

From: [Barry Ballew](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: SEIR
Date: Sunday, April 03, 2011 7:02:00 PM

attn. Mark Stopher, I am a 69 year old recreational miner who has occasionally used a 3 in. dredge in the pursuit of my hobby. Said dredge has set idle for the last couple of years while the State has dithered over what I would term a frivolous lawsuit that resulted in a statewide ban on suction dredging even though the tribes suit only encompassed 3 rivers. There seems to have been no study done as to the validity of the tribes claim of damage to the Coho salmon before the Legislature jumped on the opportunity to ban all dredges statewide and the Governor signed off on it. I spent several hours at the DFG office in Monterey last week trying to get a clear picture of what was coming down the line for people who use this method of mining whether professionally or recreational and to be Quite frank the approx. 25 pounds of paper disclosed more than I could ever digest at one time. I would strongly suggest that the DFG support going back to the 1994 rules that closed certain waterways during spawning season and kept others either permanently closed or open all year. The most telling quote I have seen during all the time of the closure came from an unknown author who said: In the year of the suspension of suction dredging the state of California sold about 3600 dredge permits to people who had no intention of harming a fish, the same year the sold 3 million fishing licenses to persons who deliberately planned to kill a fish. Please help those of us who wish to pursue our hobby of mining

as well as the people who make a significant portion of their living mining.

Thank you for your help, Barry

Ballew

P.O. Box 720796

Pinon Hills Ca 92372

4-03-11

Dear Mr. Stephen,

I'm writing in regards to the restrictions on dredging.

I started dredging back in the early 80's. I use it as a hobby. I only dredge on my vacations in Northern Calif. I live in Southern Calif and I used to dredge here on my days off.

I feel that dredging helps the fish because it stirs up the food in the gravel for the fish. Because there's always a lot of fish around me when I'm dredging waiting for their food.

I don't feel there should be a 14 day limit on the dredging permits. I have a 4" & a 5" dredge. I feel they shouldn't cut the permits down to 1500 permits a year.

When I find mercury or lead or gold I take it out of the river & take it home to process it so really I'm helping to clean the river.

Thank you.

Sincerely yours
Jim Bourland

From: [Ramon and Myrna](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Dredging in Mono Co.
Date: Sunday, April 03, 2011 1:41:58 PM

My wife, Myrna Valdez and I, Ramon Valdez are opposed to dredging the waters of Mono Co. and in Particular, the waters on Swauger Creek where we live.

Ramon and Myrna Valdez

From: [Randy Witham](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Comments on Proposed Suction Dredging Restrictions/Regulations
Date: Sunday, April 03, 2011 6:10:27 AM

Dear Mr. Mark Stopher,

After reading through your proposed new suction dredging restrictions to be forced on us California recreational suction dredgers, I can only say I am shocked & appalled at what you are trying to do...

It's 110% obvious you're out to use your proposed overly burdensome and costly "regulations".....i.e., government bureaucracy and red tape, to harass, hinder, limit, reduce and ultimately deny us recreational miners our legal rights under the Mining Law of 1872, and other Federal laws on public lands & waters. Have you ever prospected for gold? Gone suction dredging? Had the fun?

I invite you to come out with me some weekend and see for yourself and maybe find some gold too.

Here's some specifics complaints I have with your proposed regulations:

1). Demanding we itemize all out equipment, down to the nozzle size, restrictor ring (if one), engine make & model number and HP is ludicrous! I update my equipment as needed, and stream conditions warrant. Also, if a friend sells me good used equipment, that may happen in a weekend, or even while out on the stream. Why would you give a hoot if my engine is a Honda or a Briggs & Stratton? I have several different pieces of equipment, such as a 4 inch Keene suction dredge, a Proline 2 1/2 inch high banker dredge/combo unit. Do I have to get a separate permit to use both? What about both in the same day? Same location? What if I had 10 different sized dredges, from a 2 inch backpacker model up to an 8 incher? Would I need a permit for each just to use them?

2). What the heck is this limit on no more than 6 locations to work with my dredge permit? List exact geographical locations too? Are you serious? How do I or any other dredger to know exactly where the gold is? We don't! I set up, work a while and check my sluice box. If nothing, I move on

to another spot. What if my 6 locations all have nothing? I am what....out of luck for the year? Would I have to obtain another permit to work 6 new locations looking for gold? I may go to the SF American River one day and NF American the next day, and the Yuba River the third day....That's the joy & fun of prospecting.

Freedom is a founding principal of this nation, I have the right to work public lands, owned by us, the public, which includes the rivers, creeks & streams as a free man. Just silly to predetermine (or try) where the gold is... Oh, with exact specifics on where I plan to work, so criminals can come and target me and my equipment, or vandalize or harass me on the stream.

Would you tell a hunter to I.D. the 6 exact spots he plans to hunt a deer?

3). Additionally, having to give you the (approximate) dates of my dredging activities? Say what? I often don't even know myself.....work, weather, family situations all mean I may not know until the night before. I suspect it's so you can send you Fish & Game officers out to harass me, right? So as to not waste their time walking the stream to look at the HP rating of my engine, or if my dredge spot is close enough to their opinion as to my "exact" geographical location. If information on my whereabouts gets out, my home/property is wide open to thieves to come and rob me while I am on the stream dredging. Really, what's the date of my prospecting to Fish & Game? Oh, more control...

As you can see, you and your department are out to use the power of government to ruin a great American pastime, gold prospecting. I have been a suction dredger for many years, and I can tell you we do a great service cleaning up the creeks & streams.....of heavy metals, such as lead, iron, mercury and such. The gold prospectors I know all treat nature and the environment a lot better than most. How a dredger working one, 6, a dozen dredge holes/spotsmaybe 10 feet around.....on thousands and thousands of miles of rivers/creeks/streams in California can be a supposed threat to "the environment" and fish is just silly. We mover inert creek material from one spot to another, separate out the gold, plus remove any heavy metals, and that's beneficial. When the annual floods come, the streambed resets itself, as it always does. It's really neat to actually have the trout and other fish come right into your dredge hole with you, feeding off

any aquatic bugs stirred up, totally unafraid of you or your dredging.

I please ask you to reconsider your positions on these new Dept of Fish & Game regulations: all unwarranted bureaucracy, red tape, burden, cost. Delete, modify and otherwise put some REAL common sense into all this and let us suction dredgers enjoy or hobby as we have and as we help clean the streams in our great state.

Nothing was "broken" before.....don't try to "fix" something that was & is not broken.

Thank you,

Randy L. Witham
Recreational Gold Prospector

From: [PROSPECTORS DEPOT](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: TAXES, REVENUES AND DREDGING PERMITS
Date: Monday, April 04, 2011 4:09:39 PM

Mark: It is my sincere hope that California gets itself back on track by weighing out the losses and gains of receiving or not receiving revenues from the recreational mining industry. Seems like a few frogs or petty politics are more important than the people of California that pay taxes! This moratorium is dramatically hurting my business! Time to make some hard decisions for the people who vote!

Philip Bonafede Owner
Prospectors Depot
Joshua Tree Ca

Philip Bonafede
Prospectors Depot
63125 Red Horse Run
Joshua Tree Ca. 92252
www.prospectorsdepot.com
<http://stores.ebay.com/prospectors-depot>
Keene Engineering Authorized Dealership
Minelab Metal Detector Sales & Training
Authorized Minelab Dealership
Toll free: 1.866.366.8511
Local 760-366-3333

From: [MIKE LOUIS](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: CALIFORNIA DREDGING
Date: Monday, April 04, 2011 9:39:19 AM

ESTIMATED INDIVIDUAL EXPENSES FOR TRAVELING TO, AND ATTENDING RELATED TRADE AND HOBBY SHOWS.

(ALL FIGURES IN WHOLE DOLLAR AMOUNTS BASED ON 3200 PERMITS
ISSUED)

GAS=225

FOOD=125

HOTEL=172

RAFFLE TICKETS FROM VARIOUS VENDORS=220

EQUIPMENT= 425

ON ROAD PURCHASES=40

DONATIONS=50 BSA GSA MAKE A WISH PLP

VEHICLE USE @ 32 CENTS A MILE 256.

1 EA. @ 1,245.00

3 TIMES A YEAR= 3,735.00 (2880 AT REDDING, CA. SHOW ALONE)

POTENTIAL OF **10,756,800** GENERATED REVENUE

YEARLY CLUB MEETING ATTENDANCE AND RELATED
EXPENSES

GAS =2,952

FOOD =744

TOTAL =3696

COMBINED TOTAL (CLUBS AND SHOWS) YEARLY EXPENSES, PER
MINER=7431

POTENTIAL OF **23,779,200** GENERATED REVENUE.

DFG SURVEYED 2000 DREDGERS IN 1993

"18 YEARS AGO"

(TOTALS DERIVED FROM 3200 PERMITS ISSUED BY DFG)

EXPENSES FOR EACH DREDGER

EQUIPMENT =6,000

TRAVEL EXPENSES =6,250

EQUIP MAINT=3,000

TOTAL=15,250

POTENTIAL OF **48,800,000** GENERATED REVENUE (18 YEARS
AGO)

DFG REPORTED COSTS OF 1,500,000 TO PROCESS AND ADMINISTER DREDGING PERMIT PROGRAM

LETS SAY IT NOW COSTS THE DFG A VERY GENEROUS, 5,000,000.

INCREASE OF EXPENSES, PER DREDGER

(BASED ON 3200 PERMITS ISSUED)

COSTS INCREASE FOR DREDGERS ALONE IS A POTENTIAL

73,200,000 GENERATED REVENUE

73,200,000 MINUS THE DFG EXPENSES OF 5,000,000=**68,200,000**
OF EXCESS GENERATED REVENUE.

COMBINED TOTAL FOR "HOBBY" AND "ACTUAL DREDGING"

EXPENSES=**91,979,200** OF POTENTIAL GENERATED REVENUE
ACROSS THE STATE, NOT JUST IN THE TOWNS WHERE DREDGING
OCCURS.

MINERS AND DREDGERS CREATE WEALTH AND GENERATE THE
ECONOMY IN CALIFORNIA.

CALIFORNIA CAN NOT AFFORD TO LOSE THE **91,979,200** OF
POTENTIAL REVENUES GENERATED BY THIS SELF SUSTAINED, SELF
SUPPORTING "INDUSTRY".

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

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

Non-native fish in California

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

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

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

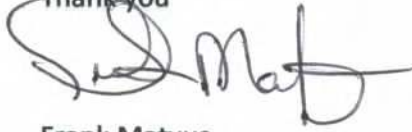
1994 dredging regulations show that the earliest Suction dredgers can enter some of the rivers is the forth Saturday in May (Class C or G). Suction dredgers enter and exit in one location and the dredge usually fixed or stationary for the season

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

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

I vote/favor the 1994 Regulations Alternative

Thank you

A handwritten signature in black ink, appearing to read 'F. Matyus', written in a cursive style.

Frank Matyus
1426 Olive St
Santa Rosa Ca
95407

Source

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

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

http://www.biologicaldiversity.org/campaigns/fish-stocking_reform/index.html

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

http://www.co.contra-costa.ca.us/depart/cd/water/HCP/archive/final-hcp/pdfs/apps/AppD/13a_yellowleggedfrog_9-28-06_profile.pdf

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

From: [Cindy Reamy](#)
To: mstopher@dfg.ca.gov;
Subject: Common sense Comparison
Date: Monday, April 04, 2011 5:13:09 PM
Attachments: Common Sense Comparison.txt

Dear Mr.Stopher,

If you could take the time to read this Text pertaining to the upcoming California proposed dredging relulations .

