

Subject: Proposed dredging regulations

Date: Wednesday, April 13, 2011 8:24:19 AM PT

From: Timothy Gilbreth

To: dfgsuctiondredge@dfg.ca.gov

Mr. Stopher,

I am writing to protest the newly proposed suction dredge regulations for the State of California. Studies have shown that dredging is beneficial, not harmful to fish. The economic impact of said regulations will unnecessarily impact many people who rely on these activities for their livelihoods.

sincerely,

Tim Gilbreth

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

Name:	STAN GILMAN
Mailing Address:	21042 KAUSCH CIRCLE
	HUNTINGTON BEACH, CA. 92646
Telephone No. (optional):	714 374-6542
Email (optional):	Dev9Dragon@AOL.com

Comments/Issues: I ATTENDED THE MARCH 23RD MEETING IN SANTA CLARITA HOPING TO SEE SOME REASONABLE REGULATIONS FOR THE NEW DREDGE PERMIT PROGRAM. SOMETHING SIMILAR TO THE 1994 REGULATIONS. WHAT I SAW WAS A OUTN OUTASSAULT ON DREDGERS, ENTENDED TO TIE THE HANDS OF DREDGERS BY MAKING DREDGING NEXT TO IMPOSSIBLE. I HAVE WRITTEN DOWN SOME CONCERNS ABOUT THE NEW REGULATIONS.

① THE 3 FOOT RULE IS UNREASONABLE CONSIDERING THE WAY GOLD TRAVELS IN A STREAM OR RIVER. THIS 3 FOOT RULE WOULD MAKE IT IMPOSSIBLE FOR DREDGERS, HIGH BANKER/ DREDGE COMBO UNITS, EVEN SLUICERS TO GET PAY STREAK GOLD. I SUPPORT THE 1994 REGULATIONS AS FAR AND REASONABLE.

② SIX LOCATIONS PER PERMIT IS REALLY A MAJOR LIMITATION FOR THE DREDGING

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

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PROSPECTOR. THE PERSON DOING THE DREDGING DOESN'T KNOW EXACTLY WHERE THE GOLD IS, THAT'S WHY ITS CALLED PROSPECTING. HE OR SHE HAS TO LOOK FOR THE GOLD, SAMPLING AREA BY AREA. THE 1994 REGULATION TOOK THIS INTO ACCOUNT, I SUPPORT THE 1994 REGULATIONS.

3 MERCURY IS BAD FOR RIVERS, STREAMS, PEOPLE, ENVIRONMENT, ETC. DREDGERS REMOVE MERCURY, METALS + TRASH AND BASICLY HELP CLEAN RIVERS AND STREAMS. THIS IS A NO BRAINER, I DON'T SEE ANY DOWN SIDE HERE.

4 FUEL REGULATIONS, TODAY EVEN THE FUEL CONTAINERS ARE MADE TO PREVENT SPILLS. KEEPING FUEL SO FAR AWAY FROM THE DREDGING APPERATION COULD ONLY INCREASE THE PROBABILITY OF AN ACCIDENT. BOATERS CARRY FUEL IN THEIR BOATS, I WOULD THINK DREDGERS DESERVE THE SAME CONSIDERATION.

5 $\frac{3}{32}$ - INCH INTAKE REQUIREMENT ON PUMPS IS DANGEROUS, STARVING PUMPS CAUSING THEM TO BREAK DOWN IS JUST ANOTHER WAY TO MAKE DREDGING MORE IMPOSSIBLE. THE 1994 REGULATIONS ALREADY PROTECT SPAWNING GROUNDS FOR FISH.

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6 FILLING IN HOLES ON DRY LAND IS HARD ENOUGH, BUT UNDERWATER AND AGAINST THE CURRENT IS NEXT TO IMPOSSIBLE, BESIDES THE FISH LIKE THE HOLES AND BY THE NEXT SEASON IT HAS ALL BEEN WASHED AWAY.

THESE ARE JUST SOME OF MY CONCERNS, AND I COULD KEEP WRITING, BUT I WILL STOP NOW AND THANK YOU VERY MUCH FOR GIVING CAREFUL CONSIDERATION TO MY COMMENTS AND SUGGESTIONS. PLEASE RE-CONSIDER THE 1994 REGULATIONS,

STAN GILMAN
21042 KAUSCH CIRCLE
HUNTINGTON BEACH, CA. 92646

4-13-2011

Subject: (none)

Date: Wednesday, April 13, 2011 7:56:14 AM PT

From: Ken Greenwell

To: dfgsuctiondredge@dfg.ca.gov

All the studies have been done over and over for the last twenty years and the results are always the same, no adverse effects on the environment. Using science for these studies, on dredging always makes you people look pretty bad, (DFG), as long as nothing is skewed or tainted to project your slanted environmental views. DFG. Has cost the state of California millions of dollars by the actions they have taken along with the environmentalist. No wonder the state of California is so dam broke. After stealing our dredging fees and loosing all the monies involved with dredging over the last four years, you would think a prudent person would be placed in charge of the California Dept. of Fish and Game.

Claim holders in Calif. Ken and Rayetta Greenwell
Fallon, NV. 89406

To: dfgsuctiondredge@dfg.ca.gov
From: stu <lakewooddancers@goldrush.com>
Subject: please protect the fish!

041311_Heller

Cc:

Bcc:

Attachments:

I am an avid catch and release fly fisherman who enjoys wading and fishing in the many wonderful rivers in the Sierras. I have seen the dredgers at work, clouding up the water and forcing the fragile trout population to essentially try to feed in a dust cloud, kind of like our soldiers in Iraq caught in a dust storm.

Please do not allow this dredging to continue for the mere pleasure of a few recreational gold seekers. Preserving our fragile population of fish is far more important than their fun.

Obviously they have other sources of income so its not that they are living off their findings, whereas the trout have nowhere else to feed.....

MARK -

Here's a duplicate of an email I submitted earlier:

Please consider terminating dredging -

Thanks

Stu Heller

Subject: New Mining Regs

Date: Wednesday, April 13, 2011 12:44:59 PM PT

From: George Sr

To: dfgsuctiondredge@dfg.ca.gov

Hello-

Reviewing the DFG proposed suction dredge "rules" found many fatal errors and suppositions that will totally destroy the small mining industry in the "Golden State", as well as Harm many support businesses.

Several of my family members travel to California and help support the local economy at around \$ 1500 per trip and now are thinking of other destinations!! SAD !

Thirty years of experience dredging in California, I have NEVER seen a fish harmed, on the contrary the fish like to feed off the end om my dredge sluice, and become Welcome Friends!!! Not what I feel or think, but what I know from experience.!

