



American Fisheries Society

Western Division

President Scott Bonar, President-elect Leanne Roulson, Vice-president Lori Martin, Secretary-Treasurer Dave Ward, Past-president Eric Wagner

Senator Fran Pavley, Chair
Senate Natural Resources and Water
State Capitol, Room 4035
Sacramento, CA 95814

Received
MARCH 31, 2011

RE: Support for SB 670 by the Western Division of the American Fisheries Society

Dear Senator Pavley:

The Western Division of the American Fisheries Society strongly supports SB 670, which would suspend instream suction dredge mining until a rigorous scientific assessment of the practice's cumulative impacts on fish is prepared and new regulations are written based on that assessment.

The California Department of Fish and Game (CDFG) has acknowledged in court that this mining practice may be harming the spawning success of several fish species, including coho and chinook salmon, which are federally listed as endangered. Current law only authorizes CDFG to issue suction dredge permits after it has determined the practice will NOT be deleterious to fish. Yet the CDFG has NOT limited this recreational activity while it reviews the effects of the practice. At a minimum, it will take the Department two more years of study before its review is completed and rules can be updated to protect fish. That is two more years of increased risk for already endangered salmon populations.

Admittedly, quantifying the environmental impacts of suction dredging is difficult to accomplish and the research results to date have been inconclusive (e.g., Harvey 1986; Harvey and Lisle 1998). However, Harvey and Lisle (1999) more recently documented a negative effect of dredging on salmon spawning success. Fish mortality may result from direct destruction of eggs or fry from the mining, or from the indirect effects of fish spawning in unstable habitats created or altered by dredging. Although the effects of suction dredging may be minor in some settings compared with the direct effects of fishing, the potential cumulative effects of dredging on listed fish populations are significant. For example, current regulations do not provide a means to regulate the number of suction dredge operation in a particular river reach. Such cumulative effects may increase as the numbers of unemployed miners continue to increase in the current recession.

Last year, all salmon fishing was banned along the Pacific coast of California and southern Oregon. The ban is expected again this year. These bans and the greatly reduced salmon populations that preceded them are negatively affecting the livelihoods of thousands of commercial fishermen, fish processors, and charter boat operators. In addition, scientific fish

collecting permits are highly restricted to protect listed salmon. It seems irrational to restrict scientific research, jeopardize an entire fishery, ban commercial fishing, and increase risk to listed fish while allowing a recreational hobby.

This is a classic case of why CDFG would be wise to use the precautionary principle to guide decisions. That is, to err on the side of the fish before they are forever extirpated.

Sincerely yours,

Eric Wagner, Past-President

References

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

Harvey, B. C., and T. E. Lisle. 1998. Effects of suction dredging on streams: a review and an evaluation strategy. *Fisheries* 23(8):8-17.

Harvey, B. C., and T. E. Lisle. 1999. Scour of Chinook salmon redds on suction dredge tailings. *North American Journal of Fisheries Management* 19:613-617.

Jonathan Brooks
P.O. Box 1140
Meadow Vista, CA 95722

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

March 31, 2011

Suction Dredge DSEIR Comments:

I am a trained biologist with a degree from the University of Alaska, Fairbanks with special training and curriculum in stream fisheries. I have become intimately familiar with the processes and effects of suction dredging and seen many dredging operations and their impact on the stream environment. After years of witnessing dredging practices in the field, it has become clear that dredging has minimal deleterious effects on the stream environment, but has PROVEN benefits, primarily removing heavy metals, aerating stream gravels, and releasing detritus into the water column. I have serious concerns over the methodology of the "scientific testing" used to perform the environmental impact report, and the subsequent findings. Therefore, I strongly object to the proposed regulation changes, especially the following:

A limit on the number of permits issued

Dredge density limitations per mile of stream

A four inch nozzle limit without department review

Three feet from the bank limitation - Most streams are less than six feet wide

Pump intake screen size – The pump will not function properly with such a fine mesh size.

Tailing piles leveled – Mother Nature does this automatically every winter

Permit number visible on equipment – Officers should get out of their truck and check permits as they always have

Sunrise, sunset limitation – This is a pointless limitation of freedom

Disclosure of dredging location – This is a trade secret and should not have to be divulged

From: [Robert Dexter](#)
To: dfgsuctiondredge@dfg.ca.gov;
cc: ["james johnson"](#);
Subject: Dredging comments - from 1982-1995 Seasons - Pro Environmental
Date: Thursday, March 31, 2011 6:14:22 PM

To whom it may concern: I am painfully aware of the current embargo and cessation of any dredging for gold in California waterways. I dredged from 1982 – 1995 on the Feather, Yuba's Middle and North Fork; Lavezzola creek and Nelson creek, and conducted some sampling on the North Fork of the North Fork of the American River. I held approximately 1.5 miles of active claims for several years between Footes Crossing and Bloody Run – on the Middle Fork of the Yuba.

First, I have a Bachelor of Science Degree in Business, but originally started studying Geology at the Mackay School of Mines – UNR, in Reno, Nv.

I currently work for the Federal Government in Washington D.C. for the NRC, and fondly think of my dredging years, where I hoped to return during retirement.

I can only state environmental facts I personally witnessed while dredging – especially for many consecutive seasons on the Middle Fork of the Yuba. *Dredging in my opinion, does not hurt the environment below the obvious high water mark from annual Spring flooding.* Mining Camps, and any associated littering, or hazardous spills, in my opinion, are potential situations which may require inspection.

Why do I state this?

- Egress and ingress to dredge sites are on established trails, any fragile life forms in the surrounding area below the high water mark are usually washed away by springtime floods.

- Minnows and fish thrive in areas being dredged – minnows or small fish fry are never sucked into a dredge or its intakes, they stay away from the noise.
 1. Dredging is not allowed during the times when fish hatch. Fish, insects and wildlife feed behind a dredge. In fact, taking away this established food source the wildlife have grown accustomed to, may harm the environment.
 2. Dredging creates spawning beds in areas where dams create packed gravels, and mitigate annual flooding – which recreates spawning areas.
 3. Dredging removes hazardous lead and mercury – I have pulled lots of lead out, and still have several ounces of mercury I pulled out of rivers. If mercury is agitated and in the water, I would like to see this study, and its weight against similar spring flooding studies for the presence of mercury.

- I was told by a Nevada County ranger, that I never even left a “footprint” in my mining camps and dredging areas. I did not bury trash, and packed out – what I packed in... Hence the inspection part...I despise people who do not respect the woods and litter, and would turn them in. I keep the forest clean... I also made my latrine well away from the waterways and run-off areas. I knew to use Ivory Soap, and biodegradable toilet paper like Cottonelle.

- Dredging is a right and privilege, as this was enacted into law. The attack on this lawful and beneficial recreational activity is both unjust and unfair. Dredgers have as much right to the outdoors as any other U.S. citizen.

- Dredgers provide a watchful eye on the environment, and can

benefit authorities to improve outdoor activities. Instead of an example of dredging lore, I will provide an insight that only a dredger who loves the environment can offer – as a result of living in the woods. Below is an example of one sad story.

I will provide a quick read on what I personally witnessed, which was an ecological disaster at the confluents of Bloody Run:

I parked my truck at the bottom of the 4wd road which terminated just upstream of Bloody Run, and its confluents with the Middle Fork of the Yuba River. I camped on the South and upstream side of Bloody Run for approximately 6 years of dredging seasons. There were no mosquitoes, or ladybug nests in this area I camped in. I filtered water from the creek.

