN I WANT.

IN 2009 I WENT MINING 67 DAYS
IN 2010 I WENT MINING 98 DAYS

I AM NOT ON A SCHEDULE SO I GO WHEN I WANT TO

WHEN I GET A HUNTING- LICENSE OR A FISHING- LICENSE I CAN HUNT OR FISH WHERE AND WHEN I WANT. SO WHY SHOULD I HAVE TO STATE WHERE OR WHEN I WANT TO DREDGE UNDER A DREDGE PERMIT?

ALSO UNDER THE PROPOSED REGULATIONS I WOULD BE REQUIRED TO LIST ALL DREDGE EQUIPMENT THAT WILL BE USED INCLUDING NOZZEL SIZE, ENGINE MANUFACTURER, MODEL NUMBER AND HORSEPOWER. WHAT DIFFERENCE DOES IT MAKE TO THE D.F.G. WHAT THE MANUFACTURER, MODEL NUMBER OR HORSEPOWER IS? ALL THEY SHOULD BE CONCERNED ABOUT IS THE NOZZEL SIZE.

I NOTICED THAT ALL STREAMS ABOVE 4,000' WILL BE OPEN ALL YEAR. THIS IS GREAT. MY QUESTION IS HOW MANY STREAMS AT 4,000' AND ABOVE ARE OVER 8' WIDE? IF YOU CANT DREDGE WITHIN 3' OF THE EDGE OF THE STREAM YOU NEED A STREAM AT LEAST 8' WIDE.

ALL OF THE STREAM'S THAT I MINE ARE SMALLER THAN 8' WIDE AT 4,000'. THEY WON'T BE OPEN TO DREDGING AS THEY WERE IN THE PAST.

3-30-11

Edward C. Oran

Dr. Richard A. Gierak

Bachelors Degrees in Biology & Chemistry, Doctorate in the Healing Arts, Director of Interactive Citizens United, Director of New Frontiers Institute, Inc.

Prior Participant of FERC and FPAT (Fish passage advisory team report) and HET (Hatchery evaluation team) Prior Vice President of Greenhorn Action Grange, Prior California State Grange Spokesman for the Water Committee, Prior National Whip of the Property Rights Congress of America, Prior Representative of the Grange States of California, Oregon, Washington and Idaho regarding EFH regulations.

5814 Highway State Highway 96

Yreka, Ca. 96097

530 475-3212

rgierak2@hughes.net

March 30, 2011

Re: Mining with suction dredges

I would like to begin this information document regarding suction dredging by stating that I have been a recreational miner for over 40 years. I own 20 acres on the Klamath River which is a Patented Mining Claim and have now been denied access to work this claim based on erroneous data supplied by radical environmentalists. Not only have I been denied access but the fees for the dredge permit were not refunded. I not only have this claim but my property includes approximately one quarter mile of the Klamath River upon which I must pay taxes for and am still required to obtain fishing licenses and dredging permits. As a Biologist and Chemist I can clearly state that Suction Dredging is in reality helpful to spawning salmon. First it is clear that suction dredging is not allowed during the spawning runs of fish and secondly any depressions made in the river beds become a location where spawning fish can rest in cooler waters and protected from the current. The amount of discharge from dredging is insignificant and in reality helps break up surface concretions which are not useful to spawning fish. The following article supports these statements.

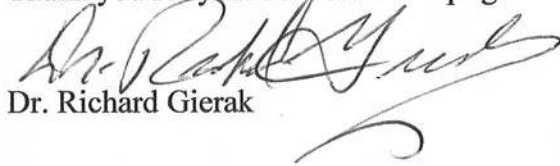
The main reason this SPECIAL PUBLIC NOTICE 94-10 is presented here is to show the Corps finding of de minimis (i.e., inconsequential) effects on aquatic resources for suction dredges with nozzle openings of 4 inches or less. This is an official recognition of what suction dredgers have long claimed; that below a certain size, the effects of suction dredging are so small and so short-term as to not warrant the regulations being imposed in many cases. The U.S. Environmental Protection Agency (EPA), in particular, has ignored this concept, although numerous studies, including the EPA's own [1999 study](#) of suction dredging, repeatedly and consistently support the Corps finding de minimis effects. The reports consistently find no actual impact of consequence on the environment, and so almost always fall back to the position that "potential for impact exists".

However, showing potential for harm, and showing that actual harm exists are two different things, and the studies to date have not shown any actual effect on the environment by suction dredging except for those that are short-term and localized in nature. Current regulatory efforts are proceeding despite this lack of evidence showing that harm to the environment is taking place. The regulatory agencies should be consistently and continually challenged by the dredging community to produce sound, scientific evidence that support their proposed regulations. To regulate against a "potential for harm", where none has been shown to exist, is unjustifiable and must be

challenged.