Last season (2010) tried "power sluicing" and spent most of my time "cleaning up and picking Up and packing out" , litter left from other river users i.e. rafters, fisherman, et ! Yuck !

As a "native son" of the Golden State, I hope that wisdom prevails as shown on the "Great Seal of California" and the industry and hope indicated there-in is not destroyed. by a whim.

**Sincerely
George McConnell**

[@ q.com](http://www.Nuggetgeorge)

Here's a Learning Challenge: Go See Dave McCracken at the

New 49'ers (www.Goldgold.com) and He probably be Happy to Teach You what Dredging is all about and its non-effects. You can witness and Experience Dredging for Yourself..

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	STEVEN ROSENTHAL
Mailing Address:	1448 CLARITA AVE
	SAN JOSE CA 95130
Telephone No. (optional):	408-249-1547
Email (optional):	YELLOWDOG1@EARTHLINK.NET

Comments/Issues:	I HAVE GOLD FEVER REALLY BAD.
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Hello

I have been gold mining for the past 42 years. It started with my father and me and now it's grown to include not only my family, but 5 more from my neighborhood. I look forward to going dredging all winter. I have some problems with the DSEIR report.

- 1) 4000 Permits is wrong. It should be unlimited like fishing licenses. This would create more money for the state and stop any one group from buying up all the permits. Also, I believe that those of us who had a 2009 permit invalidated, with no refund, should have the right of first refusal on any permits issued.
- 2) 3' from the bank at current water level. This should be from high flood water level. Summer water is very low and in some places the water isn't even 4' wide.
- 3) Foliage: Dredgers are in the water. Fishermen walk up and down, tromping through anything, just to get to that special hole. Fishermen outnumber dredgers 500 to 1.
- 4) Winching: I use a power winch to move rocks that are in the water. I don't pull them up on the bank; it's too hard on my equipment.
- 5) Hole filling: As I move up river all my large rocks and small rocks fill in the hole where I've already been. The dredge comes over the top and fills it in even more with sand and gravel. From summer to summer it's hard to find where I've been, winter water reclaims it.
- 6) Onsite inspections: You want me to show you where the gold is? This is crazy.
- 7) Screens around the pump intake: The size of wire that this suggests is too small and will damage motors and pumps. The water needs to flow more freely.
- 8) Fuel containment: 100 Feet away is a little over kill. 10 Feet from the water would be better.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Fax: (530) 225-2391

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

Subject: Re: Dredging on the Klamath

Date: Wednesday, April 13, 2011 10:56:29 PM PT

From: William Severson

To: dfgsuctiondredge@dfg.ca.gov

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

Regarding dredging on the Klamath River.

I dredged on the Klamath from 1995 to 1999, five years, in the summer, diving 6 hours a day in 3 two hour dives.

So I do have some experience, my estimate is 5,000 hours under water.

What we experience is the best place to fish is off the back of a dredge as the material brought up from the river bottom, is what the fish just love to eat.

We recovered lots of lead from fishing weights and bullets from dredging in the river.

We lived on the river year round so we would take walks along the river in the fall, winter and spring sometimes daily.

We were there for the flood of 96 the river rose 43 1/2 feet and the Independence Bridge was just shaking like a leaf

with the water up to the bottom of the bridge, we though for sure the bridge would be washed away, but it remains.

In my experience dredging has no adverse impact on fish, like I said dredgers feed the fish, I would encourage you to go under water at an operating dredge to observe the fish.

At any rate dredging is a tremendous amount of work, moving lots of rocks underwater - I call this therapy, it is not

a very profitable business so is best considered a hobby it is a tremendous amount of fun.

I absolutely love prospecting diving and dredging.

The reason I left is in September of 1998 I got two blood clots in my left lung so the Doctor said I should find something else to do, which I did.

In my opinion, dredging does not have an adverse impact on the Klamath river or any river and is beneficial to fish, providing

fresh gravels for spawning grounds as well as providing food for the fish.

I do not dredge at this time and would need a doctors clearance to do so in the future, at this time I am caring for my wife so not dredging in my future.

Sincerely,

Bill Severson
19298 Stratford Way
Apple Valley, CA 92308

c 760-900-1638
wseverson@msn.com

Subject: Suction Dredging

Date: Wednesday, April 13, 2011 5:47:28 AM PT

From: Terry Shires

To: dfgsuctiondredge@dfg.ca.gov

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Dear Sir,

I own several mining claims in your state. I am also a member of the GPAA.

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an under handed attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to all Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda to get in the way of real science.

The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful. There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, where and where dredging would not be allowed in a statewide program.

There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application

which has been disapproved. Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value. I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish.

Please leave nozzle restriction sizes as they were in the 1994 regulations.

The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable. If a dredger wants to operate a dredge having a larger

nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

This proposal is just supported by your “precautionary approach.” Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your “precautionary approach.” Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The SEIR has not presented any real evidence that dredging

within three feet of the stream bank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe.

Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the “bank” is in relation to dredge mining. For example, is there a “bank” in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers. This also applies

to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code. The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredgeminer hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates. It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 mussels per square yard exist before dropping tailings! Some rivers are so inundated with mussels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Terry Shires 5337 U.S. Highway 281 South Mineral Wells, Texas 76067

Subject: DFG's Proposed Dredge Regulations in California

Date: Wednesday, April 13, 2011 4:40:46 PM PT

From: Henry A Sisler

To: dfgsuctiondredge@dfg.ca.gov

Mark Stopher

Dear Sir,

AS A Impendent Small Weekend Gold dredger in California, for over 12 years now, Please consider my following comments regarding the SEIR

and Proposed Regulations for suction dredge SEIR Baseline is wrong: I take strong exception to the

Department using an arbitrary and misleading(No Proof Study, on the effects of dredging.) baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of

Charles Alpers who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California

Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

(I myself have collected a lot of Mercury in several different rivers in CA..as well as WA state,)

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations!

Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones

that are removing the mercury, at no cost to the taxpayers! Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge miners for collecting and turning in mercury. Identification requirement:

The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here. DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species

What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason. Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a

statewide program. On site inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved. Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property). Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value. DFG should not further-limit the size of dredges under the statewide permitting program: (I personally use a 6" dredge with a tribble box, losing nothing in small gold, 5" intake), I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable. Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection. DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994. Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact. Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994. The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the stream bank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties. It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is

partially out
of the water? What about a bar alongside the waterway that is submerged during the spring, but
emerges
more and more out of the water as the dry season evolves? Existing language is not clear enough.
The
proper answer is to clear that up, rather than impose an additional buffer zone which reduces our
mining
opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than
is

allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition
upon

dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their
activity

rises to the level of requiring one. It should not be any different for suction dredgers. This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other
rocks that

are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless
the

surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code. Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump
intakes as

they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump
intakes. To
avoid conflict, you should adopt something larger than the two hole sizes which are already being
used on
most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times
and
places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to
inform DFG exactly where they are dredging – and then hold them to the location unless the permit
is
amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I
apply for
my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of
gold

without having to make an expensive trip to the closest Department license sales office to amend
my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign
to a

small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges. Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing! There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates. Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist before dropping tailings! Some rivers are so inundated with muscles; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations. Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and

Subject: Suction Dredge Mining is Not an Appropriate Use of CA Rivers

Date: Wednesday, April 13, 2011 10:15:42 PM PT

From: Jim Steitz

To: dfgsuctiondredge@dfg.ca.gov

As a concerned citizen of the ecosystem immediately adjoining the California streams most threatened suction-dredge miners, I urge DFG to prohibit suction-dredge placer mining in California's waterways, and adopt the no-action alternative. This type of mining is an inherently unmanageable and inappropriate use of public waterways. Not every use of our natural resources has sufficient value to merit allowing it, and suction dredge mining is an excellent example of such a superfluous, unnecessary activity.

Suction dredge mining has an extremely small constituency of hobby miners. DFG is not required to indulge the recreational wishes of every last person, and dedicate the large staff time and resources necessary to monitor their activities. Given that the suction-dredge mining devotees include a number of individuals who have publicly and brazenly defied governmental authority, and declared their unwillingness to comply with any government regulation of their activity, this sort of open-ended permission an invitation to endless cat-and-mouse games with rogue miners with no shared understanding of the regulation.

If DFG wishes to proceed with permitting of suction-dredge mining, it must be prepared to dedicate considerable staff to monitoring mining sites in remote locations, often operated by individuals who have made threats of violence against observers, governmentally uniformed or not. To operate such a program, DFG will need not just a budget, but a requirement for the exact stream locations of all permitted suction-dredge miners." It will also need to require discharge monitoring reports from the miners, and regularly ground-truth them with unannounced inspections.

This is a considerable administrative challenge for an agency with limited staff time, and in exchange for a vanishingly small material benefit to a tiny group of recreational miners. The DFG need not indulge every gratuitous exploitation of natural resources for every miniscule return to society, and suction dredge mining is not one that DFG must indulge.

Thank you for your attention to this urgent issue.

Jim Steitz
357 Vista Street Apt. 5
357 Vista Street Apt. 5
Ashland, OR 97520

Subject: please protect the fish!

Date: Wednesday, April 13, 2011 9:00:44 AM PT

From: stu <lakewooddancers@goldrush.com>

To: dfgsuctiondredge@dfg.ca.gov <dfgsuctiondredge@dfg.ca.gov>

I am an avid catch and release fly fisherman who enjoys wading and fishing in the many wonderful rivers in the Sierras. I have seen the dredgers at work, clouding up the water and forcing the fragile trout population to essentially try to feed in a dust cloud, kind of like our soldiers in Iraq caught in a dust storm.

Please do not allow this dredging to continue for the mere pleasure of a few recreational gold seekers. Preserving our fragile population of fish is far more important than their fun. Obviously they have other sources of income so its not that they are living off their findings, whereas the trout have nowhere else to feed.....

4.14.2011

MR. MARK STOPKOR

RE: SUCTION DREDGE SEIR.

AS I AM UNABLE TO ATTEND YOUR CONCURRENT MEETINGS ON SUCTION DREDGING I AM WRITING A FEW OBSERVATIONS OF MIND AND HOPING A LITTLE COMMON SENSE AND ABANDONMENT OF BIAS OPINIONS WILL PREVAIL. I'M ALL FOR THE PROTECTION OF OUR NATURAL RESOURCES WHEN IT'S DONE REASONABLY AND HONESTLY. I'M NOT A DREDGE BUT AM A RECREATIONAL FISHER. THERE ARE STEPS TO BE WAY TOO MUCH OVER REACH AND OVER REGULATION IN TODAY'S SOCIETY. IF THIS ATTACK ON DREDGING HAS BEEN BROUGHT ABOUT BY NORTHERN CALIFORNIA INDIANS, THEN I WOULD HOPE SOMEONE FROM DFG WOULD LOOK INTO THEIR USE OF "GILL NETS" FOR THEIR "SUBSISTENCE" FISHING. AS FOR THE MERCURY ALLEGATIONS, HAS ANYONE SEEN WHAT MOTHER NATURE DOES TO RIVERS IN THE STATE DURING WINTER?

REASONABLE REGULATION SHOULD BE THE KEY TO YOUR PROBLEM.

THANK YOU

E Burchard

Ed Burchard PO Box 1371 Colfax, CA. 95713

From: ["Matthew Rokes"](#)**To:** dfgsuctiondredge@dfg.ca.gov**CC:****Date:** 04/13/2011 8:00:29 PM**Subject:** Support Suction Dredge Mining in California Waterways

Please don't allow alarmist Enviromental groups to convince the DFG that suction dredging harms our waterways. I am not a dredger, however, I have seen first hand that dredging does little if any harm. I have seen Salmon spawning/congregating in recently dredged gravel. Perhaps they are attracked by the clean gravel. Preventing the public from enjoying the Rivers will not increase the Salmon runs at all. There are bigger issues that could be addressed. Issues like Sea Lions at the mouth of rivers, Indian gill netters, Japanese ocean trawlers, etc.

Please do not punish the dredgers for problems not created by them. These folks are taxpayers and they are a large part of local river communities economy. Thank you for your consideration.

Matthew Rokes
818 west Miner Street
Yreka, CA 96097

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist before dropping tailings! Some rivers are so inundated with muscles; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

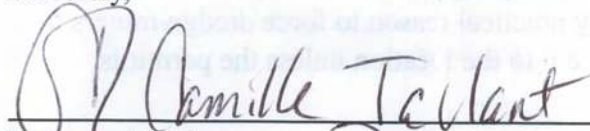
Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

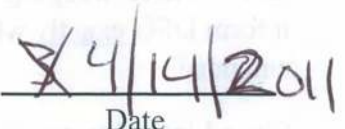
Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,



Name and Address

P.O. Box 183 Happy Camp Ca
96039



Date

Subject: Re: Status of Suction Dredge DSEIR public review

Date: Thursday, April 14, 2011 1:42:10 PM PT

From: marthacolleen@gmail.com

To: Mark Stopher

To you?