Loggers eventually arrived, threatened me for parking my truck where it was, and informed me “a tree might hit my truck during their logging operations.” I informed them dynamite might drop a boulder on their logging equipment, and we could work harmoniously together while I dredged, and they destroyed the ancient forest along the Wetlands Protection Zone (WPLZ) marked along Bloody Run.

They proceeded to cut down trees along Bloody Run, which should have been running red again with Tree sap blood – instead of Chinese blood. Bloody Run used to be called Mariposa Creek – before many Chinese were massacred during a “miners meeting” in the 49'er days.

The environmental disaster in the making was the fault of whoever naively created the WPLZ boundaries. The loggers cut down ancient Ponderosa Pines which were immediately adjacent to the WPLZ. The root cause of the disaster is that the WPLZ boundaries did not

account for the height of the trees and the shadows they created along a living stream, and also their impact on the micro-ecological oasis created by these shadows.

The particular area I saw destroyed by logging was at the confluents of Bloody Run, and The Middle Fork of the Yuba River. This was where I camped, as the cool waters of Bloody Run created an air conditioning effect under the shade of the giant Ponderosas that dwarfed any humans below. Mosquitoes avoided the cool area, and no bugs in general seemed to be present – except Daddy Longlegs and insects that lived in the unique environment.

When the loggers finished taking all the trees outside the WPLZ, this also included some ancients... Their shadows would never fall on my campsite again... They would also never fall on the unique perfect mosquito free oasis, where I carefully camped and behaved in the woods.

Why did I tell this story? To tell others that most dredgers are not a bunch of gold-crazed ignorant animals, who do not respect the environment they work in. The ones that do not should have their permits revoked. Stopping everyone from dredging is wrong, and a program to educate everyone prior to mining is what needs to be created. A fee can be charged for this.

I also should mention that few people traversed the areas I mined in. The ones that did, were always invited to pan, eat lunch or dinner, and encouraged to camp responsibly while there. I brought many friends and family to visit my mining camp, and taught many people how to visit the forest – with class...

Maybe my short story will never be read or matter, but I and others

will always have our memories of how it was... Another bygone era? I do not think so, I will be back out there again, and if dredging is permanently outlawed – it will be a sad day. I read many comments – just another Government initiative to re-design a program that was already working. (I know, I work for the Government, and we're here to help!) The State of California has lost much revenue by stopping dredging.

I think the root cause of what started this temporary stop on dredging, should be re-analyzed, and the solutions should come from dredgers themselves. You might be surprised if you listened to a few of them...

If you would like to contact me, please write back, or call 301-325-1894.

Thanks,

Bob Dexter

3/31/2011

Re: Draft SEIR

Mr. Stopher,

I met you at the scoping meeting in Fresno in '09. At that time you seemed open to learning about dredging and it's contributions to society, as well as possible detrimental effects. In reviewing the document, I can't say I'm not disappointed with the Draft SEIR. The restrictions placed upon dredgers seems hardly necessary considering the overall variety of visitors to riparian areas and the overall scope of the various activities. With the amount of fishing weights, lead bullets and misc. trash dredgers remove from the state's waterways, the state should be paying dredgers.

The restriction of the intake size to 4 inches in most areas is absurd. A four inch intake is a SAMPLING size dredge. Once a suitable location is found using a four inch or smaller dredge, then a larger (usually 6 to 8 inch) dredge is brought in to do the actual production. In most cases, a four inch dredge cannot be used profitably for gold recovery. I believe this much restriction directly affects my rights granted to me under the 1872 Mining Law.

I have to have an inspection if I want to use a small portable winch. Are you serious? And tell you EXACTLY where I'll be dredging to get a dredge permit? What if I change my mind during a trip and move to a different spot? I have to wait for another inspection and get my permit amended? This sounds like red tape run amuck into the woods and is interfering with my right as a free citizen to move freely within the Republic of California and to conduct business freely.

Limiting the hours of the day someone can dredge? Start and stop times? How does this pertain to managing fish and game? The fish love to feed around a dredge that is operating. I've seen it many times myself. Do you have limits on the hours you can drive someplace, go boating or golf?

The number of creeks eliminated from dredging altogether is another broad brush answer to an imagined problem, designed to placate those that want the waterways in California closed entirely to most or all user groups. This is absurd. Sounds like you are caving to special interest groups without factual information from unbiased biologists and other professionals.

Is this your goal? To make dredging so restrictive it is nearly impossible to comply with the unconstitutional regulations and get another group of public lands users out of the woods? ... and trample our rights in the process? This all smacks of a "taking" and the miners should be compensated if this SEIR becomes the final set of regulations.

Here is what President Lincoln told House Speaker Schuyler Colfax in the afternoon before departing to Ford's theater where an assassin's bullet cut him down. Colfax was about to depart on a trip to California, which Lincoln dearly wanted to see. He was planning to take his wife there. He told Speaker Colfax, "During the war when we were adding a couple of million dollars every day to our national debt, I did not care about encouraging the increase in the volume of our precious metals. We had the country to save first. But now that the rebellion is overthrown and we know pretty nearly the amount of our

national debt, the more gold and silver we mine makes the payment of that debt the easier.” Colfax was heading out to California, to which Lincoln gave him this message to give to those in California: “Tell the miners from me, that I shall promote their interests to the utmost of my ability; because their prosperity is the prosperity of the nation, and we shall prove in a very few years that we are indeed the treasury of the world...Don’t forget, Colfax, tell those miners that that is my speech to them, which I send by you. Let me hear from you on the road, and I will telegraph you in San Francisco. Pleasant journey and good bye.”

We have surely come a long way since 1865, and have forgotten why California was named “The Golden State. I understand the value of preserving our natural resources for future generations. It needs to be done without trampling United States Citizen’s rights under the law. Let’s try to protect the resources we have without endangering one that once is lost, is seldom, if ever recovered: FREEDOM.

Ron Kliewer

Yucaipa CA

(951) 538-7705

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From: [Jon Brooks](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: DSEIR Comments
Date: Friday, April 01, 2011 1:47:44 PM

Jonathan Brooks
P.O. Box 1140
Meadow Vista, CA 95722

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

March 31, 2011

Suction Dredge DSEIR Comments:

I am a trained biologist with a degree from the University of Alaska, Fairbanks with special training and curriculum in stream fisheries. I have become intimately familiar with the processes and effects of suction dredging and seen many dredging operations and their impact on the stream environment. After years of witnessing dredging practices in the field, it has become clear that dredging has minimal deleterious effects on the stream environment, but has PROVEN benefits, primarily removing heavy metals, aerating stream gravels, and releasing detritus into the water column. I have serious concerns over the methodology of the “scientific testing” used to perform the environmental impact report, and the subsequent findings. Therefore, I strongly object to the proposed regulation changes, especially the following:

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Disclosure of dredging location – This is a trade secret and should not have to be

divulged

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From: [allen copp](mailto:allen.copp)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: DSEIR
Date: Friday, April 01, 2011 8:50:13 PM

As a fourth generation Californian whose family has been involved in small scale mining for many years, I just can't understand how any reasonable intelligent person can believe that a suction dredge [intake up to 8"] can possibly cause damage to a river or wildlife. Such a person must have never been able to observe a river during even a medium winter storm. During such a storm, huge rocks and debris are uplifted and entire gravel bars rearranged, water so muddy that it aids in this process. A suction dredge compared to this is literally a DROP in the ocean. I personally have operated a suction dredge on many rivers in Calif and I would offer to take anyone to the general area of this activity. There is not any way that a person could show me where dredging took place. I'm not quite sure who is ultimately behind these proposed regulations, but their agenda is more of a power play than anything else. I only have a small expectation of anyone actually reading this, let alone any hope of response. I would just like to say to anyone who is behind this that you hurt a lot of people for no reason whatsoever. Small miners have no means to fight back except for common sense, that seems to be completely gone in DSEIR. Shame on those who have decided to use their clout to step on the little guy.