It is also ludicrous to believe that suction dredging in any way harms salmon runs in the Klamath River. The truth of Salmon decline rests with a historic increase in temperature of the Pacific Ocean driving cold water Salmon North into Alaska. In 1950 the total Salmon catch in the Pacific Northwest was 149,000 metric tons with 80% caught in Alaska. In 2007 the total catch was 403,000 metric tons with 97% caught in Alaska.

Thank you for your interest in the plight of miners,

A handwritten signature in black ink, appearing to read "Dr. Richard Gierak", with a stylized flourish extending from the bottom right.

Dr. Richard Gierak

In 1993 the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) were subject to a court decision that forced them to issue new rules regarding suction dredging in Alaska. A challenge to this decision resulted in a new decision in May 1999 that the Corps, at least, was not required to regulate suction dredging in most cases. Unfortunately, the same decision states that because of another court decision, *Rybachek v. EPA*, 904 F.2d 1276 (9th Cir. 1990) resuspension of materials by placer miners as part of gold extraction operations is an "addition of a pollutant" under the CWA (Clean Water Act) subject to EPA's regulatory authority. The final result of all this legal action is that the Corps issued General Permit 88-02P for Alaska that covers most suction dredge activities automatically

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Public Notice

US Army Corps of Engineers
Alaska District Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506-0898
Date: 13 SEPTEMBER 1994
Identification No.: SPN 9410

In reply refer to above Identification Number

SPECIAL PUBLIC NOTICE 94-10

APPLICATION OF THE "EXCAVATION RULE" TO RECREATIONAL PLACER MINING ACTIVITIES IN ALASKA FOR THE PURPOSE OF THE CORPS' SECTION 404 REGULATORY PROGRAM

Changes to regulations of the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency published August 25, 1993, in the FEDERAL REGISTER (FR) at 58 FR 45008 are affecting regulation of recreational placer mining activities in Alaska. The new regulations, referred to as the "excavation rule" became effective on September 24, 1993, and were described in a joint Alaska District Corps the United States and Environmental Protection Agency, Region X, Special Public Notice (93-15) dated September 17, 1993.

The Department of the Army (DA) exerts regulatory jurisdiction over waters of the United States, which includes wetlands, pursuant to Section 404 of the Clean Water Act. For regulatory purposes, the Corps defines waters of the United States as those waters below the high tide line of any tidal water body (ocean, estuary, etc.), and those waters below the ordinary high water mark of non-tidal water bodies (creeks, rivers, ponds, lakes, etc.). Wetlands are defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The law requires that any individual or entity that proposes to discharge dredged and/or fill material into or excavate material from wetlands or other waters of the United States must obtain a DA permit (sometimes called "404 permits") prior to conducting the work. Under the new regulations, this means that recreational placer mining by means of suction dredging, hand mining, or other excavation in non-navigable waters now requires DA authorization.

The preamble for the new regulations stated that some excavation activities may generally (except in extraordinary situations) have de minimis (i.e., inconsequential) effects on aquatic resources including their associated functions and values and therefore would not degrade or destroy waters of the United States and would not be regulated.

The Alaska District Corps has reviewed recreational placer mining using suction dredges and hand mining (pick and shovel, panning, etc.) activities in light of the new "excavation rule" and has determined, except in extraordinary circumstances, that recreational suction dredge mining using an intake nozzle size equal to or less than 4 inches and hand mining in waters of the United States would have de minimis effects on the aquatic environment, provided the State of Alaska Department of Fish and Game requirements for fish-bearing waters are met. Therefore, these activities, as described above, will generally not be regulated by the Corps and no permit is required. However, the Alaska District Corps retains the discretion to require authorization on a case-by-case basis. (emphasis added)

The fact that no authorization or permit is required from the Corps for recreational placer mining, as described above, does not relieve any miner from the necessity to obtain any other permits or authorizations required by other entities. Consequently, the Alaska Department of Fish and Game and any applicable land management agency (Bureau of Land Management, National Park Service, U.S. Forest Service, Alaska Department of Natural Resources, etc.) should be contacted prior to conducting recreational placer mining to identify any possible requirements or restrictions on mining activities.

U.S. Army Corps of Engineers
Alaska District Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506-0898

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Date: 13 Sep 94
Peter A. Topp
Colonel, Corps of Engineers
District Engineer

From: [james johnson](#)
To: [Mark Stopher;](#)
Subject: Comments on proposed changes to dredging regulations
Date: Thursday, March 31, 2011 9:08:10 AM
Attachments: Letter to DFG.wps

Thank you hearing my concerns.

Sincerely, James Johnson

To Mark Stopher,

Thank you for your time to hear my concerns on the proposed changes to the current dredging regulations. I realize that DFG is between a rock and a hard spot with trying to appease people on both sides of the dredging issue, while doing their job of protecting the fish habitat of the waterways of California.

First I would like to say that dredgers are the **only** current source of removing mercury and lead from the waterways of California. I would suggest a one year trial period with little or no change to the current regulations and a program set up to collect and determine the actual amount of mercury and lead collected by dredgers. This could be a voluntary program where local vendors of dredging equipment could be collection centers. The proceeds from the recycling of these materials could be used to help DFG address the fish population issues. I believe that you would be quite surprised by the amount dredgers take out of the water each year. This is a free resource for cleaning the waterways.