Sent on the Sprint® Now Network from my BlackBerry®

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

From: Mark Stopher <MStopher@dfg.ca.gov>

Date: Thu, 14 Apr 2011 13:40:52

To: <marthacolleen@gmail.com>

Subject: Re: Status of Suction Dredge DSEIR public review

email is probably your best method

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

voice 530.225.2275

fax 530.225.2391

cell 530.945.1344

||| <marthacolleen@gmail.com> 4/14/2011 1:34 PM >>>
Thank you for the update. Being in NC, we aren't able to attend meetings, how can we best submit our position / opinion?

Sent on the Sprint® Now Network from my BlackBerry®

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

From: Mark Stopher <MStopher@dfg.ca.gov>

Sender: ca-suction-dredge-eir@googlegroups.com

Date: Thu, 14 Apr 2011 13:30:33

To: Charlie Watson<cwatson@advancedgeologic.com>; Kerwin Krause<kerwin.krause@alaska.gov>; John<jeepest@aol.com>; Joseph McGee<joni4cats@aol.com>; <redy2ctsp@aol.com>; Curtis Willie<sbishop1979@aol.com>; Charles Huss<smaltoy@aol.com>; Floyd Vaughan<vaughan1896@aol.com>; Bonnie Kriens<mbkriens@att.net>; Chuck Johnson<n6yii@att.net>; Tom Harris<THARRIS1950@att.net>; Ed<traqngold@att.net>; <davemack@attglobal.net>; Gary West<gwest@ci.vallejo.ca.us>; Jim Hart<stanford@citlink.net>; Gary



April 14, 2011

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

Re: Comments on DSEIR for the Suction Dredge Permitting Program

Dear Mr. Stopher,

My preferred alternative is 6.3.1 the “No Alternative Program”. Suction dredging has high environmental, social and health costs with very little benefit to anyone. The cumulative impacts spread across virtually every watershed in the state are profound when balanced against the incredibly small number of people who stand to gain from the practice. Also of concern is the potentially significant effect of spreading unwanted invasive species and disease (i.e. *Batrachochytrium dendrobatidis*) between watersheds as the result of dredging activities. In addition, given the State of California’s budget constraints, enforcement of the Department’s preferred alternative may be difficult to do.

If, for some reason, the Department’s preferred alternative is chosen, please take into consideration the following changes to the proposed regulations:

Western Pond Turtle

The Western Pond Turtle *Actinemys (=clemmys) marmorata* is a California Species of Special Concern and a federally listed Species of Concern. The DSEIR claims that suction dredging will have “less than significant impact” on this rapidly disappearing animal; however, it provides no data to support such a claim.

The Western Pond Turtle feeds on both animals and plants that bio accumulate mercury (Hg) and other heavy metals. Not only does it feed on aquatic organisms such as macroinvertebrates and fishes, it routinely forages on water hyacinth which is well known for its ability to assimilate Hg and methyl mercury (MeHg). MeHg accumulates in cattails¹ whose roots and tubers are an

actively sought after and a favored food of Western Pond Turtles and other aquatic animals. Turtles are known to accumulate Hg. It has even been proposed that snapping turtles, *Chelydra serpentina*, be used as sentinels for Hg contamination.ⁱⁱ The Western Pond Turtle commonly

lives to 40 years and has been documented to live up to 70 years; therefore, it is reasonable to assume that Western Pond Turtles are vulnerable to Hg poisoning.

Western Pond Turtles live in the lower reaches of many, if not most, of the watersheds where dredging will be allowed. It is acknowledged in the DSEIR that suction dredging liberates considerable amounts of mercury into the environment which can travel vast distances and ultimately accumulate in organisms upon which pond turtles feed.

Western Pond Turtle recruitment has been declining. Western Pond Turtle eggs in Oregon have been shown to accumulate trace elements including mercury and chromium. Their eggs have been found to contain up to 44.9 micro g/g dry weight chromium which is the highest reported in any reptilian eggⁱⁱⁱ.

Hg is well known to affect reproduction in many species including turtles^{iv}. Until it can be proven that Hg contamination of Western Pond Turtles is truly "less than significant" *suction dredging in watersheds where populations of turtles occur should not be allowed.*

Upper Cosumnes River Basin

The three forks of the Upper Cosumnes River and the main fork of the Cosumnes River in El Dorado County and Amador County is unique ecosystem that is home to the only known population of the Cosumnes spring stonefly (*Cosumnoperla hypocrena*). To introduce suction dredging to this ecosystem could mean the extinction of this rare species of stonefly. The Cosumnes River is the only undammed river on the west slope of the Sierra Nevada. The American River Conservancy has been working since 1989 to protect and preserve the unique habitats associated with the Upper Cosumnes River. The entire Cosumnes River basin should be given an A (no dredging) designation.

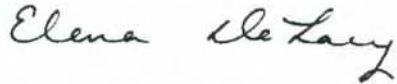
Bear Creek, Traverse Creek and Rock Creek Drainages

The riparian zones of these three creeks, located in El Dorado County, support known populations (and historical occurrences) of California red-legged frog (*Rana draytonii*), a threatened species listed under the Federal Endangered Species Act. The California red-legged frog uses aquatic habitats and associated uplands. The California red-legged frog is also present in the Weber (Webber) Creek drainage in El Dorado County, which is designated as a Class A water body on page 2-29 of the DSEIR. Rock Creek, Bear Creek and Traverse Creek should also be given an A (no dredging) designation.

In summary, the best methods for protecting California's important and fragile aquatic ecosystems are to protect them from further disturbance and degradation and by encouraging land management (or stewardship) practices that protect and enhance the ecological processes that support life. Please take a careful look at the practice of suction dredging and the

associated biological, social and human health impacts. If you have any questions regarding these comments, please contact the American River Conservancy at (530) 295-2190.