I know this is just a personal view but I hope you can understand my Common sense approach

to the questions and opinions contained in it.

Thank you for your time .

Cindy

Common Sense Comparison

Please accept these as my comments regarding the 2011 Suction
Dredge DEIR.
Cindy Reamy

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

I am not a dredger, but I have taken a interest in the proposed dredging regulations that are under review at this time.

As a person who hasn't had the experience of dredging nor the ability at this time to dredge, I would like to explain something I have researched thru common sense evaluation over a 2 year period.

I have compared and observed the turbidity of river flow when river is at flood stage or during a dam release, and a video of a dam break and snow melt and then the turbidity of a single dredge and from what I have seen the dredge in its heaviest working ability cannot match nor preform any comparison to the activity the flood or snow melt can. And I have sat for hours fishing from a dock numerous weekends and watched boats being fueled up by fisherman and boaters and noticed the spilling of gas into the water time and time again without soak pads being used to absorb the spillage and just a guessing average the amount of fuel would be possibly more than 1 gallon spilled per 2 days of ongoing boaters fillups. And watching youtubes videos of how a dredge motor is located there seems to be a catch pan which makes me think that and the fact with Less dredgers compared to boaters on any and all waters the level of impact is less than 1 percent done by dredgers, if it takes place at all.

And knowing that the flow of water will change the layers and sediments each time the flow from snow melts and rains on most all rivers it seems the local area a dredger changes is mainly the demensions of less than a 20'x20' and it fills back in as the river flows thru its changing rates naturally and again less than 1 percent compared to the natural river flow during each season.

And I have watched dredging video on you tube and gold prospecting websites where the dredge has collected lead fishing weights and other metals and a few have collected and removed Mercury from the enviroment which to me is something they don't have to do but feel they should do because it helps to clean up the ecosystem and protects wildlife and our water systems from the contamanites which naturally gets stirred up thru floods and flows.

I have watched videos of fish being with the dredgers and I admit in a webforum I read one person said they were caught off guard by a snake in the water and sucked the snake up thru the hose and when he went to check the output the snake swam away unharmed because the pump that dredgers use are designed to only be pumped thru the hose and not thru a pumping chamber that can possibly injure things sucked into it .

So now my overall opinion after this 2 years study brings me to conclude that modern day dredging is less likely to have a impact on our enviroment and wildlife than cars driving the roadways, boat props and fuelings of boats and skidoos and fisherman, which if you compare the amount of dredgers to all those other catigories the question is why modern day dredging being placed under a microscope with such strict regulations ??

Common Sense Comparison

And why is this proposal meant to restrict a person from doing hard work that not many can or will do that has benefits to our environment while they earn a hard days pay to support themselves and families?

And why is it common sense comparison is being avoided by the stop dredge protesters?

Just because a group gets together and decides there are reasons to stop this other small group and place these accusations on paper doesn't make it so.

Time should be taken to really know the truth for yourself, because sometimes people lie to people who trust them, to just get what they personally want .

This is Not a bully system political controlling powers issue because we can subject is it?

Work from facts and common sense comparison and if you don't have the time why are you in this position of making such decisions?

Thank you for allowing me to add my comments.

CJ Reamy

SUCTION DREDGE PERMITTING PROGRAM **Draft Supplemental EIR - Comment Form**

Name:	VICTOR Spolini
Mailing Address:	13207 SAYRE ST Sylmar, CA 91342
Telephone No. (optional):	—
Email (optional):	—

Comments/Issues:	RE: PROPOSED Listing OF Mountain Yellow- LEGGED FROG AS AN ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
<p>WIDESPREAD STOCKING OF NON-NATIVE TROUT IN HIGH ELEVATION SIERRA LAKES BY THE DEPT OF FISH AND GAME HAS BEEN THE PRIMARY CAUSE OF THE DECLINE FOR THE SPECIES." THIS QUOTE IS FROM KNAPP FROM THE CENTER FOR BIOLOGICAL DIVERSITY. PESTICIDES ALSO CONTRIBUTE TO THE DECLINE OF THE SPECIES BY KILLING THEM OUTRIGHT AND WEAKENING THEM SO THEY ARE SUSCEPTIBLE TO DISEASES, INCLUDING A CHYTRID FUNGUS THAT RECENTLY KILLED MANY YELLOW- LEGGED FROG POPULATIONS. THIS SHOULD BE SUFFICIENT UNTIL THE DFG TAKES THE ACTIONS NECESSARY TO PROTECT THE SPECIES SUCH AS STOPPING TROUT STOCKING, PESTICIDE RELEASE, ALL COMMENTS ARE SUBMITTED BY VICTOR Spolini A CITIZEN OF THE USA, A MINERAL ESTATE OWNER, AND A FUTURE BOARD MEMBER OF PUBLIC LANDS FOR THE PEOPLE BY THE PEOPLE INC. Victor Spolini - I support THE NO ACTION ALTERNATIVE</p>	

Please use additional sheets if necessary.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Fax: (530) 225-2391

Website: www.dfg.ca.gov/suctiondredge

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

From: tdb@linkline.com
To: dfgsuctiondredge@dfg.ca.gov;
Subject: class E dredge question
Date: Monday, April 04, 2011 9:56:03 PM

Hi,

I would like to know if possible, the criteria which causes the proposed change(delay from July 1 to Sept 1)in the beginning of season date for the class E dredging areas. In particular the Main Yuba River.

Thanks, Todd

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	Don G. Bova Sr.
Mailing Address:	Box 5598-17713 Redbird Ln. Summit City Ca. 96089
Telephone No. (optional):	530-275-5816
Email (optional):	SLAMBANG2@YAHOO.COM

Comments/Issues:

#1 I HAVE BEEN A member of GPPA for 16 YRS. & all I HAVE EVER DONE WAS the service for METAL DETECTING, A member of THE 49'S HAPPY CAMP 4 YRS. & SHASTA MINERS for 8 YRS.

#2 NEVER HAVE USED A DREDGE OR PLUCE BUT PURCHASED A 4" & 6" DREDGE TO USE WITH MY 1ST ²⁰⁰⁹ PERMIT WHICH WAS ALSO ON 1ST CLAIM AT Junction City AT Maple bar WHICH I TOOK OVER FROM SHASTA MINERS & PAY THE ANNUAL FEES TO LET OUR MEMBERS USE ON THE 160 ACRE PARCEL, THE CREEK PORTION IS ONLY AS WIDE AS I COULD SPREAD MY ARMS, SO THE BANK & NEW RULES WOULD NOT LET ME DO ANYTHING THERE AS LITTLE ACTIVITY AFTER 10 MINUTES WOULD LET BOTH BANKS IN MY LAP.

#3 AFTER DREDGE SEASON WAS OUT I WENT WITH A FRIEND AT SHASTA MINERS TO HAPPY CAMP ON A SPECIAL HIGH DANG OUTING WORKED MY ASS OFF 4 DAYS PUT ALL THE GOLD THAT 89 PEOPLE ENTERED IN, & WHEN ALL THE GOLD WAS DIVIDED MY TAKE WAS ABOUT \$7.00 - BOO!

#4 I ALSO HAVE A STREAM ON MY PROPERTY THAT I HAVE LIVED AT 44 YRS. WHEN THE SPRINGS LEVEL DROPS I JUST WALK DOWN & PICK

Please use additional sheets if necessary.

UP THE NUGGERS THAT I CAN SEE, THIS IS THE BEST WAY WITHOUT ALL THE FUSS

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

To MARK STOPHER

040511_Bradbury

From LARRY W. BRADBURY

CONTROLS ON MINERS &

Subject Suction Dredging Date 4/5/11

DEAR MR STOPHER:

I HAVE DONE ABOUT 35 YEARS OF RESEARCH WORK, ~~AND~~ READING BOOKS ON WHO IS BEHIND THIS WHOLE ENVIRONMENTAL MESS, AND BELIEVE ME I KNOW WHAT I AM TALKING ABOUT. I WISHED I WAS WRONG, BUT I AM AFRAID NOT.

AT THE VERY TOP IT STARTS WITH THE VERY ELITES, THE UNITED NATIONS & THE COUNCIL ON FOREIGN RELATIONS.

THAY ARE IN COMPLETE CONTROL OVER SMALLER ORGANIZATIONS LIKE YOURS, FISH AND GAME, EPA, BLM, NATO, BIG NEWS MEDIAS, SOME BIG COMPANY'S CEOs, THE PRESIDENT OF THE UNITED STATES & DOWN TO THE SENATORS & CONGRESSMAN.

FORMER PRESIDENT GEORGE BUSH SENIOR HAD CALLED IT THE NEW WORLD ORDER.

IT IS A DARN RIGHT SHAME THAT THAY ARE USEING THE ENVIRONMENT AS A KEY TOOL TO DESTROY THE POWERS OF THE

UNITED STATES OF AMERICA. OUR COUNTRY
IS STARTING TO GO TO HELL BECAUSE OF
THOSE BASARE LAWS. THE ENVIRONMENTALISTS
THE WAY ^{THAT} THEY ARE GOING, ARE GOING TO
CAUSE THIS COUNTRY TO BE A THIRD WORLD
COUNTRY, UNDER THE U.N.

IF YOU GIVE THEM AN INCH, THEY WILL TAKE
A MILE.

SUCTION DREDGING IS NOT YOUR PROBLEM

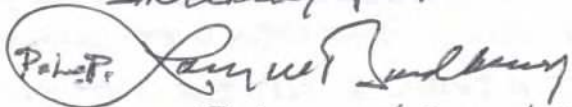
IF OUR FREEDOMS ARE LOST, WHAT MAKES YOU
THINK THE U.N. WILL SAVE YOURS.

ALL THEY WANT IS TO HAVE COMPLETE
CONTROL OVER YOU. A ONE WORLD OF
TOTALITARIAN CONTROL.

IF THIS IS THE KIND OF WORLD YOU
WANT, THAN KEEP RIGHT ON WHAT YOU ARE
DOING. WELCOME TO THE BIG
BROTHER U.N.; THE NEW WORLD ORDER

← THANK YOU
FOR YOUR TIME

SINCERELY YOURS


7260 WILBUR AVE
REDA CA 91335

040511_Morgan

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

From: [J Pooter](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Dredge Regulations Comments
Date: Tuesday, April 05, 2011 7:52:12 AM

Dear Mr Stopher:

It has been a long time since I've seen proposed legislation written in such a detailed, controlling manner (albeit, I've not read the 1,700 page health care "bill").

Passing of this into law would be so restrictive that, perhaps as intended, it could be nearly impossible for a recreational dredger to wiggle, legally.

The one-sided verbage doesn't mention the actual improvement in stream bed quality which takes place after testing or dredging on this small scale occurs.

This restrictive proposition is an invasion of my rights! For whom else must I give the specific hours of the day I will be recreating and in the exact location and duration? No one!! If anyone demanded your schedule of whereabouts on the golf course or any other location of your relaxation, you would protest loudly, wouldn't you?

It appears to me that the only true accomplishment is to produce more "paper pushing jobs for select workers".

If this totally invasive, restrictive proposal becomes the law, all free American citizens may as well hang up their hunting hats and fishing poles because we don't call it "recreating" when Big Brother is "watching"!! Rethink this, please.