I believe that the current regulations are sufficient to protect the fish habitat, however, of the changes proposed to be made I will comment on the major issues as I see it. The biggest issues are the 4" maximum nozzle size and the requirement for on site inspections for approval of larger nozzle size's and winching.

Working the larger rivers with a 4" dredge will not find enough gold to either make a profit, or keep the interest of a recreational dredger, thus making those claims become almost worthless. There are thousands of placer claims on major waterways worth millions of dollars that would immediately lose most of there value.

The sheer logistics of on site inspections does not seem practical. In most instances the dredger would have to meet the inspector and guide them into the claims and show them the area where they proposed to dredge/winch. Many claims are in remote areas requiring long dangerous hikes, swimming, etc. to gain access. Cell phones often do not work in these areas so if a dredger was waiting on the inspector and there was a problem there could be no communication.

Another problem is that there are no guidelines as to what "on the ground" conditions would allow approval of a nozzle larger than 4" to approved. Although all my interaction's with DFG personnel have been positive, this opens the possibility of abuse of power when what conditions that need to be met are not defined. It leaves it as totally subjective from one person to another.

Backfilling your dredging hole is counter productive to fish habitat. Studies from both sides have shown that deep holes allow fish a resting spot in cooler water. It would require twice the work for a dredger thus getting ½ the gold. Every year when returning to my claims the holes are all filled in and the tailings piles are flat, as mother nature takes care of that. I do not see a point in this proposed requirement.

As I have stated, I do not see anything in the California DFG's DSEIR that warrants changing any of the current regulations. Please be fair and objective in your duty as a public servant and consider the rights of all users of the public waterways.

Sincerely, James Johnson

30 March 2011

Michael Kissel
3477 Heron Lake Lane
Elk Grove, CA 95758
(916) 683-0353
LnMtimber@comcast.net
Page One of Eight

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

Re. California Suction Dredge Program Draft Supplemental Environmental Impact
Report (DSEIR) Comments

Sir:

In this package there are three separate documents that I request that you enter into the official public record for this DSEIR. I request all three be independently considered, addressed by the final environmental impact report (FEIR) and that the FEIR and final regulations be subsequently amended per these comments.

All 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.

SB 670 (Wiggins) requires the California Department of Fish and Game (CDFG) to suspend issuance of in-stream suction dredging permits until it prepares an environmental impact report pursuant court order and consent judgment in the case of Karuk Tribe of California v California Department of Fish and Game et. al., Alameda County Superior Court Case No. GR 05211597.

Alameda County Superior Court Case No. GR 05211597 narrowly ordered CDFG to conduct further environmental review pursuant CEQA of its suction dredge mining regulations and to implement, if necessary, via rulemaking, mitigation measures to protect the Coho Salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR.

This DSEIR must thereby be limited to the authorized direction provided to it by the California Legislature and Alameda County Superior Court limits the scope of this environmental document to the protection the Coho Salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR.

I object to any analysis, conclusion or proposed regulation outside the authority of SB 670 and Case GR 05211597. This DSEIR beyond enabling legislation and court order, including but not limited to the following:

This program area must be limited to the Klamath, Scott, and Salmon Rivers; while the rest of the state shall be operated under the 1994 EIR.

Waters designated under the state and federal Wild and Scenic Rivers act and outside the watershed of the Klamath, Scott, and Salmon Rivers should not be included in the scope of this SEIR.

Updates to the existing regulations should not be statewide in scope and should exclude various factors such as out of scope water bodies, presence of biological resources, and related environmental effects.

Reference to the commercial availability of suction dredges that makes it possible to excavate "tons" of sediment per hour is a misrepresentation because CDFG regulations limit the intake hose size and suction hose size by its own regulations.

Classification of collected mercury cannot be a hazardous waste because it is not disposed of, rather it is collected and reused. Collection and removal from the river system is an environmental benefit. Use and disposal of Mercury and Nitric Acid is not used in the operation of suction dredges and therefore is out of scope for this SEIR.

Encampments are not unique nor required for the operation of a suction dredge. This issue is clearly outside the scope of preservation of specified fish species of the California Legislature and the Alameda County Superior Court.

The proper environmental determination for this suction dredge activity is Negative Declaration under CEQA. There is no consideration of discussion of document selection. Rather, CDFG jumps blindly to the conclusion that SEIR is required.

CDFG has failed to disclose the basis for its determination that issuance of suction dredge permits can result in new significant and subsequently more severe environmental impacts than previously disclosed in the 1994 EIR.

CDFG completely mischaracterizes the authority, direction, and intent of SB 670 (Wiggins) and wrongly justifies this inappropriate expansion of project scope on that basis.