Sincerely,



Elena DeLacy
Conservation Project Coordinator

ⁱ Fay and Gustin, "Investigations of Mercury Accumulation in Cattails Growing in Constructed Wetland Mesocosms," Wetlands, Vol 27, No. 4

ⁱⁱ Golet and Haines, "Snapping Turtles (*Chelydra serpentina*) As Monitors for Mercury Contamination of Aquatic Environments," Environmental Monitoring and Assessment Vol. 71, Number 3, 211-220

ⁱⁱⁱ Henny, Beal, and Goggans, "Organochlorine Pesticides, PCBs, Trace Elements and Metals in Western Pond Turtle Eggs from Oregon," Northwest Science, Vol 77, No.1. 2003

^{iv} Presti, Hidalgo, Sollad, "Mercury Concentration in the Scutes of Black Sea Turtles, *Chelonia mydas agassizii*, in the Gulf of California," Chelonian Conservation and Biology. Vol 3, No. 3, pp 531-533. Dec. 1999

Subject: to Mark Stopher

Date: Thursday, April 14, 2011 7:36:16 PM PT

From: Joan Eagan

To: dfgsuctiondredge@dfg.ca.gov

There is faulty information being spread around about Suction Dredging and the harm it does to our waterways. Without any recent or past data studies, and relying on word to mouth from various agencies, IE: Bureau of land management , environmental groups , Indian tribes and other misinformed persons, we as minors are being refused the right to gather precious minerals by suction dredging . If actual studies were made it would be quite clear the Mother Nature does more damage to our waterways with the flooding of land and washing all things in its way eventually to our streams and oceans. Mother Nature does not stop to sort out trash in the process. We as minors do sort out the trash and MERCURY from our waterways as we look for precious minerals. We take the trash we collect to the dumps and remove the MERCURY from the waterways and dispose of it. No one can tell me that taking MERCURY and Trash out of our waterways is harmful to the environment. The so called experts want the population to believe they are working in the planets best interests, but they are in fact are trying to control our lives. They (the government and the brainwashed employees) want us to believe that the mining industry including the small minor (wrongly labeled the recreation minor) is ruining our waterways. Again I must state that there are NO scientific studies to back up their claims. I have been prospecting science 1992 and believe me it isn't a recreational pass time; I work hard at trying to find the gold when I go out. I don't know what mathematical formula these experts use, but removing any amount of MERCURY from our streams is better then just moving it from one area to another as Mother Nature does. When we apply for the yearly dredge permit we receive a list of areas with certain months for different waterways in which we can dredge. These regulations protect the spawning areas of such streams, rivers and oceans. I myself as a small minor try to supplement my retirement with the gold I might find and I hope to find a good amount so that I can help support my community with my purchases. If the government continues to burden me with excessive rules and permits it will cause me hardships to survive in this day and age of high prices. I hope that all the Senators, Congressmen/woman read up and get involved in some sort of mining activity to see exactly what the small minors are all about. I am positive that once they get involved, they will see for themselves that we do more good then harm to the environment.

Subject: Suction Dredge Regulations

Date: Thursday, April 14, 2011 6:25:37 PM PT

From: Mark Edinger

To: dfgsuctiondredge@dfg.ca.gov

You can't restrict dredging operations because of mere "***potential***" for adverse impacts on fish. To be lawful, any restrictions must make tangible improvements in the community or species-level survival of fish. The SEIR does not present a record to support the restrictions you that you are proposing.

Under the endangered species act you are to develop measures that protect species "while at the same time maintaining the project purpose (suction dredging)**to the maximum extent possible**" (Fish and Game Code § 2053).

To impose these regulations based on the "potential" you would also need to impose regulations on all activity on these rivers, including fishing, kayaking, boating, swimming, and even walking along the banks.

I am in favor in returning to the 1994 regulations, as soon as possible as I am a placer claim owner in California, and suction dredging is the most viable way for me to extract the gold from the river.

I am also upset that there is no mention of the positive impacts to the environment that suction dredging provides. Between 1994 and 2009 when the regulations which I feel should return were in place, over 4 tons of mercury were removed from the environment, by suction dredges. I feel that this information should also be told to the public, and that all of that was done without hurting one single fish.

I do believe that there should be regulations on dredging, and the 1994 regulations were right.

Mark Edinger

Comments/Issues:

This letter is to express my support for SB 657. I am a prospector and a member of a prospecting organization. There are many of us that participate at the prospecting organization's outings each month; which not only helps support the local economy in different areas but we also collect garbage from the water and shoreline. At the end of the outing we haul all the garbage off. It is my understanding that there is no solid evidence that dredging is harmful; therefore, no alteration to the dredging industry should be effected.

REGARDS ~
Doug Beren

meets if necessary.


TEN COMMENTS (POSTMARKED BY 05/10/11) TO:

Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
dfgsuctiondredge@dfg.ca.gov
(530) 225-2391

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

Comments/Issues:

I am writing to express my support for SB 657, a bill which would lift the ban on permitting Suction Dredge Mining until an Environmental Impact Report is complete or January 1, 2014, whichever occurs first. Weather permitting; I will go prospecting several times a month. Each trip I will spend money for fuel, food, supplies, etc. All of this spending helps the local businesses. It is unfair and a bad practice to put a halt on an entire industry on a hunch or idea of danger to the environment. It is my opinion that everyone should have the right to prospect on public land!



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

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

Subject: California Dredging

Date: Thursday, April 14, 2011 9:40:36 AM PT

From: Denis Jorgensen

To: dfgsuctiondredge@dfg.ca.gov

Dear Mr. Mark Stopher,

I am writing this letter to strongly protest the moratorium on suction dredging not being allow in California.

Our family has be dredging with a 4" dredge for the last 15 years, and we love it. I don't believe it is harming any fish or resources.

Where we dredge there is an awful lot of mercury in the creek, we have been taking that out of the each time we dredge. I think that is a good thing.

I ask that the State of California lift the moratorium on suction dredging.

Thanks for reading my email.

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

SEIR Baseline is wrong: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge-miners for collecting and turning in mercury.

Identification requirement: The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide program.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist before dropping tailings! Some rivers are so inundated with muscles; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

*ALL
OPEN UP ALL RIVERS & CREEKS - YEAR AROUND.*

Thank you very much for giving careful consideration to my comments and suggestions!

WE DON'T HURT THE FISH SO DON'T PUNISH US BY

PUTTING TIME LIMITS ON OUR DREDGING.

Sincerely,

Myrna Karns

Name and Address

4-14-11

Date

MYRNA KARNs

PO Box 802

HAPPY CAMP CA 96039

Subject: Suction Dredge Mining in California
Date: Thursday, April 14, 2011 7:52:41 AM PT
From: Gene Koch
To: dfgsuctiondredge@dfg.ca.gov

Please REJECT the concept of Suction Dredge Mining in California waters. No more permits.

It only benefits the owners of the mining permits with no economic benefit to the State of California and absolutely no benefit to the environment quality of the streams being effective.

One only needs to go watch the suction dredging operation for five minutes to see the damage being done. Please stop this destruction.

Thank you.