Janice Porter

Do it now! Later might not come

5TH CIRCUIT RULING MAY BENEFIT MINERS

by Scott Harn

In *National Pork Producers Council v. US EPA* (No. 08-61093; 2011), the 5th Circuit Court of Appeals addressed the EPA's authority to require permits for "point source" pollutants when there is no addition of a pollutant to the water. This is the same argument the EPA uses to justify permits for suction gold dredging.

The case involved a 2008 EPA regulation that required pork pro-

ducers and poultry farms to obtain a permit from the agency regardless of whether or not an actual pollutant will be introduced into a navigable waterway. Petitions for review were filed in the Fifth, Seventh, Eighth, Ninth, Tenth, and D.C. Circuits, and

the cases were consolidated in the 5th Circuit Court of Appeals. This is significant because each of the participating courts must abide by the ruling.

In the ruling, the court refers to Concentrated Animal Feeding Operations (CAFOs) and the Clean Water Act (CWA). Writing for the Court, Circuit Judge Carl E. Stewart stated,

The EPA bases their authority to regulate suction gold dredging and other types of instream mining on the same arguments that were tossed out by the 5th Circuit.

"[T]he National Pollutant Discharge Elimination System [requires] a permit for the 'discharge of any pollutant' into the navigable waters of the United States. The triggering statutory term here is not the word 'discharge' alone, but 'dis-

charge of a pollutant,' a phrase made narrower by its specific definition requiring an 'addition' of a pollutant to the water.

"Likewise, several circuit courts have held that the scope of the EPA's authority under the CWA is strictly limited to the discharge of pollutants into navigable waters.

"Notably, in the seminal case *Natural Resources Defense Council, Inc. v. Environmental Protection Agency*, 859 F.2d 156 (D.C. Cir. 1988), the D.C. Circuit explained more than 20 years ago that the CWA 'does not empower the agency to regulate point sources themselves; rather, EPA's jurisdiction under the operative statute is limited to regulating the discharge of pollutants.' In *Waterkeeper*⁽¹⁾, the Second Circuit echoed this interpretation of the CWA and explained that 'unless there is a discharge of any pollutant, there is no violation of the Act....' More recently, in *Service Oil, Inc. v. Environmental Protection Agency*, 590 F.3d 545 (8th Cir. 2009), the Eighth Circuit reiterated the scope of the EPA's regulatory authority and concluded that '[b]efore any

discharge, there is no point source' and the EPA does not have any authority over a CAFO.

"These cases leave no doubt that there must be an actual discharge into navigable waters to trigger the CWA's requirements and the EPA's authority. Accordingly, the EPA's authority is limited to the regulation of CAFOs that discharge. Any attempt to do otherwise exceeds the EPA's statutory authority. Accordingly, we conclude that the EPA's requirement that CAFOs that 'propose' to discharge apply for an NPDES permit is *ultra vires* and cannot be upheld."

The EPA bases their authority to regulate suction gold dredging and other types of instream mining on the same arguments that were tossed out by the 5th Circuit.

To reiterate, the court ruled that the Clean Water Act "does not empower the agency to regulate point sources themselves" and "the triggering statutory term here is not the word 'discharge' alone, but 'discharge of a pollutant,' a phrase made narrower by its specific definition requiring an 'addition' of a pollutant to the water.

This ruling comes at an opportune time, just as suction dredge miners are dealing with new proposed regulations in several western states. Be sure to cite this case when you provide comments on the regulations!

(1) *Waterkeeper Alliance Inc. v. Environmental Protection Agency*, 399 F.3d 486 (2d Cir. 2005).



From: [hank burns](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: Proposed Suction Dredge Regulations
Date: Wednesday, April 06, 2011 12:42:33 PM

Hi,

My name is Hank Burns and this e-mail is in regard to the Proposed Suction Dredge Regulations.

One of my concerns with the Proposed Regulations is the Regulation stating "no dredging anywhere within 3 feet of the edge of the waterway at the time the dredging is taking place"

I live in the small town of Susanville at the base of the Sierra Nevada mountain range. I, along with several members of my family enjoy recreational gold prospecting. We mainly prospect on a small mountain creek known as Gold Run Creek that starts on Diamond Mountain and runs into the valley here in Susanville.

Unfortunately, due to the Proposed Suction Dredge Regulations we will not be able to operate a small suction dredge on Gold Run Creek since the creek is so narrow.

Even in the spring when Gold Run Creek is at its highest capacity the widest parts are usually less than 8 feet wide which would only leave a two foot section to legally dredge. Most of the year the Gold Run Creek is less than 6 feet wide which would make suction dredging illegal due to the proposed 3 feet from the edge regulation.

Gold Run Creek is mainly supplied with water from snow melt and a few mountain springs and on very dry years Gold Run Creek may dry up completely.

If this Proposed Regulation is passed into law my family and I will no longer be able to dredge on this creek and due to the remote location of where we live we are not able to travel to do any suction dredging. This also means lost revenue for the state and local economy.

It is especially upsetting since Gold Run Creek does not even have a Salmon population which is what this whole ban on dredging is about in the first place.

Also since it is a small creek we would use a small dredge and the footprint we leave on the ecosystem is also very small.

I am writing this to show how the Proposed Suction Dredge Regulations will affect me and my family directly. Long story short if this passes we will no longer be able to dredge on this small creek without breaking the law.

In my opinion it seems silly to say one can't dredge 3 ft from the bank on a creek that is 6 ft wide and sometimes dries up completely.

I hope that the Department of Fish and Game can find an alternative to this proposal perhaps limiting how close one can dredge to the bank based on how wide the creek is, if it is a tributary, if there are salmon, ect.

Thank you for your time and interest in this matter.

Feel free to contact me for any questions/concerns via email : hankburns@hotmail.com

Thanks again,

-Hank Burns

April 6, 2011

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

Dear Sir,

First of all, thank you for the opportunity to comment on the DSEIR. I would like to register my protest of the ban on dredging.

Secondly, I am one of those recreational prospectors/dredgers who contribute to the local economies of communities near mining activity (based on your 2008 data). I will be 85 years old in April and prospecting is a source of great enjoyment for me. It is a good, healthful activity, to be able to spend time outdoors in this wonderful state of California and, on occasion, find some gold. It is difficult to describe the pure pleasure of being able to do this. I would bet the majority of the 82% of recreational dredgers (according to your 2008 data) feel as I do.

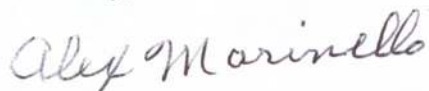
Thus, it was a great disappointment to me when dredging was prohibited. It made no sense as I had not observed damage to the environment by recreational dredgers such as myself. (I cannot speak to the issue of commercial dredgers.) When dredging, I use a 3 inch nozzle/hose size (or less) and always use screening.

There is a big difference between my kind of mining and the "whiz-bang" type of operation. I can understand prohibiting that method of mining as it can create a great deal of environmental damage. Some people may not realize there is a big difference between the two.

I belong to the Valley Prospector's Club in Southern California. We are conscientious about the environment and try to leave sites as clean as or cleaner than they were when we arrived.

Thank you for your consideration in this matter. I attribute some of my 85-year old young-at-heart spirit to the fact that I have enjoyed prospecting for more than 20 years. I'd like to be able to enjoy it for several more.

Sincerely,

A handwritten signature in cursive script that reads "Alex Marinello". The ink is dark and the signature is fluid, with a large, stylized 'M'.

Alex Marinello 1003 Lytle Street Redlands, CA 92374

From: [mike nava](#)
To: dfgsuctiondredge@dfg.ca.gov;
cc: [neal](#);
Subject: dredging wont hurt fish
Date: Wednesday, April 06, 2011 3:46:30 PM

Dear Sir,

I dredged in Calif. for over 25 years. I always find that the fish were very happy, and they ate from the tailings. Every morning when I started to dredge I found schools of fish big small waiting for me to start. I used to have some income that was a lot of help in this economic situation I hope that the politicians and the authorities come to their senses and allow small minors to make a living. Thank you.

Mike Navaee

From: [Lisa Souliere](#)
To: dfgsuctiondredge@dfg.ca.gov;
Subject: suggestions
Date: Wednesday, April 06, 2011 3:19:18 PM

Mark Stopher,

I have a few suggestions for the new regulations.

1. Chapter 2-20 Lines 18, 19, and 20. The three foot water mark should not include bedrock that starts before the edge of the watermark due to the fact that bedrock is a solid matter and will not disrupt soil and gravel.
2. Chapter 2-21 Lines 20,21,22, and 23. When filling a dredge, there are already requirements to use an EPA and CARB gas can that has a high tech spout and has an auto shut-off, self-venting for safer and easier pouring, child-resistant, angled tip that allows you to see the inside of the container so that it is not overfilled. It has a U-cup seal that provides a tight fit against leaks. If a dredger uses this gas can he shouldn't need to be the required 100 feet from the water's edge to fill his dredge.

Thank you and hope to hear back from you on these matters after the final regulations are written.

Larry Parsons

MARK stopher.


The Facts concerning Dredging on trinity, salmon, Klamath Rivers are conflicting pertaining to Dredgers that do it, and officials that don't and only receive reports of the so called harm that it does to the river & fish. Dredging in my experience is no more than separating gold from the gravel. Its never where fish spawn, which far upstream from spawn areas that are off limits as far as dredging is concerned and rules are in place for the process & procedure on how & where to dredge. It does not harm fish habitat, it can provide deep pools to fish to hide in & find cold water areas, these spots are also filled back in during the winter season with gravel moving down stream, small fry have stayed at my nozzle end & wait for worms to appear as I dredge & will move in to eat, then will move away until another worm appears, I use a 1 1/2 dredge nozzle and watch under water all the time as I'm dredging. not once has a fish

Been sucked into the nozzle or harmed
By this procedure, AS FAR AS mercury is
concerned, never seen it in any of three
rivers, Also IF mercury is present it will
stay in the sluice Box. I've dredged ~~for~~
since 1999 and find ~~at~~ it hard after reading
Assumptions of non dredging experienced
people that they are only still viewing
the old gold mining techniques of those
days, the old Bucket dredges that ripped
the river + Bedrock and caused the
environmental damage. Buck then don't exist
today. With my dredge I can clean gravel
in a section of River the size of a pickup
truck Bed, the sediment that trails of
Behind Has Always settled at a maximum
of 300' Behind the dredge, this in turn is
Blown out into the ocean during winter
leaving clean river rock afterwards. to
me this is contrary in view that someone
that don't dredge says I cause environmental
damage, Where? to What? I say put these
people in the river for the 2 year study and
show them the real facts, test the water at
the Back of the dredge, show them where
the real spawn Beds are + show them what
It looks like the next year where you dredged.

you will see that river shows no signs of damage, no fish are missing from it. The viewpoints of people against dredging need change from the old facts of Dredging to what dredging is today. Last year only 2800 approx. dredge ~~was~~ were issued last year (2008) of that you'll find most were recreational weekends, vacationers, there is no impact damage to the rivers, in fact it cleans the rivers system from sewage (rotten leaves in between gravel layers) microbes that harm fish live in these things also, the algae gets removed that can bear the microbes that infect fish also is removed from dredging. If you surveyed the actual time from each dredger each year you can also have a better knowledge on the time spent to this so called harm to the environment, we have no such statistics to date except from the old days of Bucket line dredges. The facts are out of proportion. The largest of dredges on the rivers are 6" + 8" dredges, I've seen these in work they also remain in ~~at~~ one spot on the river usually only cleaning an area the size of a swim pool, the fish thrive in these deep pools.