I strongly object to the CDFG's determination that a conservative approach to identify environmental baseline is appropriate. The technology, practices, and environmental impacts remain unchanged from the 1994 EIR. The findings and conclusions of the 1994 EIR is accurate and should be sustained.

The assumption of no suction dredging in California as a baseline for this DSEIR is scientifically, socially, and morally wrong. I strongly object to this premise. By CDFG's own account, suction dredging has been widely used since 1961. This study must be objective and recognize that the succession of suction dredging in itself could be creating an adverse environmental impact.

There is no significant Aesthetic adverse impact as a result of suction dredging. By CDFG's own account, these units are temporary, easily transported, and not permanent. These units should enjoy the same non-impact status as a motor boat, drift boat, or river raft. By regulation, disturbance occurs under water, and therefore no visible impact or degradation is possible since it is covered by water. The CDFG assessment of this section alone, shows it's overly conservative approach to this issue results in obvious errors and will result in excessive costs and delay.

I attended the DSEIR suction dredge public meeting on 29 March 2011 at Sacramento. I was impressed by the attendance of about 400 people with an interest in the suction dredge issue. I was pleased to learn that a vast majority of these people, like me, support the continued practice of suction dredging.

I find the "recreational" label to the practice of suction dredging to be offensive and inappropriate since we depend on it for our livelihood. I request that you discontinue the use of the "recreational" label for my profession and this study. It marginalizes and misrepresents the importance of this activity.

I hold rights to mine eight properties totally over 500 acres on the Camp Creek, and the Middle and South Forks of the American River in El Dorado County. I also mine private property on a tributary to the Klamath River in Siskiyou County.

I operate three suction dredges: backpack, floating, and high banker units that are critical to the livelihood of family. None of these claims or my suction dredging activities effect any of the threatened species identified by Alameda County Superior Court Case No. GR 05211597. These assets continue to rack up significant out of pocket costs that cannot be offset with any feasible mining income under the suction dredge moratorium.

My industry has been decimated by the incompetence of CDFG, the Karuk, the Alameda Superior Court, and the California Legislature. First, the CDFG and California Legislature failed to address the concerns of the Karuk, forcing the issue to Superior Court. This resulted in decisions about complex environmental and socio-economic issues by a single superior court judge, hundreds of miles away from the ecosystem, without any environmental study, data, or analysis; and that is actually causing more environmental harm to the fishery than good. CDFG was then derelict in its responsibilities when it did not deliver follow up environmental studies in 1997, putting the environment, fishery, its director, and my industry at risk. The California Legislature then failed to fund required environmental studies and CDFG was not resourceful enough to finish what it had started. This series of incompetent missteps resulted that this moratorium on small family gold miners like me, that followed the regulations, did nothing wrong, and are bearing the full brunt of the incompetence of all these parties.

This suction dredge moratorium is most devastating to small, family operated gold mining operations of self employed Americans that don't qualify for unemployment benefits. To add insult to injury, CDFG and the California Legislature offered no rebate of license fees it collected and failed to honor this year. I was financially damaged by this action and I request full reimbursement.

To protect our families, communities, and the environment we need this issue resolved quickly, objectively, accurately, and fairly; and we need the suction dredge moratorium lifted immediately.

This SEIR makes no recognition of the existing Environmental Impact Report (EIR) and regulations, and the actual regulatory environment under which we operate. The term Supplemental in this SEIR is wholly ignored by CDFG, and it should not be.

The baseline is technically wrong since it ignores the fact that suction dredging has been occurring since 1961. This study assumes it is not and has not ever occurred. CDFG should at least provide a parallel comparison of both with

dredging and without dredging in this supplemental environmental impact report (SEIR).

The proposed geographic area and scope of this SEIR study covers the entire State of California. This SEIR must be limited to the authorized direction provided to it by the California Legislature and Alameda County Superior Court limits the scope of this environmental document to the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR. For the rest of the State of California, suction dredging should be permitted under the proper environmental determination for this suction dredge activity of Negative Declaration/Finding of No Significant Impact under CEQA. You do not need to study the whole world in order to respond to your mandate under this moratorium by the court and the legislature. You have no authority to expand this SEIR under your current funding constraints.

CDFG's definition of fish is overly broad and inappropriate since the authorized direction provided to it by the California Legislature and Alameda County Superior Court limits the scope of this environmental document to the protection the Coho Salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR.

At the public scoping meeting, CDFG claimed this study would be fair and objective. This proposed DSEIR is not. At the original scoping meeting, CDFG said every DSEIR proposal is based on whether it will be sued. This resulted in its unrealistic, overly conservative, and frankly wrong scope and constraints for this study. In the end, CDFG will be sued regardless of its findings or determinations. I request that you follow the law, science, and common sense to issue an objective and credible SEIR, since no document will be legally bullet proof. This DSEIR should pass all tests, including legal, social, equity, and common sense.