Sincerely, Allen G. Copp
6225 Sam Ln.
Igo CA 96047

From: [Robert Dexter](#)
To: ["Robert Dexter"; dfgsuctiondredge@dfg.ca.gov;](#)
cc: ["james johnson";](#)
Subject: RE: Dredging comments - from 1982-1995 Seasons - Pro Environmental
Date: Friday, April 01, 2011 3:09:32 PM

This is an addendum – I apologize, as I was tired last night, and I did not finish my “Oasis” story...

When the shadows from the forest giants ceased to fall on the environmental Oasis at the junction of Bloody Run and the Middle Fork of the Yuba, the “oasis” became a desert. The heat from the sun dried out the unique vegetation in this area, arid vegetation started to grow, the mosquitoes moved in, the only solace and comfort nature provided, was that Swallowtail Butterflies, and a few other varieties fed in the newly exposed damp sand that seeped from the stream bank. Maybe in 300 years the babies from these trees will return to tower over this area again...

Again in closing, dredgers are capable of respecting the environment we work in during the summer. It is up to the State and Federal Regulators (I.E.) “Forest Service,” to train and inspect the waterways open to dredging. As a dredger, I respect the environment I live in, and try my best to be a steward of the earth – as the Bible states.

If this agenda is one-sided and dredging is outlawed, a key historic and recreational activity will be lost to many who own this land as taxpayers and Americans. I ask that everyone’s thoughts are considered in re-opening dredging as a recreational activity. Once the big spring floods hit, I challenge anyone to show where someone had dredged the year before...

As for Mercury, it is there in the rivers, only dredging is removing it. If a program was initiated to help reclaim this toxic mineral that does not

naturally occur in the river gravels. These rivers would slowly be cleaned up.

Thanks for your time, if I were out that way, I would provide my comments in person. I have been to public hearings where pre-decisional thinking Government bureaucrats smugly listen to the public like they are incapable of governing themselves, or having a valid voice in this rulemaking process. Money ruled the day. In this case California is losing money...

Remember Government employees are public servants; they are not the pawns of special interest groups. If actions like this continue, the public may start to take adverse actions, which will ultimately result in the downfall of this country, and there will be no pristine recreational areas left. Watch the news overseas, in time, this country could also go through another period of dissension.

If you think that a police force can govern and control the dredging areas, you are mistaken. It is better to let dredging continue than to incite normally law-abiding citizens to take matters into their own hands. I have not seen any reports of illegal dredging activities, but it would not surprise me if they exist. More and more it seems, normal activities in recreational areas are becoming unlawful. For dredgers, the way mining claims are set-up, exercises a control mechanism that keeps people in-check – in mining areas. Who will hold claims – if they can not be mined? More lost revenue...

I am not the type to go crazy and start an illegal dredging operation, I live by the law, but I do not have to like it, and I do not like the fact that dredging has been stopped on Federally funded land in California.

Thanks, Robert Dexter

Robert Galyan 1700 Wagon Tongue Ln., Knoxville, TN 37931

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

Dear Sir,

I am writing you regarding the recent discussions regarding the proposed Suction Dredge issue. I am unable to attend any of the public hearings scheduled the last week of this month around California but do want my thoughts to be recorded and considered.

I moved to California in the 60's and attended college in the Sacramento area. After my term in the Army (Germany and Vietnam) I finished college back in Wyoming and never moved back to California. I however have visited many many times.

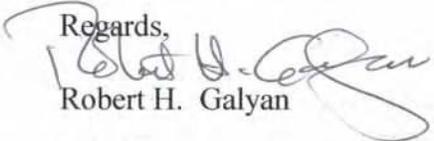
My visits to California, as a tourist, and as a recreational dredging miner, have stopped. I no longer bring my children and my money to California. The dredge ban has sent me elsewhere. I no longer stay in California motels and hotels, no longer eat in the local restaurants, no longer have my family paying for entertainment and don't shop there anymore either. Im not sure what impact one family coming to California once a year (or sometimes twice) has on your state economy, but I mention your dredge ban at all the mining association meetings I attend and have heard others that used to go to California say they also no longer do, and hear where they do go.

I think that the state ban on dredging is ridiculous, not based on any real science, and is more than likely against the federal mining statutes.

I certainly hope you can see your way clear to not pass or extend the ban, and in the future to leave such possible things alone, to instead help return public lands to the use of the people rather than try to enact more laws and restrictions that limit personal freedoms and cost valuable resources to try to enforce.

Thank you for your time.

Regards,


Robert H. Galyan

From: [Bill Higgins](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Dredge restrictions
Date: Friday, April 01, 2011 12:58:58 PM

Mark Stopher
Dept. of Fish and Game:

Please end the moritorium on suction dredging. It does not hurt fish populations and in fact, we make deep, beautiful holes which make good fish habitat.

Also, please do not impose unreasonable rules and regulations which ask where we will dredge, when we will dredge or how many different places we will dredge. I do not know the answers to these questions. These kind of questions are harassment and could be used against us, in a case of WRONGFUL PROSECUTION.

Please do not impose unconstitutional and unreasonable rules and regulations on us. That would be just palne WRONG. Thank You.

Bill Higgins

From: [mark hollister](mailto:mark.hollister@dfg.ca.gov)
To: [Mark Stopher; \"Redding CA96001dfgsuctiondredge\"@dfg.ca.gov](mailto:Mark.Stopher; \);
Subject: suction dredge public comment
Date: Friday, April 01, 2011 1:50:21 PM

Dear Mr. Mark Stopher

This letter is regarding the public comment hearing on suction dredging that was held on Thursday evening March 31, 2011 in Redding, California. I thought I would give you my views on the subject. After reviewing the DVD that was given to me at the meeting I find there are a few suggestions I might make. First let me say I thought the meeting went relatively well, although there were a few angered moments. That is to be expected. It's hard for people to be happy go lucky, at best civil. It would be like catching a burglar in your house and trying to reason with him, knowing he is there to steal your prized possessions. You and your team are a lot like that burglar, even though you seem to be a very nice man you're, stealing our tools and means to make a living, or do our hobby. This is only my opinion but it seems like you keep putting restraints on the miners, so pretty quick it is so hard and impossible to get anything done that you just throw in the towel.

In these trying times with the economy the way it is, jobs being so scarce, gold prices being so high, it seems like local, state, and federal officials should be doing everything they can to make it easier for people to get by and feed themselves without going on public assistance programs such as welfare, food stamps, etc. Unfortunately I believe the economy is going to be in this depressed state for a year or two. I have been involved in mining off and on for about 30 years. I have mining claims that I have paid taxes on for almost a decade. What good are those claims if I can't work the claims and actually make a profit?. After looking through all this paperwork involved in doing this environmental impact report, I believe I heard it cost over \$1 million? And over a year to do it. I find it hard to believe that not one person in your entire group did any dredging what so ever, nobody ever got in the water with breathing apparatus and used a dredge!! I'm sorry but that doesn't make one bit of sense to me That's what the whole environmental impact report is about and not once did any of you do any dredging. I believe that's why it's so hard for you to understand that the dredgers are not the fishes enemy. The fish love us. On any given day of dredging, the fish are behind the dredge feeding on all the yummy food being dredged up. They swim around you at the nozzle end curious as to what you're doing. It's a very friendly place. I would love to video underwater exactly how the dredging technique is done. It's very interesting, also very exciting, constantly thinking that the big nugget is under the next rock.