2800 dredgers in the entire states
rivers system, seems we need more
actually to help clean the gravel + help
the fish with the ecosystem to thrive.
the rivers need help to thrive in these
days of problems. and dredgers do that
actually, churning + cleaning the rivers
gravel putting the food out the back of
the sluice box help do this. the fish feed
the gravels clean, and the sediment is
blown out to the ocean in the winter.
to end this letter, show the people
in person not with paper reports from
people that haven't done the proper testing
+ on hands experience of what a dredge
today is about, show them the facts in
person so they know the truth not the
paperwork that's not complete in the factual
harm or good let them see the sight and
facto

Yours with
Insight to what
is dredging

Chris -
Simonye


SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name: <u>GARY SMITH</u>
Mailing Address: <u>20766 CATTLE DR</u>
<u>REDDING CA 96003</u>
Telephone No. (optional): <u>530-221-4194</u>
Email (optional):

Comments/Issues:
<p>I AM WRITING THIS COMMENT ABOUT CHANGING THE TRIBUTARIES OF THE NORTH FORK YUBA RIVER (SIERRA YUBA COUNTY) TO ZONE E. (Dredging OPEN SEPT 1 THRU JANUARY. I ASKED QUESTIONS AT THE now MARCH 31, MEETING ABOUT THIS CHANGE. THE ANSWER WAS THEY WERE TRYING TO PROTECT AN ENDANGERED FROG. I HAVE DREDGED ON THE DOWNERVILLE RIVER FOR TEN YEARS AND HAVE NEVER SEEN ANY FROGS. HAVE THE SCIENTIST DONE A STUDY ON ALL THESE TRIBUTARIES OR JUST A FEW. I FEEL THE TRIBUTARIES THAT HAVE FOUND ENDANGERED FROGS ON SHOULD BE OPEN FROM SEPT 1ST THRU JANUARY AND WHERE THEY DO NOT LIVE OPEN IT FROM JULY 1ST TO THE END OF SEPTEMBER. Dredging CANNOT BE DONE WHEN HEAVY RAINS AND SNOW STARTS. THE ROAD MADE OF DIRT CAN WASH OUT WHEN TRUCKS ARE TRAVELING ON THEM. ALSO CREEKS AND RIVERS BECOME TO FULL OF RAPIDS MAKING IT DANGEROUS TO DREDGE. I SUGGEST EACH CREEK OR RIVER we HAVE THE ZONE CHANGED WHEN YOU SEE IF THIS FROG EVEN EXISTS IN THESE AREAS.</p>

Please use additional sheets if necessary.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Fax: (530) 225-2391



SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name: _____

GARY SMITH

Mailing Address:

20766 C9TTLP Dr.

Redding CA 96003

Telephone No. (optional):

Email (optional):

Comments/Issues:

Comments/Issues: HICKING UP SOME OF THE SMALLER TRIBUTARIES AND SMALL CANYONS. UP AND DOWN HWY 49. I HAVE SEEN DIFFERENT ANIMALS AND FROGS. LOTS OF THESE ARE IN WOODED AREAS. AND CREEKS WHICH ARE TOO SMALL TO DREDGE. THESE CREEKS HAVE SLOW WATER AND LOTS OF SMALL POOLS OF WATER WITH NO FISH TO EAT THEIR EGGS. I WOULD SUGGEST THAT MOST OF THE ENDANGERED FROGS ARE IN THE SMALLER TRIBUTARIES

Thanks Boy Smith

Please use additional sheets if necessary.

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

Mail:

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Email:

dfgsuctiondredge@dfg.ca.gov

Fax:

(530) 225-2391

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

New Suction Dredging Permitting Program
Draft Supplemental EIR-Comments

1. **A list of six locations.** (Section 228 (c)(2))

Do you really need this if you can amend it later?

I am buying a dredge permit to dredge in California, just like a fishing license or a hunting license I don't list where I will be fishing, sometimes friends will find out on a Friday they can go dredging that weekend, but find out they didn't write that location on their permit and the D.F.G. is closed on the weekend. Are you willing to be open on weekends now so we can make all these unnecessary changes we didn't have to before?

2. **Number of permits maximum of 4000** (Section 228 (g))

The problem here is, to put a small cap or any cap on permits, what's to keep Environmentalists from buying up every permit, just so no one else can dredge. In 1980 you sold 12,763 permits.

3. **Pump intake screening.** (Section 228 (j)(3))

All dredges come with their foot valve covered to protect from sucking up debris and fish, rocks that could damage the pump, its for sucking up water and water only, different size dredges need a different amount of water, To put a hole size limitation without checking with a manufacturer first would be asking us to damage our equipment and maybe someone's life. If it gets clogged up from having a mandated restricted foot valve, it could seize the pump causing the motor to shut off, and the air supply to a diver under water is immediately turned off. Not to mention the equipment damage done.

4. **Winching,** (Section 228(k))

Winching of material. We should be able to winch a boulder with in the water level. Since you don't know what is in a hole, when you get down a few feet you may find a boulder stopping you, Then you need to be able to move it so you can continue safely and it cannot roll over and kill you... Mother Nature moves boulders long distances in all rivers, and streams. We will likely only move it a few feet

5. **Dredging a bank,** (Section 228 (k)(3))

You said its because you don't want the bank to collapse or fall in to the river or stream, The reason you would dredge close to a bank is because you are following bedrock and bedrock will not fall or collapse. This should be removed since common sense tells you we don't dredge where there is danger or no gold.

6. No fuel storage within 100 ft from the water (Section 228 (k)(10))

This is unreasonable. Some rivers don't have an area 100 ft from the water and to ask us to climb a mountain or hike down hill to refuel is unfair. Gas cans have changed over the year to be more environmentally safe and even spill proof. Maybe have the fuel can in a tub, or simply require spill proof cans.

7. Dredging within 3 ft of water edge, (Section 228 (k)(3))

What if you have an area with only 3 to 5 ft of water, and that's only a few months out of the year, then it dries up? You said it was to protect eggs, frogs what have you. Will you change the fishing regulation to read no walking or wading within 3 ft of water edge? And also put up signs for the public to stay 3 ft away from the water edge while wading and or swimming?

8. Suction Dredge use classifications. (Section 228.5)

In an effort to push dredging out you cut back on the amount of time one can dredge in some cases from 4 months down to 1 month, 6 months to 2 months Or in the middle of winter when the rivers are running at full potential

Class A – no dredging

Class B – 2 months

Class C – 6 months down to 4 months

Class D – 3 months up to 7 months

Class E – 3 months up to 5 months

Class F – 7 months down to 3 months

Class G – 4 months down to 1 month

Class H – all year

Did someone really look at these dates or just threw something together to hurry things up. This looks like it was just tossed together quickly. I maybe wrong, or it may be an oversight. I would take a look at this and maybe go back to the 1994 regulations for now,

Classification for river and stream in each county. (Section 228.5)

This would take time to go thru every river and stream listed to find the changes made and tell you what I think about each one, DFG should explain why the changes, I would like to know why so many if not most were changed to Class A. I would love to see where this fit in your budget and the manpower used to check every one of these rivers and streams to come up with the conclusion to make so many changes that limit our rights. Being from southern California I'll use the below examples:

*Riverside was all class H, now out of 22 listed, 15 changed to class A

*San Bernardino was all class H, now out of 21 listed, 17 changed to class A

*San Diego was all class H now out of 42 listed, 40 changed to class A

I want to Thank You, and all the other Fish and Game personal for the meetings and being able to voice my opinion on this matter.

Frank Tafoya
29852 Gifford Rd
Menifee, Ca.92584

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

My question to you Mark Stopher, with all the studies done on dredging by hundreds if not thousands of biologists from different groups and states, everyone comes up with the same conclusion, with the already codified seasons and restrictions, Dredging does not damage the environment. That's a fact.

Dredging rivers, streams and lakes, loosens hard surface gravels creating loose spawning grounds for egg layers, It Removes heavy metals and rejuvenates all streams, rivers, lakes. That's a proven fact.

I see this to be a never ending and costly battle until someone stands up to radical environmentalist, like the Karuk Tribe and show them dredging helps the environment and promotes fish and wild life.

The DSEIR reports seems to be only ... could and maybes. True facts? No. Nowhere did I see a dredge used for testing purposes?

Dredging sucks up gravels within the rivers and streams and puts back the same gravels using the same water, so those gravels are never removed from the water. It's only transferring with that water from one place to the next, not adding anything to rivers or streams.

My next question,

I hear a lot of talk about mercury and high levels of mercury being found. Dredging being the blame again. Here say. Again not taking in consideration all facts leading up to this high level. I think that would be very important when American's rights are being taken away.

DFG states agricultural resources are in proximity to waterways, and rivers, where suction dredging occurs, but agricultural impacts are not applicable because of the Williams Act. The DSEIR report doesn't state that in their findings the agricultural industry's use of pesticides, fertilizers, and coal waste (also call synthetic gypsum) leeching into our waterways or rivers are creating higher levels of toxics in the water. That's a proven fact. Maybe this was over looked. If so, then your conclusions would be false and our rights are being taking away based on wrong information.

I want to touch a little on coal waste. Since some people don't know much about it, and because my rights may be jeopardize I did some research.

December 23, 2009 Associated Press writes:
U.S wants farmers to use coal waste on their fields. Farm use of the material had more then tripled from 79,000 tons to 279,000 tons.

Alledonia, Ohio Oct. 1, 2010

Pipe ruptures leaking coal-waste into the ground making its way into Captina creek, Officials said there does appear to be a fish kill.

Senator Boxer wants EPA to regulate coal-fired power plants waste.

Why all the concern over coal waste? Data from the EPA states trace metal content in synthetic gypsum (coal waste) is Arsenic, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Zinc

Now if farmers are using three times more of this material in their farms, one would think with the rain falls and the flooding of their fields this deadly material would make its way to rivers, streams and lakes. I am sure this was over looked in your reports.

My next question,

The purpose of the new regulations was the Karuk Tribe claiming dredging is killing salmon, and disturbing spawning gravels, is killing salmon eggs. If this is true, then rewrite the regulation to make them happy and save the fish and other wild life. On the other hand, if this is an effort to control rivers, streams and lakes and take away American rights then you need to stop and look at the big picture here. We miners have rights just like anyone else.

Karuk tribe has filed many lawsuits in their area, against loggers, PacifiCorp, and dredging all alleging the same thing. killing of fish.

KlamBlog March 27, 2010

In spite of the PacifiCorp exemption, the Klamath Clean-Up Plan gives hope to those who have been working hard for decades to restore Klamath River Salmon and Steelhead. That is because of the dams, while a significant water quality threat, are not to the main source of Klamath River water pollution. Livestock waste and other agricultural pollutions is by far the number 1 cause; it drives the Klamath's regular fish kills.

The lawsuit against PacifiCorp

According to the Karuk Tribe in their findings and I quote. "Many factors can be blamed on the Klamath's decline, but none greater then the dams, which stands between salmon and their home spawning grounds. The fish kill was caused by an infection that spread rapidly in shallow warm waters of the Klamath. A situation created by a combination of low flows from the upper Klamath irrigation project and water quality degradation by the dams." The Karuk water quality staff reports the dam removal is the key step in restoring the fishery and the fishery based economy.

The Pacific Fishery Management Council

States, conservation and fishing groups have been yelling from rooftops for years that fish need water.

Earth Justice

States, that the staff of the water control resources board calls for more water and also supports two federal biological opinions that call for more water to prevent the extinction of federally protected fish species as well as the Chinook salmon.