While this case was litigated in Alameda Superior Court, CDFG undermined its own original environmental impact report work product, claiming it will expand the scope of this SEIR further to the extreme environmental protection left. Given CDFG has already determined the scope of the SEIR, what is the point of even soliciting public participation or comment? CDFG's behavior thus far lacks fairness or objectivity. The problem with this approach is that it is first wrong, and second will result in excessive regulatory mitigations that will further undermine the feasibility of this industry while resulting in negligible if any environmental benefit.

I agree that there will be no impact on agricultural resources as a result of suction dredging and that it is out of the scope of this DSEIR.

CDFG's assumption of no section dredging severely impacts, makes wrong, and biases this scope and ultimately the final outcome regarding air quality. Since the number of permits has been less than 3500 per year for the past 15 years, there should be zero impedance of green house gas emissions since the 1992 levels and these emissions will have no cumulative impacts on federal or state ambient air quality standards. This study will surely recognize suction dredging in the future, but ignores that suction dredging has taken place in the past. This is technically wrong, excessively conservative, and prejudiced.

This is a SEIR not an initial EIR. CDFG has studied suction dredging to death (literally) and found no significant impacts. Section dredging technology has not changed since the last EIR. Your potentially significant impact on biological resource determination is wrong. CDFG is not starting over, this is a supplemental environmental impact report. Plug any holes in the original study, consider any changes, then finalize this effort. I object to CDFG's complete restart of this process as both a miner and a tax payer. It is both wrong and inefficient. The inappropriate geographic and species expansion of scope discussed above also apply here. This section is the best example of CDFG's inappropriate and overly conservative environmental bias for this study. The original narrow scope to a limited number of fish species and to rivers mostly in Siskiyou county has exploded to include: effects on wildlife, changes to channel morphology, off stream effects, recreational use, off road use, wetland protection, and wildlife movement. This proposed scope is ridiculous and out of touch with the economic reality that this State is nearly bankrupt and is killing an environmentally beneficial industry.

The finding of potentially significant impacts to historic, archeological, and human remains where suction dredging occurs is ridiculous. This activity occurs in the flood plan of major rivers this is subject to violent destruction and constant movement. The DSEIR does not identify or document a single at risk historic or archeological resource. There is no way these resources could be identified, let alone preserved underwater in these river environments.

There is no way this activity will have a negative impact on geology and soils because it requires water and must be performed under water, could possibly in any way result in soil erosion or the loss of top soil. High banking could result in

an impact, but this study is on suction dredging, not high banking. Therefore any regulations to protect these resources cannot be justified by this DSEIR.

The quantities of fuels, chemicals, and other potentially hazardous materials are so small that they cannot be considered hazards. CDFG's own definition of suction dredges recognizes these units are operated on floats atop of water, since water does not burn, there cannot be any significant fire impacts as a result of this activity. CDFG's potentially significant impacts for fire protection cannot be correct for the same reasons.

This activity takes place in stream. It doesn't add or remove any significant material by volume of the stream. It improves access for fish to use otherwise armored fish spawning gravels. This activity is inconsequential compared to natural storm event occurrences that create magnitudes greater disturbance to hydrology and water quality compared to suction dredging.

Suction dredging does not result in the discharge of mercury since this material is not required or added by suction dredging. A significant amount of mercury that may already exist in the natural environment is actually retained in the sluice, not discharged. This DSEIR fails to recognize this environmental benefit.

Onsite and Offsite Erosion or siltation due to encampments is clearly out of the scope of any reasonable DSEIR.

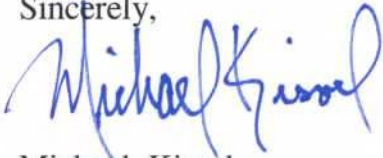
Ambient noise produced by suction dredges operated under permit in California can in no way result in violation to existing noise standards. The core issue driving this moratorium is not this suction dredging activity since SB 670 (Wiggins) permits this practice commercially, to protect infrastructure, and to promote navigation. What's driving this issue are extremist environmental groups and Indian tribes that do not want to share public lands and river resources, will limit access and activities to suit their own selfish uses at all costs, and which will bombard this process with endless litigation to kill this industry just as they have done to the Timber and other natural resource based industries. The excessively broad scope of the DSEIR opens the door to potential litigation rather than limits it. This was a stated goal of CDFG at the time of original scoping.

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. Since this DSEIR fails to objectively evaluate this activity, we strongly encourage CDFG and the Fish and Game Commission to reject CDFG's

Michael Kissel
DSEIR Comments
30 March 2011

recommended DSEIR alternative and regulations and to adopt the 1994 Regulations Alternative instead.

Sincerely,

A handwritten signature in blue ink that reads "Michael Kissel". The signature is fluid and cursive, with the first name "Michael" and last name "Kissel" clearly legible.