Another point that I would like to make is that all these river restoration projects which are costing the taxpayers millions and millions of dollars are doing exactly the same thing as dredging. They're digging out the silt on the edges of the river and replacing it with washed rock, usually 1 1/2 to 2 1/2 inch rock. The only difference is the dredgers aren't getting paid that big money. (what's up with that)? You can't tell me that they are producing any less turbidity than dredgers.

Now for the list of my suggestions:

#1 I do not believe there should be a set number of permits to be obtained, if you limit this to 4000 permits there is a great chance that the environmental clubs could buy up all the permits just to keep the dredging at a standstill. If you must have a number, take an average from the years of 1980s- 20,000 and then take the year 2009 -3800 and come up someplace in the middle maybe 13,000 or 14,000 would be a fair number but that still may not be enough depending on our economy and how many people have to go to the hills to try and make a living. I can't stress that fact enough.

#2 Why take the special suction dredge permits off of the list? Dredging is not a one size fits all occupation, if a person is in a gravel bar with very small cobbles and you only have a certain amount of time per year to mine it there should be a clause possibly letting you use a large dredge with this operation and you shouldn't shut the door on it. Once that door is closed it is impossible to get it back open.

#3 Under the listing of equipment requirements first of all I believe a six-inch dredge should not need any special permit. As far as the change in the hose size versus the nozzle size. I'm understanding that the hose size can only be 2 inches larger than the nozzle size? Is that correct? The problem with that is that more than 50% of the material being dredged is not round a lot of it is oblong, so as a rock will fit through the nozzle as it travels up the hose it may roll and become wedged in the hose creating a plug. Once you have a plug the rest of the smaller material goes right up to the plug and pretty quick your entire hose is crammed full of material. These plugs take anywhere from one to five hours to get cleared out. You have to take a piece of pipe from the other end up by the sluice box, and ram it several times, also beating on the hose to try and get the initial rock loose. Very time-consuming. And once again time is a very valuable thing when you only have months to finish your project. Unless gravel is running over that sluice box you stand no chance to even pay for operating costs.

#4 Once again I believe a six-inch nozzle size should not require any special use permit whatsoever. Some people do this for a hobby and to go out and have fun. Others are trying to make a profit and possibly a living. If you have to move a lot of overburden a larger dredge like a six-inch is a lot better way to go. You can still get the job done with a 4 inch it just takes three times as long.

#5 Pump intake screen size 3/32, if this regulation goes into effect is going to cut 70% of dredging time down because you're going to spend all your time getting all the little particles off the screen. It won't run for more than a minute without being totally plugged with small pieces of wood, leaves, fish food, algae. 1/4 inch holes work fine, you still have to clean them every once in a while with the leaves and the wood debris but it's doable. Please give this some serious thought. You can't imagine how such a small thing can make such a big difference and I don't believe it hurts anything at all, I have never seen any fish or frie on my pump screens. It is just not a real problem.

#6 Restrictions on winching, once again dredging is not a one size fits all. You may be in an area that you will never use a winch, but in Coffee Creek you spend about 80% of your time

winching and 20% dredging. Motorized winching is imperative for me to move the amount of boulders I have to move. If I had to move all the boulders with the hand winch I may just as well quit now. I cannot see or understand any reasoning to take this right away from me. I'm not hurting any fish, I'm not doing anything any different using a power winch versus using a hand winch except for actually getting something done. Please remember we have a very short window in which to get a lot of work done. Any technology that can be used that does not hurt or impair the fish or wildlife should not be an issue.

#7 The restriction about dredging within 3 feet of the streams edge needs some serious consideration. I believe one way to solve this would be; one could not encroach past the high water line. As we have talked at the meeting you're going to find areas that are very narrow, possibly bedrock on both sides of the narrow channel. I have seen the water level change two feet in Coffee Creek in a matter of three days in the summertime. I feel that as long as we are staying within the river channel or stream channel we should be allowed to dredge to the edges. I see what you're trying to accomplish by putting this restriction in, but I believe this going to haunt you, making it impossible to understand exactly where or where we cannot dredge.

#8 The dam issue ;there are times when once again you get into an area that may not be big enough to even float the dredge, therefore depositing the tailings in a manner to build up a bit more water is essential. I'm not talking about building Hoover dam in a small creek but as long as fish have free passage to and fro I can't see any problem. I think a lot of this is going to be a commonsense call.

#9 Re: fueling and servicing I don't believe that this is a real issue at all. All of the dredgers I know including me strive to keep any oil or fuel away from the water. I know myself if I'm adding oil or refueling I always take a large clean dry towel and place it in a manner so that anything spilled would go on that towel and could be discarded before any of it entered the water. I believe that common sense should be used in keeping your fuel for your equipment far enough so as not too contaminate the waterways. I don't know if it would have to be exactly 100 feet. I usually put my petroleum products away from the river and in the shade so they don't swell up in the heat of the sun.

#10 Moving boulders outside the water; I cannot see the reasoning behind this it is usually not a problem with rolling boulders once you have cleaned off a piece of bedrock and you're done mining on it that's where you start moving the boulders too. The only time it really becomes a problem or an issue is when the water gets too low. Late in the year it's hard to have enough room to dredge and move the boulders at the same time not moving any of them outside of the creek. Realistically what is the difference as long as you keep them under the high water mark. Restrictions like this make me want to think you guys are just trying to see how difficult you can make it on us. There doesn't seem to be any end in sight. Like I said at the meeting when I heard about this environmental impact report I thought it was over the Mercury in the water being disturbed which didn't make much sense to me. How can it be a bad thing when you come upon Mercury, and you remove 98% of it. It just doesn't make any sense to me. What is the objective?

And I also believe that the fish and game is no different than any other agency, once they had the door open about Mercury, now I see about 25 other issues that they are implementing! Is that common practice or do you just try and get as much as you can when you have the opportunity?

#11 The last issue I have is the leveling of the tailing piles. I can understand when you're done dredging for the season cleaning up after yourselves but as we spoke about at the meeting, the fish and other critters that live in the water like salamanders love the new homes you have made for them and are now occupying them. The first high water from a normal rain or snow melt will take care of moving the tailings to their correct spot and by next year no one will be able to tell that anyone or any miner had been there at all.

I hope this letter makes a difference in the way you look at dredging and please know I would welcome you any time dredging starts again to come and get a firsthand view. I realize we don't live in the old West anymore and that we must all get along. Thank you for your time .
Sincerely Mark Hollister

040111_Ross

From: [Doug Ross](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: DSEIR
Date: Friday, April 01, 2011 10:56:50 AM

I have read the EIR for the suction dredge program and I would like it to go forward for final approval. Douglas W. Ross

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	Charles Schroeter
Mailing Address:	250 No. College Park Dr. APT I-34 Upland, CA 91786
Telephone No. (optional):	626-664-6179
Email (optional):	wwjdgold@aol.com

Comments/Issues:

- ① where ever Humans ARE, there is A ~~Environment~~ Environment Impact! with That Being said!
 1A. Man has to work! we (the Dredging community) need to work and which causes a impact (slight).
 1B. Each year that Impact is ERASED - Due to Spring MELT OFF! Rocks, Boulders, Trees, Logs, Twigs ARE Relocated By NATURAL Reasons!
 1C. most Any other HUMAN Impact on the Earth, will Last a lot more than 8 or 10 months
 1D. we Do Not DISTURB Any Fish Habitat!

Charles Schroeter

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

From: aufu@aol.com
To: dfgsuctiondredge@dfg.ca.gov; "<dfgsuctiondredge">@dfg.ca.gov;
Subject: Comments on Draft SEIR on suction dredging
Date: Saturday, April 02, 2011 12:10:33 AM
Attachments: Comments on SEIR.doc

Here are my comments on the Draft SEIR. A Microsoft Word version of them is included as well as this email.