The Pacific Coast Federation of Fisherman's Associations

Claims, one of the biggest problems for water quality in Klamath river is the operation of the Klamath irrigation project. The water release from the dam is so hot and laced with pesticides and nitrates from agricultural waste that it's often fatal for salmon.

Nowhere did I read anything in regards to dredging polluting the water and killing fish. To me it seems someone has a grudge on someone and wants him or her out of the way so they can control the Klamath Rivers, but they need your help to do it.

The facts I see are clear. Dredging creates holes for fish to swim down to colder water, creates spawning pools, loosens up hard pack gravels for egg layers and helps remove some toxics in the water. So what's the real reason for the dredge regulation change? To take away miners rights because an Indian tribe wants control over a river?

I tried to find out how many people died from mercury- poisoned fish from rivers and streams, but no luck, because there were none.

In closing, I want to Thank You for taking the time to read this, I am not a writer but when my rights are being jeopardized I want to make sure we are all working on facts and not making decisions on a lot of might, could and maybes.

Frank Tafoya
29852 Gifhorn Rd.
Menifee, Calif. 92584

The Karuk Tribe's Effort to Remove Klamath Dams

Introduction

Fed by snowmelt from the Cascade Mountains, the Klamath River begins as a series of wetlands, marshes, and lakes in the high mountain desert of Southeastern Oregon. Often called the "Everglades of the West", this area once hosted an incredible diversity of wildlife, from the millions of migratory fowl that winter in the marshes to unique species of fish that inhabit the lakes and river. With up to 1.1 million adult fish spawning annually, including chinook, coho, pinks and chum salmon as well as abundant steelhead, the Klamath was once the third most productive salmon river in America.

For thousands of years Native People, including the Klamath, Karuk, Hoopa and Yurok Tribes, sustained themselves on the bounty of the river. As white settlers came to the area, a sustainable commercial fishery developed.

Today all of this has changed. Currently, Klamath River fall chinook runs are less than 8 percent of their historical abundance. For coho salmon the numbers are less than 1 percent. Chum and pink salmon, once abundant in the Klamath, are extinct. Coho salmon are listed as a threatened species, the Lost River Sucker, and the Short Nosed Sucker are listed as Endangered Species. Spring chinook, once the largest run of salmon, are on the brink of extinction.

Many factors can be blamed for the Klamath's decline, but none are greater than the dams which stand between salmon and their home spawning grounds in the Upper Basin.

The Disaster of 2002

In the fall of 2002 we saw the region's worst single ecological disaster when over 68,000 fish died in a matter of days. This represents the largest fish kill in US history. The fish kill was caused by an infection that spread rapidly in the shallow, warm waters of the Klamath- a situation created by a combination of

low flows from the Upper Klamath Irrigation Project and water quality degradation by the dams.

Dams are Dangerous for Fish and People

Dams deny salmon access to habitat and degrade water quality by heating the river and hosting algae blooms. These algae blooms are dangerous for people too.

Last summer, in an effort to better understand and describe the water quality problems the dams create, Karuk Water Quality staff began sampling the reservoirs to learn more about the blue-green algal blooms that occur each summer. What we found could lead to the closure of the reservoirs this summer.

Blue-green algae, or cyanobacteria, come in many varieties—some benign, some toxic. What the Tribe discovered is called *Microcystis aeruginosa*, which secretes a potent liver toxin and proven tumor promoter called microcystin.

KARUK TRIBE QUOTE

*"Dam Removal is key step in restoring the
Fishing and the Fishery based Economy"*

The Pacific Fishery Management Council (PMFC) today voted to shut down the California commercial salmon fishing season for a second year in a row to protect the shrinking population of Sacramento River Chinook salmon, according to Brian Smith of Earthjustice.

"Conservation and fishing groups have been yelling from the rooftops for years that 'fish need water,' but their cries fell on deaf ears," said George Torgun, the Earthjustice attorney who represented conservation and fishing groups and the Winnemem Wintu Tribe in federal litigation to protect water flows for winter and spring runs of Sacramento River Chinook salmon. "With the cancellation of commercial salmon fishing off the California coast for a second year, it's clear the salmon advocates were right."

The Central Valley salmon collapse occurs at time when delta smelt, longfin smelt, threadfin shad, juvenile striped bass, Sacramento splittail, American shad, green sturgeon and other species have declined to record low population levels, due to increases in delta water exports, toxics and invasive species in the California Delta. Yesterday American Rivers, a national conservation group, named the Sacramento-San Joaquin River as the most endangered river system in the nation.

EARTHJUSTICE

July 21 2010

Oakland,ca

Staff of the state water control resources board released their recommendation identifying the amount of water needed to keep sacramento – san Joaquin delta wildlife and ecosystems alive, the staff recommendations mirror calls for **more water** made by fish biologists, other scientists, and state and federal wildlife officials who have studied the program

The staff report also supports the finding of two federal biological opinions that call for **more water to prevent the extinction of federally protected fish species as well as Chinook salmon**

THE PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS

THE STRUGGLE TO SAVE SALMON IN THE KLAMATH BASIN

Best Viewed With [Netscape](#)

 [Back to PCFFA Home Page](#)

The Klamath River was once the third most productive salmon river system in the United States. Today, thanks to habitat blocking dams, poor water quality and too little water left in the river, the once abundant Klamath salmon runs have now been reduced to less than 10% of their historic size. Some species, such as coho salmon, are now in such low numbers in the Klamath River that they are listed under the Federal Endangered Species Act (ESA).

Salmon losses in the Klamath Basin have had devastating impacts on the lower river fishing-dependent economy, putting thousands of people out of work and eliminating tens of millions of dollars annually from the economy of these rural areas and coastal ports, from Fort Bragg, California to Florence, Oregon. The need to protect depressed Klamath salmon runs has also triggered fishing closures on otherwise abundant stocks (mostly hatchery fish from the California Central Valley) all up and down the west coast, causing many indirect economic costs as well.

One of **the biggest problems** for water quality in the Klamath River is the operation of the **Klamath Irrigation Project**, a huge federal water project which diverts most of the water from the Upper Klamath Basin (in Oregon) for irrigation long before it can reach salmon spawning areas downriver in California. The remaining water left in the river, whatever the Project is willing to release from Iron Gate Dam, is so little in volume, so hot and so laced with **pesticides and nitrates from agricultural waste water** that it is often fatal for salmon as much as 100 miles downriver. Hundreds of thousands of salmon have been killed in recent years as a result, and Klamath River coho salmon driven nearly to extinction.

There has never been much consideration in the operation of the Klamath Irrigation Project by the Bureau of Reclamation for the devastating consequences on lower river communities and families when the Project takes too much water out of the river for irrigation. *Now that is beginning to change*. Recent successful lawsuits by fishermen and salmon conservation groups have begun to bring more balance between upper basin and lower basin river interests, and to demonstrate that farmers have no right to drain the river and siphon off the lakes if it will devastate the river system itself, push its inhabitants into extinction and violate Tribal Treaty obligations. This page contains information and links to official documents, fact sheets and court decisions about this issue.



Posted on Fri, Jun. 26, 2009

Boxer: EPA should regulate coal-fired power plant waste

Halimah Abdullah and Renee Schoof
McClatchy Newspapers

WASHINGTON — Federal regulations are needed to make sure that ash from coal-fired power plants is stored safely, Sen. Barbara Boxer, D-Calif., said on Thursday as the Senate Environment and Public Works Committee held a hearing on the spill of 1 billion gallons of toxic sludge in East Tennessee.

Republican and Democratic lawmakers promised to make sure that the Tennessee Valley Authority helps the region recover from one of the nation's worst spill and looks for ways to prevent other spills and leaks.

TVA president and chief executive Tom Kilgore told the committee that his agency would do a first-rate cleanup.

"We'll start with the people first, and the environment comes right after that," he said. He also said the TVA wanted to work with the environmental committee to become a leader in better ash disposal methods.

It's not entirely clear how much ash is stored around the country or where. The Environmental Protection Agency doesn't track the number or have a breakdown for the states, said spokeswoman Tisha Petteway.

According to the American Coal Ash Association's latest survey, in 2007, coal-fired plants generated 131 million tons of coal ash.

The nation's hundreds of coal ash dumps contain millions of pounds of toxic metals such as arsenic, lead, cadmium, mercury and chromium, which can cause cancer or damage the nervous system and lungs and other organs if people ingest them. The EPA has left regulation up to the states, but it's been debating whether to set national standards.

"For nearly three decades, EPA has been looking the issue of how to regulate combustion waste," Boxer said. "The federal government has the power to regulate these wastes, and inaction has allowed this enormous volume of toxic material to go largely unregulated."

However, she said she hoped the EPA would decide to regulate coal ash soon. Boxer said she planned to ask Lisa Jackson, President-elect Barack Obama's nominee to head the EPA, whether she agrees on the need for federal regulation at her confirmation hearings.

The EPA decided in 2000, in the Clinton administration, not to regulate coal ash as a hazardous waste. It noted, however, that there was a "lack of controls, such as liners and groundwater monitoring, at many sites" and "gaps in state oversight existed."

Boxer said the ash shouldn't be held in ponds, where it can contaminate water supplies. Coal ash also has been placed in abandoned mines and quarries. In other cases, dry ash is held in lined landfills.

Sen. Johnny Isakson, R-Ga., said that Georgia has 10 coal ash storage sites. He expressed interest in setting standards that would prevent spills.

Stephen Smith, the director of the Southern Alliance for Clean Energy, called for federal regulation of coal combustion waste, saying that voluntary industry practices and state rules haven't prevented the contamination of land and water near disposal sites.

"We absolutely need to keep ash out of the water," Smith said. "Storing it wet is unacceptable."

Smith said that that TVA should be held accountable for the disaster and urged a review of the company's emergency preparedness procedures.

William Rose, the director of the Roane County, Tenn., office of emergency services, told the committee that his office had problems working with TVA after the spill because TVA doesn't use the same emergency preparedness program for ponds and dikes that it uses at the region's nuclear and hydroelectric facilities.

The spill occurred at about 1 a.m. on Dec. 22, about 40 miles west of Knoxville. No one was killed.

TVA, the nation's largest public power company, is likely to pass part of the cleanup cost on to its 9 million customers in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee and Virginia.

There are about 300 coal ash ponds around the country, and EPA data shows that some contain larger amounts of toxic metals than the Kingston one did.

Kilgore estimated that TVA has about 20 ash ponds. They're unlined, and that raises concerns that the toxic material could leach through the bottom, he said. There also are "one or two other places" at TVA ash ponds with a "wet spot on the dike," he said.

Ash stored in dry conditions, with just enough dampness to prevent dust, can be sold for use in concrete, wallboard and other products, Kilgore said. TVA recycles about half its ash, he said.

Kilgore said that EPA tests showed that drinking water and the air near the spill was safe, but Boxer said that some tests of river water showed problems.

Five people who live near the Kingston Fossil Plant who traveled to Washington for the hearing said outside the hearing room that they're worried about their health.

"My biggest concern is my 11-year-old son" who loves to ride his dirt bike, go boating and swim, said Bridget Daugherty, a nurse.

"We will not know the effects for many years. This might affect a lot more people," she said.

Teresa Riggs said she wanted the EPA to tell the community what's in the sludge.

"If it's not hazardous, why are they telling us, 'Don't walk it in and bring it back in your house?'" she said. "We're going to wash it off the tires of the trucks. Don't let your animals drink the water.' If it's not hazardous, why are they telling us to be careful?"