Michael Kissel

From: [Dan S Auto Electric Knappek](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: SUCTION DREDGING
Date: Wednesday, March 30, 2011 8:19:49 PM

TO WHOM IT MAY CONCERN

MY NAME IS DAN KNAPEK I HAVE BEEN DREDGING ON THE TRINITY RIVER FOR THE LAST 12 YEARS STRAIGHT. I HAVE BEEN DREDGING ON THE NEW RIVER A TRIBUTARY TO THE TRINITY RIVER. I AM VERY INTERESTED IN THE FISH HABBITAT AND DREDGING AT MY CLAIM I DON'T HAVE ANY SPON AREA BECAUSE I LOOK FOR THEM AND KNOW HOW THEY SPON . I ALSO KNOW WHAT TO LOOK FOR .

MY CLAIM IS ON THE NEW RIVER.

I ALSO KNOW WHEN THE FISH ARE IN THE RIVER (STEEL HEAD AND SALMON) AND HAVE SEEN THEM UP RIVER FROM MY CLAIM I ALSO WATCH TROUT IN THE BACK OF MY DREDGE EATING BUGS THAT COME OFF OF THE TAILINGS. MY DREDGE IS A 4 INCH .I AM A RESPONSIBLE PERSON AND A CONSERVATIONIST I ALSO WANT TO SEE THE FISH PROTECTED .

I WANT TO CONTINUE TO DREDGE ON MY CLAIM ON THE NEW RIVER ALONG WITH ALL OTHER MINERS IN THE AREA. PLEASE DON'T TAKE OUR MINING RIGHTS AWAY LET US CONTINUE TO WORK OUR CLAIMS AND WORK WITH THE ENVIRONMENT

OVER THE YEARS I HAVEN'T SEEN ANY IMPACT THAT WOULD ADVERSLY EFFECT THE FISH OR STREAM BED FROM YEAR TO YEAR

THANK YOU FOR YOUR TIME

DAN KNAPEK
1 530 629 3202
PO BOX 362
SALYER CA
95563

From: craig.lindsay@comcast.net
To: [Mark Stopher; Michael Stevenson;](#)
cc: [Craig Lindsay;](#)
Subject: Sacramento DSEIR Meeting
Date: Wednesday, March 30, 2011 3:03:28 PM

Mark and Michael,

I wanted to express my appreciation for establishing the public meeting process that allowed me to address my concerns last evening. Kudos to you both for your equanimity, poise and the ability to listen especially after 6 hours! Thanks again Michael letting me load my PowerPoint presentation on I believe, your computer. Although the meeting had a large amount of passion, fervor and some outright anger I certainly hope that in some of the some of the comments/statements were verifiable facts that will at least get you to re-visit and reassess certain key issues.

One question however, I'm still not clear how much of this is an iterative process. Mainly because the thought and final decision making process appears not to be transparent.

As mentioned last evening there are inconsistencies, mistakes and omissions in the DSEIR, I will address the specifics in a separate letter/e-mail which I hope will add to the quality of the document.

Regards.....Craig

PS Sorry about my bad joke about the gull last night, just thought people needed a chuckle. Mark, don't tell the SOU guys!

35533 Hwy 96
Hamburg, Calif. 96050
30 March 11

MARK STOPHER
Dept. of Fish and Game.
601 Locust Street
Redding, Calif.

Dear Mark;

I want to once again thank you for all the materials and consideration you gave to me in Hamburg and also thank you for your meeting 30 Mar. 11 in Yreka. I am so sorry that your Univ. of Calif. narrator put you in a bad light by going over the rules of the meeting and together we were told that if anyone has more to say than his three minutes, after everyone else has had a chance for a comment, then if a numbered speaker would give you their number, one could use their time to complete ones statement NOT no person would be allowed to present for ONLY 3 MINUTES. You can not even make a 911 call in 3 minutes, it is impossible to present any meaningful material in that time. Nevertheless; I feel that my input is important to all concerned regardless of their stand on the fish/Dredging matter. My main concern is that at a formal meeting being taped and recorded and perhaps televised the material will see itself into your overall report. I feel this letter and my comments to you and your commission will be handled by a \$40,000 a year secretary and find itself directly into file 13. I will try to make my presentation here as logical, consise and as complete as possible:

To understand the Biological and Dredging problem one needs common sense with a little knowledge of Ecology, Chemistry, Physics, Geology, Hydrology and Silverculture or Forestry as well as a few other things such as Culture and Farming.

To understand our situation one needs to remember that Siskiyou County was an Island during the many Ice ages and during the last, 10,000 years ago The Waters from the ocean came inland and as far north as the Cherokee mine north of Oroville, Calif. where massive glacial melt ran from north to south into the ocean. As the Pacific plate (of heavier material, rocks) slid below the lighter continental materials, lubricated by molten or plastic magma in an eastward and northern direction; because of the heat of the Ocean Siskiyou was never put under the massive 10,000 foot of Glaciation; therefore, the weight of the 10,000 ft of ice that covered The Sierras and the areas east of the Sacramento Valley caused a tremendous weight and the Siskiyou, Coast range, Mt Shasta, Mt Ranier, and Mt Lassen were forced up. All of the rock layers that were forced up were ocean bottom thousands of feet thick, even the igneous rock formed down deep to become basalt, Andicite and Ryolite were formed from ocean bottoms and were made up of calcium carbonate shells of ocean like miles deep. These lighter continental layers or continental plates were forced up and whatever gasses mineral or other materials they rose through percolation or fissures. Those mineral gasses that rose in the igneous continental layers and reached the upper most layers of igneous rocks such as basalt which is a very dark almost black rock filled with tiny or large holes, the gasses escaped into the air to be lost as mineral deposits such as in the Tululake area. Those not reaching the basalt layers were trapped in the Andicite layers as we see in not only Virginia City, Nevada but the same rock is seen along the Klamath River as you turn onto HWY 96 out of Yreka and on down past Happy Camp. Klamath River
Placing a drop of acid on Tululake Basalt or Sandstone shist will foam