Comments on the Draft SEIR on suction dredging and proposed dredge regulations.

Protection of the yellow-legged frog is a major reason for changing the dredging seasons, especially on major rivers and tributaries of major rivers in Northern California. The study primarily cited in the SEIR concludes that the yellow-legged frog population has been impacted (reduced) by water level fluctuations caused by water releases from hydroelectric power plants. There is no evidence presented that shows that suction dredging has taken any yellow-legged frogs by stranding eggs or tadpoles, or by washing eggs or tadpoles away with high velocity water. It seems obvious that sucking eggs or tadpoles into the suction nozzle will result in a taking, but regulations existing in the 1994 Regulations already provide protection, i.e. dredging into the bank is prohibited. Further, the new proposed regulations prohibit dredging into the bank, and also demand dredging is conducted no closer than 3 feet from shore. The requirement to change the dredging seasons to protect eggs and tadpoles is obviated by both the 1994 Regulations and the proposed regulations. If the seasons are changed to protect eggs and tadpoles then it is not necessary to regulate dredging into the bank and visa versa. Extra regulations to provide the same protection don't ensure compliance and don't provide more protection.

The study referenced to prove that tadpoles can't swim against the suction velocity on a dredge nozzle is a little silly. It hardly seems necessary to reach a forgone conclusion. Did anyone really think that there was a study showing that tadpoles would do well going through a dredge nozzle? Plus, utilizing studies from Australia and the Netherlands and saying that they apply to North American tadpoles detracts from the credibility of the SEIR.

A huge flaw in the conclusion that dredging would impact yellow-legged frogs, is that there were no data presented that indicated frog populations have been reduced by dredging. In fact, the data used in the DEIR was flawed by closing down all dredging. One cannot study the impact of an activity by not doing the activity. It would make more sense to take the opportunity now to count yellow-legged frogs (and other species of concern), and then recount them after a dredging season as allowed under the 1994 Regulations.

Brian Benn
1891 Judson Lane
Santa Rosa, CA 95401

From: [Larry & Gretchen Koch](#)
To: [Ask Region 1;](#)
Subject: Safety Concern
Date: Saturday, January 01, 4501 12:00:00 AM
Attachments: Header

Dear Department of Fish and Game:

Recently a friend of ours attending a meeting held in the Redding area regarding a change to the dredging regulations. He is an attorney and the Director of the Sierra Club for the Shasta/Tehama region λ€“ not a popular organization with the dredging miners. When my husband and I learned of the meeting we sent a letter supporting the new regulations. We did not attend the meeting.

When our friend told the DFG agent that he was planning to speak the agent asked him with concern λ€are you alone?λ€ When he said he was the agent recommended he let the police in attendance know, which he did.

Apparently our friend, along with a fish biologist, were the only ones to speak in favor of the new regulations while about 100 angry dredge miners are vehemently against it. This is extremely disturbing that this event became what appears to be a risky endeavor for anyone who does not agree with the miners.

While it is true that we are members of the Sierra Club our letter was in response to what we witnessed for several years during the 80λ€™s. We used to spend two weeks in July in a Sierra City RV park along the Yuba River. We went there to fish for trout and swim in the large swimming hole located next to the park. Every other day the dredge miner (who spent all summer in the park) would go to the Yuba River, run his gasoline dredger and tear up the stream bed. Most of the day he did that the Yuba went from a pristine clear stream to a river that was completely filled with silt and debri, the water was absolutely brown and it took most of the day for it to finally clear. It was not fishable nor was it safe to swim in the λ €swimming holeλ€, not to mention the noise and diesel exhaust that was constant. There were few, if any, regulations we were aware of and we finally stopped going there.

Now it appears that the miners, who clearly care only for themselves, are attempting to intimidate those with a differing opinion. I am truly concerned for my friends safety and worry that some of these angry hot heads will do something to his home.

We should have attended that meeting but I am certainly glad we did not. I would be very frightened to be there and concerned that these miners would harm my husband, friends or myself. I don't know what you can do regarding these public meetings but I wanted to reiterate that there are many who are afraid to confront these dredgers in public for fear of harm but do want to see streams protected so wildlife can survive. If regulations go back to the "good old days" the streams will face massive destruction because of increased mining due to the increased price of gold. This is not 1849.

Our friend who spoke does not know I'm writing this and that is why I have not used his name. Thank you so much for taking the time to review this and I hope you and your staff stay safe at any future public hearings regarding this issue. Please consider that there are many who are very intimidated by the dredge miners but share a deep concern for our streams and wildlife.

Thank you,

Gretchen Koch
18776 Country Hills Drive
Cottonwood, Ca 96022
530-347-4040

Action Species Restrictions

Science Based or a Hidden Political Agenda?

Definitions: Fish

- Chapter 4.3 Biological Resources, 4.3.1 Introduction, page 43.-1, lines 18-21:
- For the purposes of this chapter, the word “fish” when written as *Fish* refers to all wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof, per the definition promulgated in Fish and Game Code section 45. References to finfish are written without italics and in appropriate grammatical context.

Definitions: Fish “Action” Species

- Chapter 2, Program Description, 2.2.3 Development of Regulations, page 2-5, lines 13 – 15:
- Temporal and spatial restrictions on suction dredging were developed to protect select *Fish* species. These species are hereafter are referred to as *Fish* “action” species.
- Key word here is select, meaning they were chosen by DFG or the consultant, Horizon Water and Environment.

Definitions: Deleterious to Fish

- Chapter 2, Program Description, 2.2.2 Definition of “Deleterious to Fish”, page 2-5, lines 4 – 8:
- Generally, CDFG concludes that an effect which is deleterious to Fish, for purposes of section 5653, is one which manifests at the community or population level and persists for longer than one reproductive or migration cycle.
- ...legislative history of section 5653. The history establishes that, in enacting section 5653, the Legislature was focused principally on protecting specific fish species from suction dredging during particularly vulnerable times of those species’ spawning life cycle.

Definitions: Use Classifications

- Chapter 2, Program Description, 2.2.3 Development of Regulations, page 2-5, lines 19 – 20:
- CDFG developed a series of “use classifications” that were assigned to each *Fish* action species based on the species population viability, abundance and/or reproductive biology.
- Use classifications are then used to determine where and when dredging is allowed.

Application of Use Classifications

- Chapter 2, Program Description, 2.2.3 Development of Regulations, page 2-5, lines 24 – 25, 30 - 33:
- In general, use classifications were assigned to each species to protect critical life stages (e.g., spawning, incubation, early emergence/development).
- The use classes assigned to each of the *Fish* action species were then applied to streams within the species range or known distribution. There is a broad range of data that provide information on species distribution in the state. The quality and accuracy of these data resources vary.

What Went Wrong?