Riggs said that her father and her husband's father helped build the Kingston plant in the 1950s, and that the community appreciates the power it provides. She said that she came to Washington to ask lawmakers for more oversight, including a look into whether changes are needed in how the waste is stored.

Texas doesn't require permits for coal ash disposal if it takes place on the property of the company that produces it, isn't mingled with wastes from other companies, and if the disposal site is within 50 miles of the plant.

Kentucky doesn't require emergency plans for its coal company impoundments or at nearly 400 water dams in the state that are rated as high or moderate hazards. Environmentalists and Kentucky lawmakers began pushing to develop a monitoring and public alert system in 2000, when a spill in Martin County dumped 300 million gallons of slurry into creeks, rivers and bottomland in Eastern Kentucky.

(Cassandra Kirby Mullins and Andy Mead of the Lexington (Ky.) Herald-Leader contributed to this article.)

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The Washington Post

U.S. wants farmers to use coal waste on fields

By Associated Press
Wednesday, December 23, 2009; A17

The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid-rain-causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals.

The Environmental Protection Agency says those toxic metals occur in only tiny amounts that pose no threat to crops, surface water or people. But some environmentalists say too little is known about how the material affects crops, and ultimately human health, for the government to suggest that farmers use it.

"This is a leap into the unknown," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This stuff has materials in it that we're trying to prevent entering the environment from coal-fired power plants, and then to turn around and smear it across ag lands raises some real questions."

With wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand the use of synthetic gypsum -- a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum. The Obama administration has continued promoting FGD gypsum's use in farming.

The administration is also drafting a regulatory rule for coal waste, in response to a spill from a coal ash pond near Knoxville, Tenn., one year ago Tuesday. Ash and water flooded 300 acres, damaging homes and killing fish. The cleanup is expected to cost about \$1 billion.

The EPA is expected to announce its proposals for regulation early next year, setting the first federal standards for storage and disposal of coal wastes.

EPA officials declined to talk about the agency's promotion of FGD gypsum before then and would not say whether the draft rule would cover it.

Field studies have shown that mercury, the main heavy metal of concern because it can harm nervous-system development, does not accumulate in crops or run off fields in surface water at "significant"

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levels, the EPA said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

Eric Schaeffer, executive director of the Environmental Integrity Project, which advocates for more effective enforcement of environmental laws, said he is not overly worried about FGD gypsum's use on fields because research shows it contains only tiny amounts of heavy metals. But he said federal limits on the amounts of heavy metals in FGD gypsum sold to farmers would help allay concerns.

"That would give them assurance that they've got clean FGD gypsum," he said.

Since the EPA-USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the United States last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it is important to find new uses for it and other coal wastes because the United States will probably rely on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that than we are creating a whole bunch of new landfills," Adams said.

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Table 4. Trace metal content¹ of gypsum from different sources compared with U.S. EPA Part 503 pollutant concentration limits for excellent quality biosolids.

Pollutant (ppm = mg kg ⁻¹)	Museum specimen	Synthetic gypsum	Natural gypsum	Cast gypsum	Drywall gypsum	Part 503 Table 3 ²
Arsenic	< 0.52	0.56 (0.05) ³	< 0.52	< 0.52	0.98 (0.11)	41
Cadmium	< 0.48	< 0.48	< 0.48	< 0.48	< 0.48	39
Chromium	0.01	1.30 (0.85)	1.38 (0.32)	0.07 (0.00)	1.09 (0.09)	1200
Cobalt	< 0.48	< 0.48	0.53 (0.04)	< 0.48	< 0.48	NR ⁴
Copper	< 0.48	1.16 (0.66)	1.33 (0.30)	1.40 (0.21)	0.95 (0.14)	1500
Lead	< 0.48	0.80 (.30)	2.92 (0.30)	0.57 (0.08)	0.70 (0.02)	300
Mercury	< 0.26?	< 0.26	< 0.26	< 0.26	< 0.26	17
Molybdenum	< 0.24	0.51 (0.26)	1.28 (0.04)	< 0.24	< 0.24	— ⁵
Nickel	< 0.24	0.73 (0.18)	1.42 (0.23)	< 0.24	0.83 (0.12)	420
Selenium	< 1.45	5.51 (3.47)	< 1.45	< 1.45	1.85 (0.04)	36
Zinc	< 0.24	3.88 (2.78)	0.91 (0.49)	< 0.24	3.08 (0.45)	2800

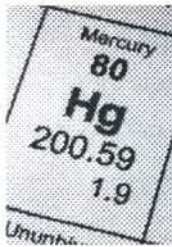
¹ Data obtained by EPA method 3050 (USEPA, 1996).

² Part 503-Standards for the Use or Disposal of Sewage Sludge; 503.13, Table 3. (USEPA, 1993).

³ Standard deviation included in parentheses.

⁴ NR = not regulated.

⁵ Ceiling concentration limit for molybdenum is 75 ppm; 503.13, Table 1. (USEPA, 1993).



In the midst of the push for environmental regulation in connection with the UN Climate Change Conference in Copenhagen, the Environmental Protection Agency (EPA) declared carbon dioxide — a substance produced by human respiration, among other means — a danger to public health. However, it appears that the EPA has a far more tolerant view to mercury, arsenic, and lead, since it is encouraging American farmers to spread these and other heavy metals on their fields.

According to a report in the *Washington Post*:

The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid-rain-causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals....

With wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand the use of synthetic gypsum — a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum. The Obama administration has continued promoting FGD gypsum's use in farming.

Thus, the EPA intends that the substances carefully "scrubbed" from plant emissions for the stated purpose of keeping them from polluting the environment are to be spread around where much of the nation's food is grown. Why? Because the waste is piling up, and they have not been able to determine another use for it.

Amazingly, the same quantities of mercury, for example, which were apparently too toxic to release from the coal-fired power plants are suddenly less dangerous when they are scattered over farm fields. Again, according to the article in the *Washington Post*:

Field studies have shown that mercury, the main heavy metal of concern because it can harm nervous-system development, does not accumulate in crops or run off fields in surface water at "significant" levels, the EPA said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

But why, one might ask, should the plants go to the trouble of collecting and concentrating such hazardous substances in the first place if the government is simply going to encourage releasing them right back into the environment in the end? Would not the least dangerous disposal of such "insignificant" levels of heavy metals be to have as wide of an area of dispersal as possible, rather than compounding the toxins in a small area, and spreading them in the fields?

Government programs beget more government programs. One government program sets stringent guidelines to carefully collect the toxins produced by our nation's power plants, which, in turn, necessitates another government program to determine what to do with the collected waste. Presumably, in a generation or so, the EPA and USDA will develop another program to remove newly discovered "dangerous" levels of heavy metals from the soil of America's heartland.

One thing that is certain is that the program is steadily expanding:

Since the EPA-USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the United States last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it is important to find new uses for it and other coal wastes because the United States will probably rely on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that than we are creating a whole bunch of new landfills," Adams said.

The story between the lines of such reporting is that despite all of the supposed environmental concern over coal-fired power plants, the government is establishing programs that appear to assume a steady supply of waste generated by such plants for years to come. After all, if "cap and trade" taxation produces an entirely new "revenue stream" for the federal government, what incentive would politicians have for eliminating the very source of that new income?

From: ["Janet Thew"](#)
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/06/2011 7:56:32 PM
Subject: Reject Suction Dredge Mining in California

To: Mark Stopher, California Department of Fish and Game

We oppose the continuation of suction dredge mining permits. It's an antiquated practice that harms the environment, and there's no justification for subsidizing it with our money. There's no benefit to the state whatsoever, so why is it even being considered?

Thank you.

Janet Thew
5572 St Francis Cir
Loomis, CA 95650
US

Subject: SEIR on Suction Dredging

Date: Wednesday, April 6, 2011 7:59:58 PM PT

From: Phil Thomas (sent by pthomas22 @dslextreame.com <pthomas22@dslextreame.com>)

To: dfgsuctiondredge@dfg.ca.gov

I would like to make a public comment on the recent proposed dredging regulations that were released on February 28, 2011.

There are many areas of concern regarding the changes being made to current regulations. All of the proposed changes are arbitrary, show no common sense, and serve to discriminate against suction dredgers.

1. The limit of 4000 permits per year is arbitrary. Fishermen and Hunters have no such limit placed on their licenses. With a limit in place, activist groups could conceivably buy up all available licenses, effectively shutting down suction dredging statewide. At a 2009 cost of \$47.00 per permit, a group could buy up all permits for only \$188,000. A mere drop in the bucket for those intent on asserting their power over our right to access natural resources. There should be no limit on the number of permits issued.
2. The limit of six locations allowed per permit is only a way to provide a way to harass the suction dredging community. Does it really matter how many places that I do my dredging? NO. I can only be in one place at a time since the permit is issued to an individual. What do you care where I dredge, as long as I do it legally? Adding to this requirement of dates that the dredging will take place is another way to potentially harass by officials. I doubt that you would accept January 1 to December 31 on the permit application. Does it matter when the dredging takes place? NO.
3. Display of a permit number on all equipment is also arbitrary and unnecessary. A few years ago, the department required fishermen to display their license visibly above the waist. Why was it changed? Because it did nothing but allow strangers to learn personal information. What if 10 men all own a share in a dredge and take turns at the nozzle, all with permits? Does that mean that you have to replace the permit number on the equipment several times a day? Ridiculous. The requirement is there only so an officer can use his binoculars from his truck, looking for a non-marked dredge, and write the owner a citation. Revenue enhancement for the state. No, this has no basis in common sense.
4. Changing the maximum nozzle diameter to four inches is arbitrary. What data is available that shows that the current six inch maximum causes harm to the environment? None.
5. The 3/32 intake screen regulation is also ridiculous. With such a small hole size, the intake will plug up from stream debris, causing the dredge operator to run without the screen. More revenue enhancement for the state. You couldn't suck a fish through the intake if you tried. They live in the swift currents of the river and are much too agile to allow themselves to get anywhere near the intake. Maybe you should do some testing to see if you can capture a fish in open water in such a manner.
6. There is no mention of the permit fee that will be charged. I believe it should be no higher than what is charged for sport fishing licenses.
7. The requirement to level all tailing piles is also a ridiculous requirement. As long as the material comes from the streambed and returns to the stream bed, no harm has been done. Nature will erase all evidence of the activity in a very short time. Erosion is a natural process and one that is familiar to all of the life forms that inhabit the stream or river. The movement of material a few yards from where it originated is insignificant.
8. Why is it necessary for the state to force the miner to disclose a list of all equipment used to include engine manufacturer, model number and horsepower? What difference does it make? None. As long as the nozzle diameter is adhered to, there is no reason for this information. It is

just another tool for selective enforcement and harassment.

These points are just a few of the major problems with the draft regulations. It is always expected that government will over regulate and fail to use common sense. Let's change that track record and keep the regulations reasonable and fair for all.

Thanks,

Philip Thomas

Mark Stopher

April 6, 2011

Department of Fish & Game

601 Locust Street

Redding, Ca. 96001

Re: Proposed Suction Dredge Regulations - Project No. 09.005

Dear Mr. Stopher,

I am opposed to ALL of the alternatives presented in the new Draft Supplemental Environmental Impact Report EXCEPT the return to the 1994 Regulations. During the Fresno meeting you expressed the opinion, as I understood, that the Department could not return to the "old regs" because the Alameda Court ruled that you couldn't. I do not believe that is what Judge Sabraw indicated in her ruling. The Court order states :

'3. THEREFORE the Department is hereby ORDERED to conduct a further environmental review pursuant to CEQA of its suction dredge mining regulations and to implement, *if necessary*, via rulemaking, mitigation measures to protect coho salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon rivers, listed as threatened or endangered after the 1994 EIR'. Somewhere in the 897 or so pages of the DSEIR it states that the 1994 Regulations Alternative is included ONLY as an informational alternative. That, MR. Stopher indicates to me that the entire project is biased and that the conclusions reached are being used and twisted to promote a self-serving agenda. That agenda is being perpetrated through the new regulations which are overly burdensome and loaded down with new added costs for miners that need to use a suction dredge to efficiently mine their claims. That agenda is to economically and strategically deny suction dredgers the ABILITY to make a profit from their Federal mining claims.