Mineral gasses have a hierarchy of liquifying and finally solidifying by their melting point. In other words the lowest melting point is usually on top such as Cinibar or Mercury ore. if present. This can be seen in the bubbling waters of steamboat springs just as you turn east to Virginia City, Nevada. If you stand at steamboat springs just west of the Reno, Tonapah Highway you can find cinibar which is ever now forming and the pidgeon blood spongy cinibar laying on top of the ground. Yes you will be breathing the cinibar gasses as you stand there. Then the highest melting point will be lowest probably in Granite and would be Tungston or zirconium which is mined in the powerfully uplifted Granite in the Bishop area by Union Carbide.

Now this little bit of Geology is important because as you move more uplifting and erosion you are left with once Caciferous ocean bottom rock that will become exposed by weathering, wind, water, etc. We in this area are blessed by this because the rivers in Siskiyou, Del Norte Humboldt, etc. counties run in Andesite or sand or mud ocean layers that were metamorphized, (turned plastic by heat and pressure and slid into sandstone or mud stone shist or gabbro. These rocks being of a Calcium carbonate, Ocean origion, are so important and we are blessed by them. The calcium carbonate rocks will eliminate acid or positively charged pollutants. Any water that absorbs the 4% CO₂ in our atmosphere gets rid of the alkaline or negative wastes as because of the CO₂ water exposed to are is slightly acidic or a pH of 6.9+, never 7 which is neutral.

As one goes over Mt Ashland on Interstate 5 one can see the uplifted ocean bottoms and as one approaches Yreka and the Klamath River one can see the erosion and the Andesite roadside rock bodies residing there. Because of this Calcium Carbonate Rocks positive pollutants are destroyed and because of the mild carbonic acid formed from water and CO₂ Negative pollutants are destroyed. Neutral pollutants such as a rubber tire just have to wear out or be removed with time. Now because of this phenomenon we don't have the acid rain problem that has destroyed many lakes in the East such as New York State and Canada. If one has noticed, when Shasta Dam is full there is no more beautifully blue green body of water anywhere. Our rivers, The Salmon, The Smith, The Feather, Wooly Creek are some of the most beautiful rivers in the United States. Same for many of the Oregon Rivers.

Now finally we come to the small problems that people make into gigantic crusades that neutralize a body of workers trying to make us a producing society, that saves money and creates jobs, rather than a consuming society that takes money away and every other foreign country just loves. When you step into the Klamath River from Iron Gate Dam to Happy Camp and below in May. You will find a slimy slippery cemented bottom which is made up of a large ecosystem of cemented gravel. This is caused by siltation from silt released from the Dams and even wind blown dirt from the logging roads which we have in Calif. and Ore. more than anywhere in the nation. This cemented ecosystem is made up of algae, molds, bacteria etc. and it has its own equilibrium or homeostasis. all chemical activities are encapsulated within itself or centralized. In other words it is using its own chemical reactions and is not effecting any water flowing over it. Once this slimy ecosystem is broken up to expose new surfaces of Calcium rock pollutants are again removed, such as a fresh rock slide going into the rivers.

The river bottoms are so cemented that there is no Salmon that could dig out a red or nest the act of dredging or breaking this cementation up allows not only a pollution cleaning reaction but allows salmon to make reds for their eggs. They prefer inch or larger rocks for this because the eggs are receiving good oxygination and don't choke up their g

Because of the problem with siltation of gills in newly hatched salmon eggs, Salmon do not make runs in sand or mud. Another benefit of dredging is that in low water years the dredge holes give the fish a deeper cooler more oxygenated source of water. The deeper, the colder and the more Oxygen. I know I have heard many fly fisherman unhappy with dredge holes but I have heard just as many happily say that the dredge tailings are extremely safe to stand on and not a bit slimy and I don't have to worry about slipping or falling and filling my waders.