- This all sounds reasonable, doesn't it?
- Using known distributions and ranges of selected (by DFG or contractor) *Fish* action species.
- Protecting *Fish* during their vulnerable reproductive periods.
- Preventing potential habitat destruction by limiting dredging.
- **SO WHAT'S THE PROBLEM?**

Wrong Choice of Action

Species

- **Example of the Foothill Yellow Legged Frog (*Rana boylei*) aka FYLF.**
- **Water: North Fork of the American River.**
- **So let's look at the distribution map.**

Map From CaliforniaHerps.com

**Historical
Range**

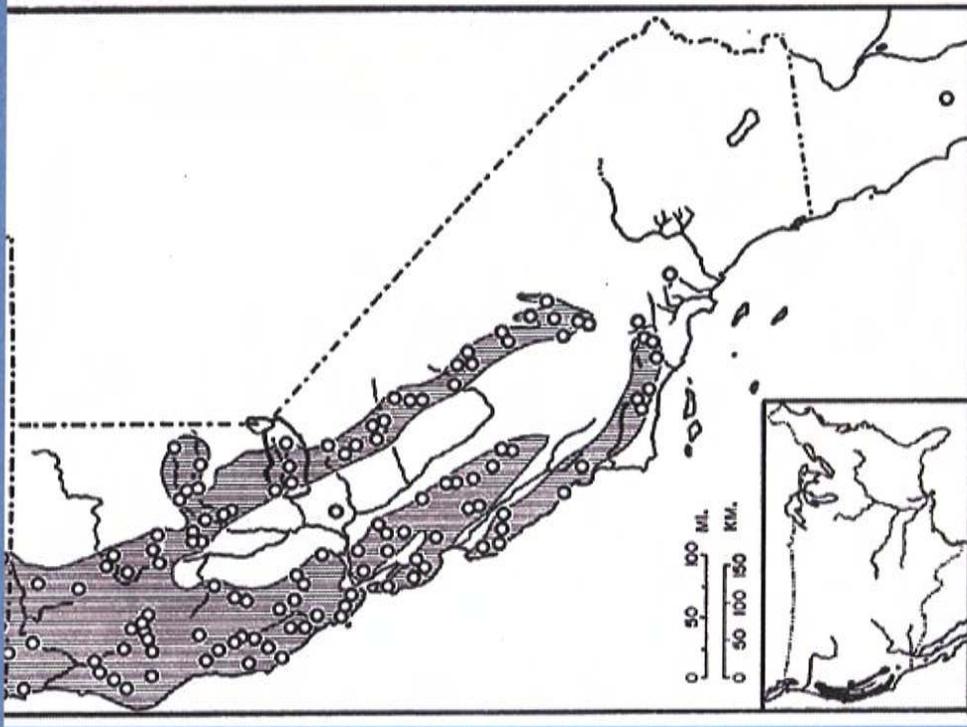


North Fork Dredger's Association

April 2, 2011

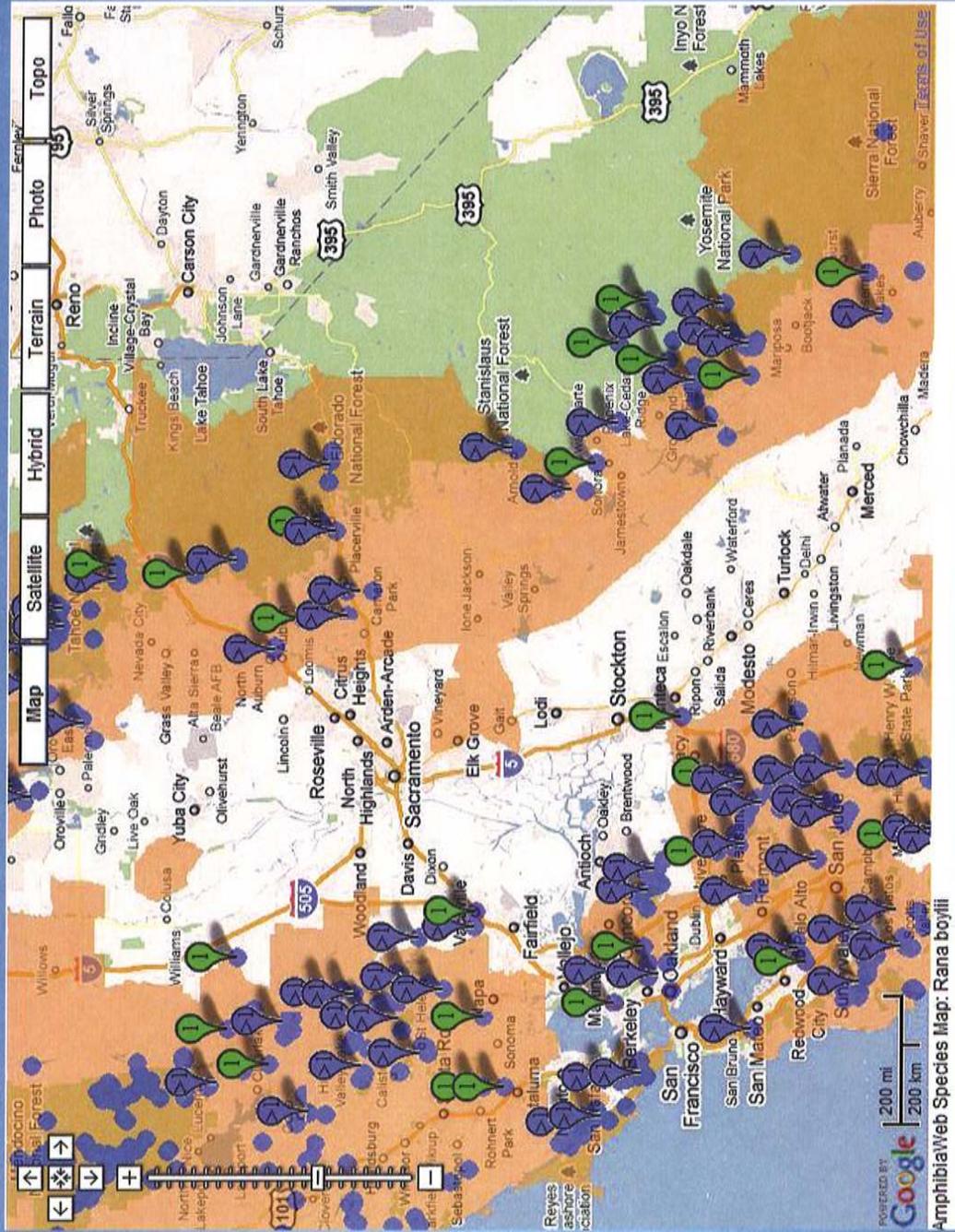
Map From Amphibiaweb.org

“essentially
continuous”



MAP. The type-locality, Eldorado County, is outlined. Symbols record known localities. Shading indicates areas within which distribution is essentially continuous; isolated symbols mark disjunct populations.