Gene Koch

Gene Koch
60 Crocker
60 Crocker Street
Ashland, OR 97520

Subject: Some Corrections and Claifications to the DSEIR
Date: Thursday, April 14, 2011 3:18:59 PM PT
From: craig.lindsay@comcast.net
To: Mark Stopher, Eric Maksymyk, Mojave Joe, Rick, Don Robinson
CC: keene, pat, Jerry Hobbs

Mark,

I've attached a document (Clarification_Correction Letter A-1) with three items that need review for correction or clarification in the DSEIR;

- #1 Confusing/conflicting or missing DSEIR use classifications for Wild and Scenic Rivers, primarily due to differing methods to describe Waters
- #2 Refugia radius has two values in DSEIR
- #3 Lack of clarity in thermal refugia descriptions as an example: Siskiyou County the Salmon and Scott Rivers.

I've also included a second document titled Appendix A, listing all of the Wild and Scenic rivers in California, the proposed use classification plus on the larger rivers the descriptions from Wikipedia, hopefully this can be used as a starting point.

The major issue in my mind is that by using DFG use classifications I can then dredge on Wild and Scenic rivers? As an example the Big Sur River, based on its description: Monterey County- All rivers and streams east of Hwy 101, unless otherwise noted below, Class D

I somehow don't think dredging is allowed. There is no mention of the Eel River just county based use classifications, confusing.

Respectfully,

Craig A. Lindsay
President, North Fork Dredgers Association

Appendix A: California Wild and Scenic Rivers

- [Amargosa River](#)

Designated Reach: March 30, 2009. From the northern boundary of Section 7, Township 21 North, Range 7 East to 100 feet upstream of the Tecopa Hot Springs Road crossing. From 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa. From the northern boundary of Section 16, Township 20 North, Range 7 East to 100 feet upstream of the Dumont Dunes Access Road crossing in Section 32, Township 19 North, Range 7 East. From 100 feet downstream of the Dumont Dunes Access Road for the next 1.4 miles.

Designated Reach: January 19, 1981. From the confluence with the Sacramento River to the Nimbus Dam.

Classification/Mileage: Recreational — 23.0 miles; Total — 23.0 miles.

DFG:

San Bernardino Co.

Amargosa River Mainstem from SR-127 crossing upstream to Old Spanish Trail crossing in Tecopa (Inyo Co) Class A

Amargosa River Mainstem from San Bernardino-Inyo County line upstream to Saratoga Springs Class A

Inyo Co.

Amargosa River Mainstem upstream of Death Valley Road (CA 127), Class A

- [American River \(Lower\)](#)

Designated Reach: January 19, 1981. From the confluence with the Sacramento River to the Nimbus Dam.

Classification/Mileage: Recreational — 23.0 miles; Total — 23.0 miles.

DFG:

Sacramento Co.

American River Mainstem from Sacramento River upstream to Nimbus Dam, Class A

- [American River \(North Fork\)](#) — [Bureau of Land Management Site](#)

*Tahoe National Forest
631 Coyote Street
Nevada City, California 95950*

*Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308*

Designated Reach: November 10, 1978. From a point 0.3 miles above Heath Springs downstream to a point 1,000 feet upstream of the Colfax-Iowa Hill Bridge.

Classification/Mileage: Wild — 38.3 miles; Total — 38.3 miles.

DFG:

Placer Co.

American River, North Fork Mainstem and all tributaries from Lake Clementine Dam to Big Valley Canyon, Class G

- [Bautista Creek](#)

*San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408*

Designated Reach: March 30, 2009. From the San Bernardino National Forest boundary in Section 36, Township 6 South, Range 2 East to the San Bernardino National Forest boundary in Section 2, Township 6 South, Range 1 East.

Classification/Mileage: Recreational — 9.8 miles; Total — 9.8 miles.

DFG: No classification listed except

Riverside Co.

Bautista Creek Mainstem, upstream from Fairview Ave crossing, Class A

- [Big Sur River](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. From the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness. The South Fork and the North Fork from their headwaters to their confluence.

Classification/Mileage: Wild — 19.5 miles; Total — 19.5 miles.

Located in the Ventana Wilderness, this river offers outstanding opportunities for hiking, camping, swimming and fishing. It is one of the longest coastal California streams lined with redwoods.

DFG:

No specific classification listed except

Monterey Co.

Multiple Waters All rivers and streams west of Hwy 101 Class A,

Multiple waters All rivers and streams east of Hwy 101, unless otherwise noted below, Class D

- [Black Butte River](#)

Mendocino National Forest
825 North Humboldt Avenue
Willows, California 95988
Telephone: (530) 934-3316

Designated Reach: October 17, 2006. The segment from the Mendocino County line to its confluence with the Middle Eel River and Cold Creek from the Mendocino County line to its confluence with the Black Butte River.

From Wikipedia-The **Black Butte River** is located in the Mendocino National Forest of northern California in Lake, Glenn and Mendocino counties. It is a tributary to the Middle Fork Eel River and flows northward for 24 miles (39 km) from its headwaters near Round Mountain to the confluence with the Middle Fork Eel River. The Northern California Coastal Wild Heritage Wilderness Act of 2006 added 21 miles (34 km) of the Black Butte River (and a tributary Cold Creek) to the National Wild and Scenic Rivers System, of which 17.5 miles (28.2 km) are Wild status and 3.5 miles (5.6 km) are Scenic.^[1]

Classification/Mileage: Wild — 17.55 miles; Scenic — 3.57 miles; Total — 21.0 miles

DFG: No specific classification listed except

Glenn Co.

Multiple Waters All rivers and streams in the County west of I-5, unless otherwise noted below, Class F

Butte Creek Mainstem, Class A [IS THIS BLACK BUTTE RIVER?](#)

Mendocino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class F

[Cottonwood Creek](#)

Inyo National Forest
351 Pacu Lane
Suite 200
Bishop, California 93514

Designated Reach: March 30, 2009. From its headwaters at the spring in Section 27, Township 4 South, Range 34 East to the northern boundary of Sec. 5, Township 4 South, Range 34 East.

Classification/Mileage: Wild — 17.4 miles; Recreational — 4.1 miles; Total — 21.5 miles.

DFG:

Inyo Co.

Cottonwood Creek (Drains to Owens Lake) Mainstem and tributaries upstream of Little Cottonwood Creek, Class A

Cottonwood Creek (East of Highway 168), Mainstem Class A

- [Eel River](#)

California Resources Agency
1416 Ninth Street
Sacramento, California 95814

Mendocino National Forest
825 North Humboldt Avenue
Willows, California 95988

Bureau of Land Management
Ukiah Field Office
2550 North State Street
Ukiah, California 95482

Round Valley Reservation
Post Office Box 448
Covelo, California 95428

Six Rivers National Forest
1330 Bayshore Way
Eureka, California 95501

Designated Reach: January 19, 1981. From the mouth of the river to 100 yards below Van Arsdale Dam. The Middle Fork from its confluence with the main stem to the southern boundary of the Yolla Bolly Wilderness Area. The South Fork from its confluence with the main stem to the Section Four Creek confluence. The North Fork from its confluence with the main stem to Old Gilman Ranch. The Van Duzen River from the confluence with the Eel River to Dinsmore Bridge.