Specific points of the proposed regulations I am opposed to.

- Permit Application Requirements; starting page 4, line 4. Valid I.D., limitation of six locations, list of all equipment to be used, location may require an inspection pursuant to DF&G Code 1602, limit on number of

permits issued, permit may be revoked or suspended at discretion of the (regional manager) assistant chief of enforcement. No other users of the waters of California such as fishermen & rafters are subjected by the DF&G to such burdensome requirements. Changing the "regional manager" title to assistant chief of enforcement implies that there is now a criminal element in suction dredging.

- Equipment Requirements; page 11, starting line 11. (1) Nozzle Restriction. Cannot use a nozzle larger than 4' unless the Dept. has conducted an on-site inspection, approved the larger nozzle, applicant must have a valid permit, must prove compliance with section 1602, AND must have all this documentation on-site once approved. There is a very good chance that the on-site inspection would not even occur within the limited dredge "season" or window. Again, burdensome expensive restrictions without any REAL science to back up the necessity for the requirements.
- (3) Pump Intake Screening; page 12, line 28. This requirement is ridiculous. Phillip A. North in a "Review of the Regulations and Literature Regarding the Environmental Impacts of Suction Gold Dredges". (U.S. Environmental Protection Agency, Region 10, Alaska Operations Office. 1993) states. *While adult fish did not show a sensitivity to entrainment it is unlikely that they would be sucked into a dredge in the first place. They have the ability to avoid entrainment in a suction dredge by moving to a safer location.* The quote is referring to entrainment into the suction nozzle of the dredge. Fish can CERTAINLY avoid entrainment into a stationary pump intake! This is simply a "rip-off" regulation from Washington state.
- Equipment Requirements; page 13, line 2.
(5) The...permit number must be affixed to all permitted dredges at all times. What scientific study, endangered species or critical habitat demands the need for this requirement? This is another unnecessary expense being used to discourage suction dredging. Get rid of it.
- (k) Restrictions on Methods of Operation; page 13, line 9. Motorized winching is now prohibited unless the permittee has an on-site inspection, 1602 authorization, valid dredge permit and all documentation there on site. Same burdensome, unnecessary, expensive restriction that may or may not be conducted by the time the claim holder is allowed to dredge on that particular site. The 1994 Regulations Alternative would be sufficient to adequately protect the streambed, I don't see any added "danger" to the environment between a hand winch and a motorized winch. Where's the science? I have been suction dredging in California for 32 years. I would not have continued dredging or performed the related activities such as winching if I saw that I was causing harm to the environment.

- (k) Restrictions on Methods of Operation; page 14, line 17.
 (3) No person may...dredge within three feet of the lateral edge of the current water level, including the edge of instream gravel bars..
 Many gold bearing locations that were previously open, at least seasonally, to suction dredging on small streams are only six feet wide or less when there is seasonal water running. This restriction effectively closes off those areas on gold bearing small streams in a very under-handed manor without specifically naming them as "closed" as does some of the other new restrictions.
- Page 15; starting line 14 (9) & (10) Fueling, lubricants & servicing.
 Being careless with fuel, lubricants and servicing equipment was already a violation of the regulations previously. This new restriction assumes that suction dredge operators are regular violators of common sense practices. I can see that this new language has come from unfounded anecdotal fears from environmental groups that have continuously accused suction dredgers of spilling fuel without any evidence.
- Page 16; line 1, (15). Permittee must level all tailing piles. I thought EVERYONE knew this; *"However during the suction dredge mining process, a new pool area is created by the cone shaped dredge hole. Dace, suckers and juvenile steelhead were observed feeding and resting in Canyon Creek dredge holes. Freese (1980) observed a small spring-run chinook salmon holding in a dredge-created pool on Canyon Creek"*. Thomas J. Hassler, William L. Somer, Gary R. Stern – 1986. Requiring dredgers to level tailing piles would be deleterious to fish habitat! This needs to be removed.

Mr. Stopher, I could continue exhaustively. To sum up, I believe the Horizon Environmental group that wrote the DSEIR has promoted the effects of suction dredging as a "significant disturbance" when the scientific, peer reviewed evidence does not support that opinion. The effects of suction dredging on our environment have not changed in 17 years; they remain "*de minimus*". I urge the Department to return to the 1994 Regulations Alternative.

Bill Wilkinson

813 Lincoln Street

Hanford, Ca. 93230

April 7, 2011

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

Subject: SB 657

Mark: As I'm sure you are aware of, there is a vote on April 12, 2011 of SB 657 regarding the permitting of dredging on June 1, as in a normal cycle. You, and your committees, and all of your studying that has now taken app 1 ½ years to conclude, which isn't concluded, and doesn't appear to be close to being concluded, come at the expense of the dredging community. There is absolutely no solid evidence that dredging is harmful to the environment, fisheries, or anything else. In fact, after the DSIER meeting in Sacramento, it sounded to me, like we do a lot more good than bad, and are blamed for a lot of matters unfairly.

Furthermore, it is not the fault of the dredging community that this EIR was not done in a timely matter in the first place. Wouldn't that be the fault of F&G?

I think you should advise the senatorial committee, and admit to them, that until there is solid evidence and a complete study done, suction dredging should be allowed to commence immediately, as it has for years, and continue to use the 1994 regulations that provide adequate protection for all involved.

I hope you take the time to read this, and at least consider it.

Thank you for your time.

A handwritten signature in dark ink, appearing to read 'RJB' with a stylized flourish.

Roger J. Bendix
5201 Dewey Drive
Fair Oaks, Ca 95628
916.792.5796

Mark Stopher / DF+G

4-7-2011

After the Public Hearing on March 31, 2011, I must say, that my husband and myself were glad we attended. Our concerns seem to be the same as most everyone else's. Our concerns are as follows:

1.24" suction dredge as well as the water intake reduction size are too small. A 4" dredge is like a toy compared to a 6". - Water intake reduction is going to cause a lot hardship on our dredge ~~due~~ to a lot more clogging. We have used a 6" dredge on our claims since 1996 and after the following year you cannot find where we dredged. This is true because we have very steep canyons w/ sheer walls. Yearly rains produce a lot of fast moving water. I can honestly state that our 6" dredge has caused no damage to our claims / creek or surrounding environment.

2. 3' set back from shores or banks -
Our claims, in Siskiyou Co,
are very steep + our upper claims
are not 6' wide. we have
little or no shoreline. Does
this mean that we can't dredge
these claims?

3. Winching for us is a must,
all of our claims are filled with
huge boulders - some as big as
our jeep. Before getting our winch
there were several instances
where possible injury just
about occurred by us trying to
muscle or bar out large rocks.

4. 4,000 dredge permits 1st come 1st served
is simply not Right. Both my
husband + myself purchase dredge
permits. That's 2 permits for 1 operation.
If we cannot obtain a permit to
dredge - we still have to pay County
taxes on our claims - as well as
County recording fee + BLM forms/fees.

This is a lot of money to be putting out each year for possibly not being able to dredge. What if certain private interests / clubs come in & purchase dredge permits so that a true dredger / miner can't obtain them? I feel that every valid claim holder should be entitled to a dredge permit.

Once again, I feel that ~~our~~ our concerns were covered at your Public Hearing on 3-31-2011. Thank you so much for taking the time to read this letter of our concerns.

Sincerely
Craig & Debbie Cahoon

Subject: Dredging Comment Letter1 to DFG 2011.doc

Date: Thursday, April 7, 2011 11:41:44 AM PT

From: Mark Dowdle - TCRCD

To: DFGsuctiondredge@dfg.ca.gov

CC: Gary Adair

Here is a comment I would like considered and included in the final EIR for suction dredge mining.

Thanks!

Mark Dowdle

Mark Dowdle
James McKee Ranch
2671 East Fork Hayfork Road
Wildwood, CA 96076
Mail address:
James McKee Ranch
P.O. Box 1694
Weaverville, CA 96093

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

RE: **NEED FOR INCLUSION OF EAST FORK HAYFORK CREEK,**
TRINITY COUNTY IN SUCTION DREDGE MINING USE RESTRICTIONS

Dear Mr. Stopher,

I am one of the partners in a large piece of property near the Chanchelulla Wilderness in Trinity County with approximately one-half mile of the East Fork Hayfork Creek running through it. A smaller stretch of Potato Creek also runs across the property.

Physical salmonid surveys and redd counts conducted by the California Department of Fish and Game over the years continue to indicate the East Fork of Hayfork Creek is one of the best, if not the best, spawning and juvenile-raising habitats in the entire Hayfork sub-basin of the South Fork of the Trinity River. Our family members and visitors are cognizant of and enjoy observing high numbers of juvenile salmonids here. Being such a productive stream, this particular stretch of salmonid habitat requires special protection from degradation. It was heavily mined in the 1800s and early 1900s and only in the recent two or three decades has it attained substantial recovery.

As landowners, our primary goal is to conserve and continue to restore this stretch of riparian habitat. We own all mining and timber rights to our land and do not intend to exercise them aside from fuels reduction activities. So it is with considerable trepidation we note there are no proposed restrictions on any of the tributaries to the South Fork of the Trinity River.

All efforts we invest to ensure protection and conservation of spawning beds and juvenile rearing habitat can be quickly nullified by degradation of salmonid habitat downstream or upstream by suction dredge mining and related activities. Importantly, high flows vary

significantly year to year in this stream, providing no assurance that residual sediment from dredging activities will be adequately flushed from critical salmonid spawning beds from one year to the next. Moreover, the recent drought, compounded by seasonal agricultural diversions upstream, caused East Fork Hayfork Creek to cease flowing for two consecutive summers as recently as two years ago. In sum, salmonid populations in this water body are already subject to significant stressors and need whatever protections can be accorded them.

The Environmental Impact Report on Suction Dredge Mining offers no proposed restrictions that would serve to protect this stream. In fact, it offers no restrictions on any tributaries to the South Fork Trinity River. As such, we ask that California Department of Fish and Game include East Fork Hayfork Creek and Potato Creek as subject to suction dredge mining restrictions and assign each the appropriate restriction of Class A, no dredging permitted at any time.

Thank you for your dedication and your efforts.

Sincerely,

Mark Dowdle
James McKee Ranch

Name:	Alfred Paul Hamlin
Mailing Address:	P.O. Box 5144 Shasta Lake Ca. 96089
Telephone No. (optional):	530-275-8683
Email (optional):	

Comments/Issues: After hearing Mr Waggoner the speaker for the Sierra Club I think you are going to be on that treadmill of endless litigation that you spoke of. Mr Waggoner and the other members of the Sierra Club are well connected politically in Sacramento. They are also represented in court by a small army of very expensive lawyers and are not going to stop until they get the restrictions they want which is no dodging at all. They have been successful in shutting down the timber industry oil and gas exploration and all other forms of use of public land by the tax paying public.