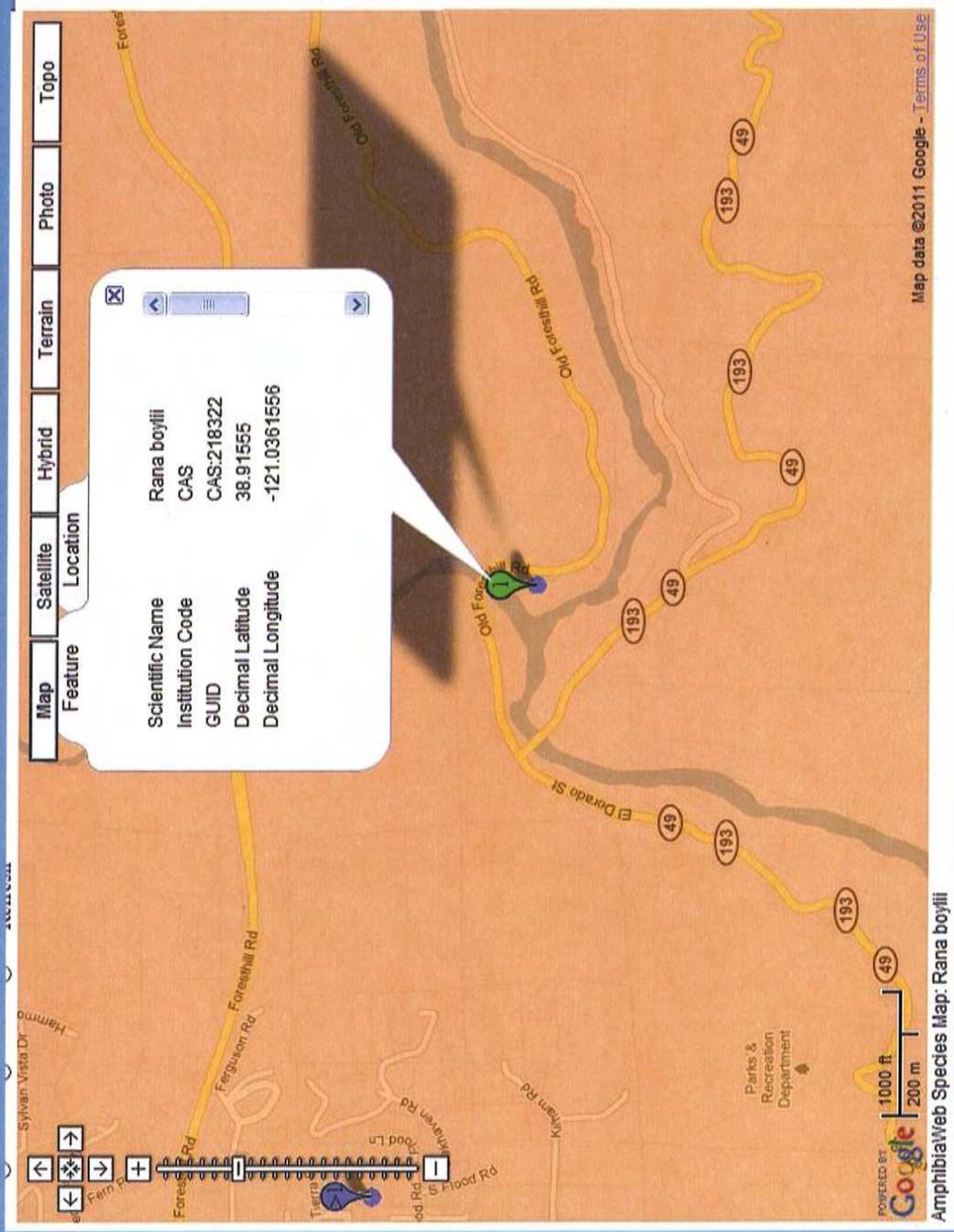
Map from Berkeley Viewer



North Fork Dredger's Association

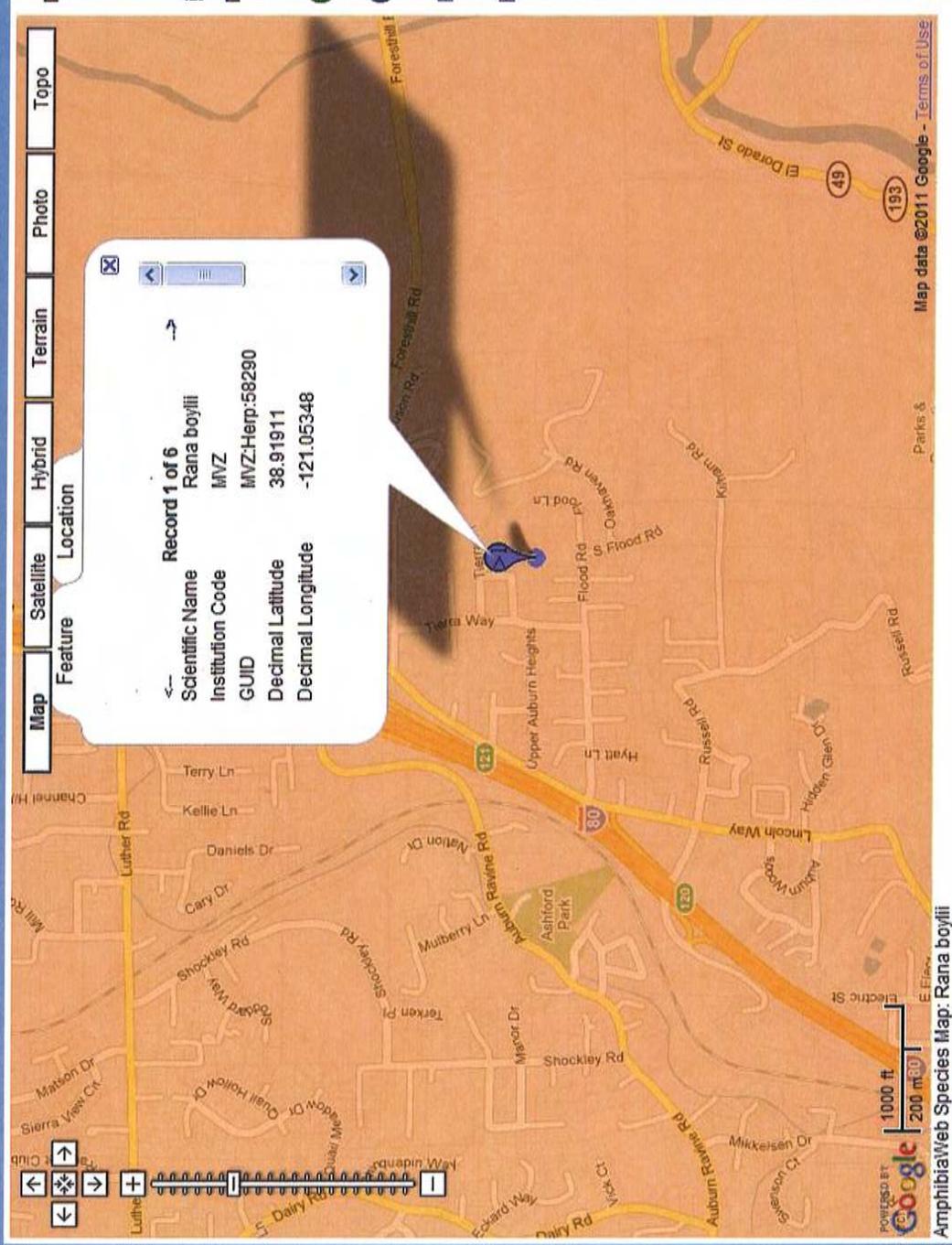
April 2, 2011

Zoom in to North Fork River Basin



AmphibiaWeb Species Map: Rana boylei

North Fork River Basin #2

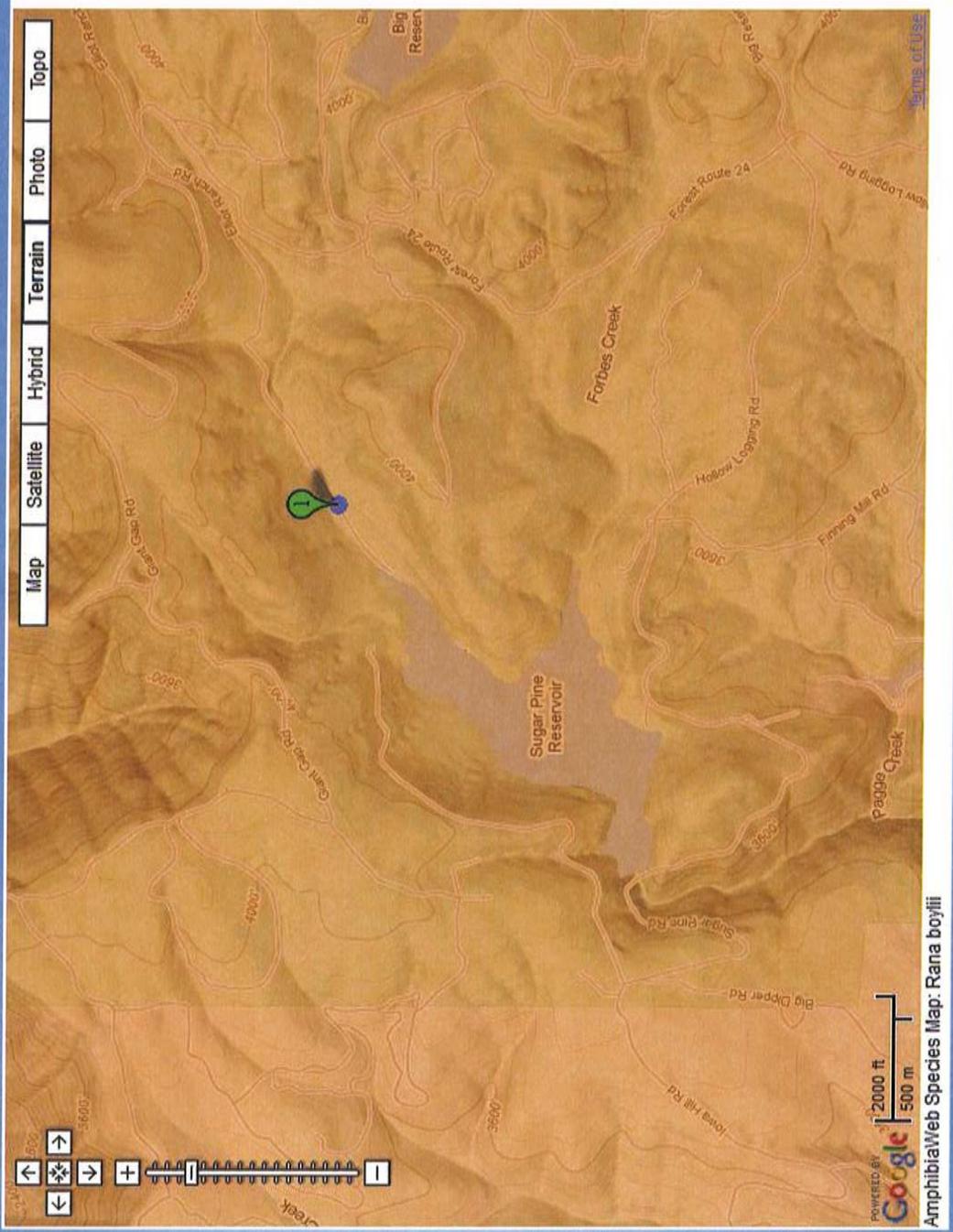


AmphibiaWeb Species Map: Rana boylei

North Fork Dredger's Association

April 2, 2011

North Fork River Basin #3



North Fork Dredger's Association

April 2, 2011

Recorded Specimens from the Berkeley Viewer Distribution Maps

- In all of the North Fork from its sources, tributaries and mainstem to the Middle Fork of the American River:
- 1 (one) FYLF at the confluence of the Middle & North Fork below the Lake Clementine dam.
- 1 (one) FYLF above the dam at Sugar Pine reservoir.
- 6 (six) FYLF's found 1.5 miles NE of the Auburn City Hall.

Conclusions

- **No recorded occurrences in the defined water; North Fork of the American.**
- **Total misrepresentation of the distribution of the Foothill Yellow Legged Frog.**
- **Arbitrary and capricious application of an action species restriction for apparent reasons other life cycle and habitat protection.**

Where Else Might the Foothill Yellow Legged Frog be Hiding?

- In addition to the population data from the Berkeley Viewer Distribution Maps.
- From Amphibiaweb.org, Gary M. Fellers, PhD:
- “Since 1993, my field crews and I have conducted extensive surveys for foothill yellow-legged frogs in California, visiting 804 sites (in 40 counties) that had suitable habitat within the historical range. We found at least one foothill yellow-legged frog at 213 of these sites (26.5% of sites), representing 28 counties.”
- What counties? In which streams? And how many?
- Dr. Fellers e-mail response: “The work on *Rana boylei* is an ongoing project, and hence the data are not yet published or publicly available.”

Takeaways

- **This is a single representative example; the use of classifications have many more instances of misapplied/incorrect or incomplete data.**
- **The action species restrictions need further review and appropriate modifications, elimination and/or changes based on correct data.**
- **Proposed DSEIR use classifications are not supported by science and fact.**
- **Strongly suggestive of other (political) motivations for reducing/limiting dredging.**

**Thank You for Your Attention
and Your Time**

**Craig A. Lindsay, BS Animal Science,
U.C. Davis
President, North Fork Dredger's
Association**

From: [Dick Karol Vezzani](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Regulations of dredging
Date: Saturday, April 02, 2011 12:12:58 PM

Comments for DFG,

It appears to me that the DFG did not and does not see "**what happens**" when a prospector puts a dredge into water and seeks to find GOLD. That is what their closing down of dredging in 2010 indicated they would do. These restrictions and permit regulations are just designed to get dredging and prospectors out of California because of these phony requirements