From Wikipedia: The river originates on the southern flank of Bald Mountain in northeastern Mendocino County.^[2] It flows southeast, then west, through Mendocino National Forest and Lake County. It is impounded in Lake Pillsbury, the reservoir created by Scott Dam.

Below Lake Pillsbury the Eel River re-enters Mendocino County, turning northwest approximately 15 miles (24 km) east of Willits. It flows northwest in a long isolated valley, collecting many tributaries including the Middle Fork Eel River and the North Fork Eel River. Between these two tributaries the Round Valley Indian Reservation lies east of the Eel River.

After the North Fork confluence, the Eel River flows around Island Mountain in the southwestern corner of Trinity County then crosses Humboldt County from the southeast to northwest, flowing in a winding course past a series of small mountain communities. The South Fork Eel River joins as the river valley widens. U.S. Route 101 runs along the South Fork Eel River and then the main Eel River's lower course.

After passing Scotia Bluffs near Rio Dell, the Eel River is joined by the Van Duzen River. Below that confluence, the Eel passes Fortuna and enters the Pacific in central Humboldt County, approximately 15 miles (24 km) south of Eureka.^[7] Eel River estuary is recognized for protection by the California Bays and Estuaries Policy.^[8]

Classification/Mileage: Wild — 97.0 miles; Scenic — 28.0 miles; Recreational — 273.0; Total — 398.0 miles

DFG:

Humboldt Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F

Special Closures for Thermal Refugia in Klamath River Watershed, see DSEIR chapter 2-30

Mendocino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F

Trinity Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F

- [Feather River](#)

Plumas National Forest
159 Lawrence Street
Box 11599
Quincy, California 95971

Designated Reach: October 2, 1968. The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California.

Classification/Mileage: Wild — 32.9 miles; Scenic — 9.7 miles; Recreational — 35.0 miles; Total — 77.6 miles.

DFG:

Butte Co.

Feather River Mainstem to Lake Oroville, Class A

Feather River, Middle Fork (Mainstem) Mainstem upstream of Lake Oroville, Class D

Feather River, Middle Fork (Tributaries) All tributaries to Middle Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E

Feather River, North Fork (Mainstem) Mainstem upstream of Lake Oroville, class D

Feather River, North Fork (Tributaries) All tributaries to North Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E

Feather River, South Fork (Mainstem) Mainstem upstream of Lake Oroville, Class D

Feather River, South Fork (Tributaries) All tributaries to South Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E

Plumas Co.

Feather River, Middle Fork (Mainstem) Mainstem, Class D

Feather River, Middle Fork (Tributaries) All tributaries, unless otherwise noted, Class E

Feather River, North Fork (Mainstem) Mainstem from Plumas-Butte County Line to East Branch of North Fork Feather River, Class D

Feather River, North Fork (Tributaries) All tributaries, unless otherwise noted, Class E

Feather River, South Fork Mainstem, Class D

Feather River, South Fork All tributaries, unless otherwise noted, Class E

Boulder Creek (Little North Fork of Middle Fork Feather River tributary) Mainstem and all tributaries, Class A

- [Fuller Mill Creek](#)

San Bernardino National Forest

602 South Tippecanoe Avenue

San Bernardino, California 92408

Designated Reach: March 30, 2009. From the source of Fuller Mill Creek in the San Jacinto Wilderness to its confluence with the North Fork San Jacinto River.

Classification/Mileage: Scenic — 2.6 miles; Recreational — 0.9 miles; Total — 3.5 miles.

DFG: No specific classification listed except

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- [Kern River](#)

Sequoia/Kings Canyon National Parks

47050 Generals Highway

Three Rivers, California 93271

Sequoia National Forest

900 West Grand Avenue

Porterville, California 93257

Designated Reach: November 24, 1987. The North Fork from the Tulare-Kern County line to its headwaters in Sequoia National Park. The South Fork from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest.

Classification/Mileage: Wild — 123.1 miles; Scenic — 20.9 miles; Recreational — 7.0 miles; Total — 151.0 miles. This river includes both the North and South Forks of the Kern. The South Fork descends through deep gorges with large granite outcroppings and domes interspersed with open meadows. It is habitat for the golden trout, the state fish

of California. The upper 47.5 miles of the North Fork flow through Sequoia National Park and the Golden Trout Wilderness, a scenic area with a wide variety of recreational opportunities, as well as cultural and historical features.

DFG:

Kern Co.

Kern River, South Fork (Tributaries) All tributaries to the South Fork Kern River upstream of Lake Isabella and north of SR 178, Class A

Tulare Co.

Multiple Waters All rivers and streams in the County above 4,000 feet elevation, Class A

Multiple Waters All rivers and streams in the County between 1,000 and 4,000 feet elevation, Class F

- [Kings River](#)

Sequoia/Kings Canyon National Parks
47050 Generals Highway
Three Rivers, California 93271

Sequoia National Forest
900 West Grand Avenue
Porterville, California 93257

Designated Reach: November 3, 1987. From the confluence of the Middle Fork and the South Fork to the point at elevation 1,595 feet above mean sea level. The Middle Fork from its headwaters at Lake Helen to its confluence with the main stem. The South Fork from its headwaters at Lake 11599 to its confluence with the main stem.

Classification/Mileage: Wild — 65.5 miles; Recreational — 15.5 miles; Total — 81.0 miles.

This river includes the entire Middle and South Forks, which are largely in Kings Canyon National Park (although you should be sure to check out the river on the Sequoia National Forest—just as spectacular). Beginning in glacial lakes above timberline, the river flows through deep, steep-sided canyons, over falls and cataracts, eventually becoming an outstanding whitewater rafting river in its lower reaches in Sequoia National Forest. Geology, scenery, recreation, fish, wildlife and history are all significant aspects

DFG: No specific classification listed except

Fresno Co.