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

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name: <u>Laith LeBoa</u>
Mailing Address: <u>PO Box 7146 Petaluma CA 94955</u>
Telephone No. (optional):
Email (optional):

Comments/Issues:
<p>4" dredge is not big enough to dredge Big waters</p> <p>List where I am dredging = Noway people would be likely to be robbed or harassed</p> <p>4000 dredge permits only = whats to stop environmental groups from snatching all the permits. How do you decide who gets permits claim owners past permit holders with gold up more + more people will need permits</p> <p>3' away from banks makes almost all small creeks + streams undredgable</p> <p>vegetation is more likely to be abused by the large # of fisherman tubers Ratters. seem to me you are singleing out the dredgers</p> <p>Non motorized winches puts everybody at risk for crushing + drowning</p> <p>Yellowlegged frog = any body can say they saw one anywhere whats to stop the ENVIROS from making false reports.</p> <p>Were you guys ordered to review and change dredge laws or just to review</p> <p>I still havent read all the report but I will I see plenty of problems with your proposed or already made changes.</p> <p>Display licenss will you give us a waterproof licenss with 3" letters so you can read from 100'</p>

Please use additional sheets if necessary.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Fax: (530) 225-2391

From: ["Leonard Robel"](#)
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/07/2011 7:37:28 PM
Subject: Reject Suction Dredge Mining in California

To: Mark Stopher, California Department of Fish and Game

Please do everything in your power to stop the destructive mining happening in California. It's just one more industrial stealing operation - taking a little something for oneself and causing catastrophic damage to everyone else.

Thank you.

Leonard Robel
34 Meadow Drive
San Rafael, CA 94903
US

Subject: Draft SEIR

Date: Thursday, April 7, 2011 3:03:38 PM PT

From: Clifford Ruff

To: dfgsuctiondredge@dfg.ca.gov

April 7/ 11

RE: Draft SEIR

Dear Mr. Stopher,

The 1994 environmental impact report was working fine. Dredging is one of the few remaining activities that have a positive effect on the environment (the removal of mercury from water systems, resurfacing of riverbed nutrients, and the creation of rest holes for salmon.) The new system takes this beloved experience from those who deserve to have it.

Sincerely,
Clifford Ruff
Banning, Ca
cliffordruff20@yahoo.com

Subject: (none)

Date: Thursday, April 7, 2011 2:35:31 PM PT

From: Larry Rux

To: dfgsuctiondredge@dfg.ca.gov

Dear Mark Stopher

I have been trying to come up with the appropriate words to describe how I am feeling about the new Dredging regulations

I have been dredging with my sons for almost 30 years (recreationally)

We have 2 claims in the Happy Camp area (Elk Creek and Indian Creek)

Well now these Creeks are closed to dredging and that makes our claims worthless as it is not productive to pan, sluise or high bank in these tight little creeks

With what little impact we have on these creeks dredging a few weekends a year

I would think it should still be allowed, especially to current claim owners

Again I am very disappointed in these new rules and still have some hope that things can be corrected

Thankyou very much

Larry Rux

Subject: FW: youtube
Date: Thursday, April 7, 2011 9:00:25 AM PT
From: Craig Tucker
To: mstopher@dfg.ca.gov

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

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

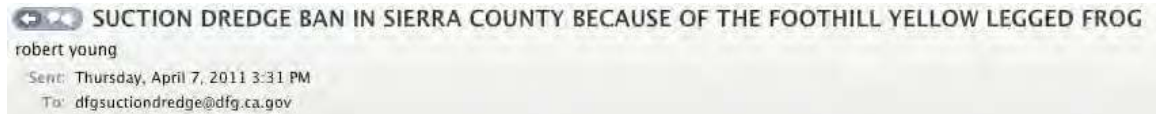
www.klamathrestoration.org

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

From: amargi@riseup.net [<mailto:amargi@riseup.net>]
Sent: Wednesday, March 30, 2011 9:23 AM
To: Craig Tucker
Subject: youtube

link is up:

http://www.youtube.com/watch?v=PJYyT2U3iAg&feature=channel_video_title



I've done more reading on the yellow legged frog in the last two weeks than I ever want to in the rest of my life. From the reports/studies that I have read your planned ban on Suction Dredging in the tributaries of Sierra County are mostly per bull based on one study that named suction dredging as a contributing factor to Yellow legged frog decline, all the other reports I read either didn't mention mining at all or mentioned mining in general along with timbering, recreational use, fishing, etc. From my readings I gather and it is clearly stated that the two main causes that researchers have found for the yellow legged frog decline are non-native fish species (bass-trout) in water systems and pesticides that blow in from the Sacramento Valley agriculture, which are not even mentioned or addressed, instead you have jumped to an unfounded conclusion that shutting down our dredging will help the frog populations. Even the fact that the largest populations of yellow legged frog are found below the 2900' level you haven't changed the rules for dredging there but instead picked an area above 3500-4500 feet as a target for a controlled dredging season from Sept-Jan. Who can work their claims during winter when you can't even access your claim. IT SOUNDS TO ME THAT YOU ARE TRYING TO MAKE THE FACTS SUPPORT A PRE-DETERMINED CONCLUSION. YOUR CONCLUSIONS ARE SKEWED . YOUR CONCLUSIONS ARE BIASED. GO BACK TO 1994 REGULATIONS WHICH WERE WORKING FINE. QUIT TRYING TO APPEASE THE SPECIAL INTEREST GROUPS WHO HAVE MONEY AND SUPPORT THE PEOPLE YOU ARE PAID TO WORK FOR!!!!!!

Robert Young,
box 1738 (446 Apple Blossom Dr.) Murphys, Ca. 05247 Reply requested!

Proposed Regulations

Bob Hendy

Sent: Friday, April 8, 2011 4:54 PM

To: dfgsuctiondredge@dfg.ca.gov

Hi Mark,

I want to thank you for keeping us informed, I would have liked to attend the public hearings but was not able to due to the severe weather in Tuo county.

But I would like to comment on a few items.

1 I would like to see the maximum nozzle size increased to 6" instead of 4",as most of us have four to six inch dredges, Realizing that on the smaller streams this may not be acceptable.

2 I would like to be able to be in the front of the line to get the new permits,due to the fact that I purchased mine in july,and was not able to use it due to the signing of SB170,I would be willing to pay again but think that those of us that purchased the permit to have it cancelled in a few weeks afterward deserve some consideration.

3 The restrictions on streams 2000 ft and lower, a july start is somewhat ridiculous,as most of the are dependent on rainfall for the proper flows to be able to dredge with minimum impact. I would like to see an earlier start.

4 I am hoping that most of the biology done on this takes into consideration that most of us who have mined and studied the rivers in California realize that most are suffering from impoundment problems that controlled flow cause, and that most Californians have not see a wild river scour banks take out trees redistribute gravels and so on. we all know that fish and invertebrates need not only large cobble but also small gravel to spawn in. Having fished from the santa ynez river for steelhead when I was young to the rouge river to the Salmon River in Idaho, we all know that damming and controlling the flows is not helping the fish population or their condition. Again thank you for keeping us updated

Bob Hendy



California Regional Water Quality Control Board

Lahontan Region



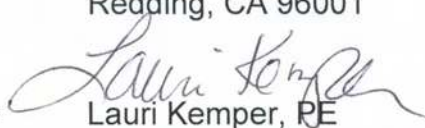
Linda S. Adams
Acting Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Edmund G. Brown Jr.
Governor

MEMORANDUM

TO: Suction Dredge Program Draft SEIR
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

FROM: 
Lauri Kemper, PE
Assistant Executive Officer
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: APR 08 2011

SUBJECT: COMMENTS ON DRAFT PROPOSED REGULATIONS AND DRAFT
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE
SUCTION DREDGE PERMITTING PROGRAM (SCH #2009112005)

This letter provides comments on the above-referenced SEIR and Draft Proposed Regulations for suction dredging.

The SEIR and Draft Proposed Regulations should be substantially supplemented to adequately address suction dredging in: 1) water bodies impaired by sediment and/or mercury, and 2) water bodies that are of "reference" quality. These situations lie at the two extremes of the waterbody-condition scale, and both deserve special attention to address key environmental and regulatory considerations.

At one end of the waterbody-condition scale are those water bodies listed as impaired pursuant to Section 303(d) of the Clean Water Act. For water bodies so listed as impaired due to sediment and/or mercury, the SEIR and Draft Proposed Regulations should explicitly prohibit suction dredging within or upstream of the listed water body segment(s), unless suction dredging is explicitly allowed and regulated under a Total Maximum Daily Load (TMDL) adopted by the State Water Resources Control Board.

At the other end of the waterbody-condition scale are those high-quality water bodies which are undisturbed, or minimally disturbed, and which may serve to define or preserve reference conditions and/or qualify for designation as Outstanding National Resource Waters (ONRWs). The SEIR and Draft Proposed Regulations should be supplemented to: 1) acknowledge recent developments in federal-state programs to



provide adequate protection for remaining high-quality aquatic ecosystems; and 2) prohibit the practice of suction dredging in "reference quality" water bodies in California.

The USEPA recently released its final **Clean Water Strategy** (USEPA 2011) which places fundamental emphasis on the needs to define baseline conditions, to increase protection for existing high-quality (i.e., "healthy") waters, and to emphasize strict adherence to antidegradation policies in order to prevent the incremental degradation of high-quality waters over time. The State Water Resources Control Board is implementing the USEPA's Clean Water Strategy in part via a **Reference Condition Management Program** (RCMP) for California (Ode and Schiff 2009). Scientists working on the RCMP could provide the CDFG with information to identify high-quality or "reference-condition" water bodies in California. We suggest that you contact the authors of that report for more details, and to request assistance in identifying reference-quality water bodies. For such water bodies, the SEIR and Draft Proposed Regulations should explicitly prohibit suction dredging unless a Regional Water Board, after a public hearing, makes the requisite nondegradation findings (i.e., under State Water Resources Control Board Resolution No. 68-16) to allow degradation due to suction dredging.

As you may know, the State Water Resources Control Board, along with the Regional Water Boards and other stakeholders, is now developing biological objectives for wadeable streams and rivers throughout California. The maintenance of reference-quality waters is crucial to the success of this project. In order to adequately protect California's high-quality waters into the future, known high-impact activities such as suction dredging should be prohibited in reference-quality streams and rivers unless the findings required under Resolution No. 68-16 are explicitly made.

Please contact Thomas Suk of my staff at (530) 542-5419 if you have any questions regarding these comments.

References

Ode, P., and K. Schiff. 2009. Recommendations for the development and maintenance of a reference condition management program (RCMP) to support biological assessment of California's wadeable streams: Report to the State Water Resources Control Board's Surface Water Ambient Monitoring Program (SWAMP). Technical Report 581, March 2009.

U.S. Environmental Protection Agency. 2011. Coming Together for Clean Water: EPA's Strategy for Protecting America's Waters. USEPA, Washington, DC. March 2011.

cc: Mark Stopher/CA Dept. of Fish and Game



4/8/11

Mark Stapher
CDF&G

Re: Suction Dredge Permitting Program

Dear Sir:

I believe the following components of the proposed program are misguided, mistaken and just plain wrong.

- size limitations of equipment
- timing of operating seasons
- limiting licensees to 4000

we've been good stewards of the land and ~~our~~ resources on our claim at Red Oak. Your time would be better spent on other projects.

Please note I take exception to the fact no public meetings were held in rural areas where dredge mining is common. Count me as a definite "No" for the proposed program. Return suction dredging to its previous state.

Yours

Michael S. McAndrew Sr.