These requirements appear to have been derived as more radical itemized foolish requirements that would change the **DFG job** and would satisfy ***anti mining politicians***. Another take away from the FREEDOM of FAMILY outdoor activities

These same anti mining politicians would also reduce the counties and communities revenue brought into those areas by prospectors. These rules also gear your thinking to stop visiting prospectors and their families. Many may just be wanting to learn to dredge.

Why do I refer to families? To set a dredge takes a lot of time. Sometimes the dredger has to carry all of his or hers equipment for a long distance from where parking is available to a spot in a river. That takes time and help from a family. So why should that desire to dredge be just for a day or just one place? A good effort to dredge might be a full family vacation of up to 2 or 3 weeks. Where is there any problem with that? One permit is good enough.

How many more DFG employees would it take for the State to hire to cover these poor requirements? Is the exact GPS location required? 30 feet can change that location. Can the State of California afford the lost revenue and additional expense of more DFG employees.

Do you have these requirements for fishing, boating, water skiing? Why dredging?

I have fished and mined, dredged, hiked, camped, and in California. I have seen a DFG employee just once and that was because he was invited to view a prospecting event in an area that had many do prospecting.

If you creating foolish rules and requirements why not find ways to get the same info on metal detecting, sluicing, high banking, rock hounding, and panning.

Make one stupid rule for one part of California's mining history. SO WHAT IS THE REAL REASON to get a dredging prospector stopped! Be honest and tell the us the real reason for these rules and requirements because it is one or two fishermen, or indians, or water skiers or POLITICIANS.

My summary is it appears to keep California bankrupt and stop outdoor activities that are for families to get away and enjoy the peace and quiet.

Respectfully

RBVEZANNI

From: [Jeff Zoellner](mailto:Jeff.Zoellner@dfg.ca.gov)
To: dfgsuctiondredge@dfg.ca.gov;
cc: JDAVIS122912@YAHOO.COM;
Subject: comments
Date: Saturday, April 02, 2011 3:35:32 PM

CA.DFG,

ON A GREAT DAY WITH THE BEST OF CONDITIONS **IN CALIFORINA**.
NO ONE PERSON OR DREDGE COULD POSSIBLE MOVE THE AMOUNT OF
MATERIAL THE MANUFACTURER SAYS CAN BE MOVED BY THAT PIECE
OF EQUIPMENT. DO TO THE DIVERSITY OF THE MATERIAL IN
CALIFORNIA'S STREAMS SO REDUCING THE SIZE OF THE INTAKE ON A
6" DREDGE 4", IS A WASTE OF BREATH !

SIGNED: ONE OF CALIFORNIA'S OUT OF STATE
ECONOMIC SUPPORTERS