Now as the mountains erode if minerals are there they will be exposed and one of the first minerals exposed is cinibar, (mercury ore), There has never been a time when the Klamath river and most of the others in mineralized areas have not flowed with microscopic mercury in the history of California.. First of all metallic microscopic mercury is neutral and will cause no harm at water temperatures. It has to be ionized, heated, in the ion or positive form to be dangerous. For example Minamata Bay in Japan was a release of Methyl Mercury which entered the fish food chain and thousands of Japanese suffered from that. Another example is a midwest father and his family of three girls and I think 2 boys whom worked in a seed, wheat, oats, etc plant that sold treated mercury based fungicided seeds for farmers to plant. He fed his hogs these grains and then the family ate them.. I think all of the family including his wife were affected. The lucky ones died, He and I think one daughter lived and their minds were at the level of a 3 month old child if they are still living. Once again this Mercury was in Ion form. Another example is old time miners would retort mercury and the vapors, heated and in its positive form would get into the lungs and called salivated cause death. Some lucky miners had the vapors settle in their teeth and they were lucky but they lost all their teeth in a few months.

The miners of the 1800s put flasks (76#) of mercury in their massive sluice boxes to catch fine gold. When a miner finds a piece of gold with mercury on it today, it has been on the gold since the 1800's. It does not let go when going through a dredge miners sluice box in its metal form and the microscopic mercury from eroded cinibar will hang on to gold, silver, copper, platinum etc until removed by heat (fire). Once again the heat of water will not ionize mercury and make it dangerous.

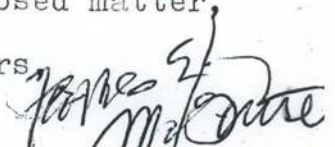
If our State and Federal government really cared about our river ecology and our young students graduating from High School and College they would adapt a plan to clean every river from the mouth down and pay these young people a living wage say \$40 an hr, create jobs, and create a savings society and not a consuming debt society. The Federal Government does not regulate usury; therefore, most young people are a part of a debting (10 to 39%) usury and consuming not producing as the great factories of Detroit and Pittsburg are dead dinosaurs with no opportunity for our youth. What is wrong with a family dredging, producing and creating a raw material that our government can use and create wealth, internet resources etc.

As people are watching our sad policies of the Calif Fish and Game over dredging and salmon, just remember that the last shoe hasn't fallen on the Nuclear plants in Japan and our Salmon, Chinook only, with their 5 year Ocean cycle go right by Japan. Wait until we start seeing fishermen catching radioactive or glowing Chinook salmon.

Sincerest thanks for your attention to the above enclosed matter,
I remain,

appreciatively yours,

James E. McGuire.



From: ARTHUR MORGAN
To: dfgsuctiondredge@dfg.ca.gov;
cc: [MARTIN MILAS](#);
Subject: Suction Dredge Permitting Program
Date: Wednesday, March 30, 2011 2:31:58 PM

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

I am in favor of the following plan: 1994 Regulations Alternative
(continuation of previous regulations in effect prior to the 2008
moratorium)

I am one of the founders of The Prospectors Club of Southern Calif., Inc. -
a non-profit organization, organized 45 years ago, and dedicated to
prospecting and treasure hunting.

Our membership has at times reached as high as 500 members, and many
of these have been involved in recreational mining, and dredging at times
during these many years of the Club's lifetime.

I think I can speak for the majority of members in our Club by saying that
we are wholeheartedly in favor of returning to dredging in our California
rivers and streams, without unfair regulations against this activity.

Please take a moment, and visit our Prospectors Club website, and take a
look at the fine things we are devoted to in our endeavors.

<http://www.prospectorsclub.org>

I am also, by the way, the webmaster.

Thanks for your valuable time,

I am,

Sincerely yours,

Arthur A. Morgan

cc: Martin Milas-President
The Prospectors Club, Inc.

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	George Patchell
Mailing Address:	2335 Judith Way
	Madera, CA 93637
Telephone No. (optional):	559-363-0851
Email (optional):	geo-jr@hotmail.com

Comments/Issues:
Regarding the proposed limit of 4,000 permits annually, couldn't this be considered a form of Discrimination?
In listening to some of the speakers, at the meeting on March 24, 2011, It appeared to me the DFG study was somewhat incomplete. ie: classifying some areas an A,m when the water flow has ceased to exist during an average year.
I understand that DFG is only following court orders, but some of the environmental groups are going beyond what is common sense.
I'm only asking for a fair shot at using our (the people's) public lands.
Respectfully,
George Patchell

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:	Charles Schroeter
Mailing Address:	250 No. College PARK DR Apt I-34 Upland, CAL 91786
Telephone No. (optional):	626-664-6179
Email (optional):	WWJDGold@AOL.com

Comments/Issues:	<p>Relating to the New Reg. on when one would like to Dredge! (Which Month, Day)</p> <p>① When I was working - 30 years of Dredging too!</p> <p>①A I would Try to Get to the Merced River on 3 or 4 weekends A YEAR.</p> <p>Due to my work I DID NOT Know when I could Go.</p> <p>TO notify the D.F.G. Even one week prior would Be impossible!!</p> <p>Please consider this on the people that work + Dredge</p> <p align="center"><i>Charles Schroeter</i></p>
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Please use additional sheets if necessary.

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

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

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