Multiple Waters All rivers and streams in the County above 4,000 feet elevation, Class A

Multiple Waters All rivers and streams east of I-5 between 1,000 to 4,000 feet, unless otherwise noted below, Class F

Multiple Waters All rivers and streams east of I-5 less than 1,000 feet elevation, unless otherwise noted below, Class H

Kings Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- [Klamath River](#) — [U.S. Forest Service Site](#)

California Resources Agency
1416 Ninth Street
Sacramento, California 95814

Karuk Tribe of California
Post Office Box 1016
Happy Camp, California 96039

Yurok Tribe
1034 - 6th Street
Eureka, California 95501

Klamath National Forest
1312 Fairlane Road
Yreka, California 96097

Hoop Valley Indian Reservation
Post Office Box 817
Hoopa, California 95546

Bureau of Land Management
Arcata Field Office
1695 Hinden Road
Arcata, California 95521

Designated Reach: January 19, 1981. From the mouth to 3,600 feet below Iron Gate Dam. The Salmon River from its confluence with the Klamath to the confluence of the North and South Forks of the Salmon River. The North Fork of the Salmon River from the Salmon River confluence to the southern boundary of the Marble Mountain Wilderness Area. The South Fork of the Salmon River from the Salmon River confluence to the Cecilville Bridge. The Scott River from its confluence with the Klamath to its confluence with Schackleford Creek. All of Wooley Creek.

Classification/Mileage: Wild — 12.0 miles; Scenic — 24.0 miles; Recreational — 250.0; Total — 286.0 miles.

From Wikipedia: Upper Klamath Lake, filling a broad valley at the foot of the eastern slope of the southern High Cascades, is considered the birthplace of the Klamath River. Its headstreams, however, begin over 100 miles (160 km) away—as far as Crater Lake and the Oregon-Nevada border. The first 1-mile (1.6 km) stretch of the Klamath River is known as the Link River. Not long after, however, the river is impounded in a 18-mile (29 km)-long reservoir near Klamath Falls, Lake Ewauna, where it receives the Lost River and passes the nearly-dry bed of Lower Klamath Lake.^{[10][11][12]} Even after it flows out of this reservoir, it drops through a series of three more artificial lakes^[13] before it crosses the Oregon-California state border and turns south near the town of Hornbrook towards the direction of Mount Shasta. However, the river soon swings west to receive the Shasta River and Scott River, cutting deep into the head of its canyon through the Klamath Mountains.^[5]

The route through the High and Western Cascades and the Klamath Mountains constitutes the majority of the river's course and takes it from the arid high desert climate of its upper watershed into a temperate rainforest nourished by Pacific rains. From the Scott River confluence, the river generally runs west along the south side of the Siskiyou Mountains until it takes a sharp southward turn near the town of Happy Camp. There, it flows southwest over whitewater rapids into the Klamath National Forest, receiving the Salmon River, and passing the unincorporated community of Orleans. At Weitchpec the river reaches the southernmost point in its entire course and veers sharply northwards as it receives the Trinity River. The Trinity River confluence also marks the point where the current of the Klamath slows down dramatically. For the remainder of its course, it flows generally northwest through the Hoopa Valley and Yurok Indian Reservations, passing the town of Klamath and flowing out to sea 16 miles (26 km) south of Crescent City

DFG:

Del Norte:

Klamath River Mainstem, Class D

Humboldt Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class F

Thermal Refugia: multiple creeks

Siskiyou Co.

Klamath River Mainstem from Iron Gate Reservoir upstream to

California-Oregon State Line, Class A

Cottonwood Creek (Tributary to Klamath River) Mainstem, Class A

Elk Creek (Tributary to Klamath River) Mainstem, Class A

Indian Creek (Tributary to Klamath River) Mainstem, Class A

Salmon River, South Fork Mainstem from French Creek upstream to St.

Claire Creek, Class

Thermal Refugia: Elk Creek/Salmon River, Empire Creek/Scott River,

Wooley Creek Mainstem, Class A

- [Merced River](#) — [Bureau of Land Management Site](#)

Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308

Sierra National Forest
1130 O Street
Fresno, California 93721

Yosemite National Park
Post Office Box 577
Yosemite National Park, California 95389

Designated Reach: November 2, 1987 and October 23, 1992. From its source (including Red Peak Fork, Merced Peak Fork, Triple Peak Fork, and Lyle Fork) in Yosemite National Park to a the normal maximum operating pool (water surface level) of Lake McClure (elevation 867 feet mean sea level). The South Fork from its source in Yosemite National Park to the confluence with the main stem.

Classification/Mileage: Wild — 71.0 miles; Scenic — 16.0 miles; Recreational — 35.5 miles; Total — 122.5 miles.

DFG:

Merced Co.

Merced River Mainstem, Class C

Mariposa Co.

Multiple Waters All rivers and streams in the County from 2,000 to 5,000 feet elevation, Class D

Multiple Waters All rivers and streams in the County below 2,000 feet elevation, Class F

- [Owens River Headwaters](#)

Inyo National Forest
351 Pacu Lane
Suite 200

Bishop, California 93514

Designated Reach: March 30, 2009. Deadman Creek from the two-forked source east of San Joaquin Peak to 100 feet upstream of Big Springs. The upper Owens River from 100 feet upstream of Big Springs to the private property boundary in Section 19, Township 2 South, Range 28 East. Glass Creek from its two-forked source to its confluence with Deadman Creek.

Classification/Mileage: Wild — 6.3 miles; Scenic — 6.6 miles; Recreational — 6.2 miles; Total — 19.1 miles.

DFG:

Mono Co.

Unnamed Creeks (Owens River/Lake Crowley Drainage) Mainstem and tributaries of all Unnamed Creeks within Inyo National Forest, from Willfred Creek west to Deadman Creek , Class A

Unnamed Creeks (Owens River/Lake Crowley Drainage) Mainstem and tributaries of all Unnamed Creeks within Inyo National Forest, from Dry Creek south to Little Hot Creek, Class A

- [Palm Canyon Creek](#)

San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408

Designated Reach: March 30, 2009. From the southern boundary of Section 6, Township 7 South, Range 5 East to the San Bernardino National Forest boundary in Section 1, Township 6 South, Range 4 East.

Classification/Mileage: Wild — 8.1 miles; Total — 8.1 miles.

DFG: No specific classification listed except

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- [Piru Creek](#)

Los Padres National Forest
6755 Hollister Avenue
Suite 150
Goleta, California 93117

Angeles National Forest
701 North Santa Anita Avenue
Arcadia, California 91006

Designated Reach: March 30, 2009. From 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary between Los Angeles and Ventura Counties.

Classification/Mileage: Wild — 4.3 miles; Recreational — 3.0 miles; Total — 7.3 miles

DFG:

Ventura Co.

Piru Creek Mainstem from Pyramid Reservoir to Lockwood Creek, Class A

- [San Jacinto River \(North Fork\)](#)

San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408

Designated Reach: March 30, 2009. From the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the northern boundary of Section 17, Township 5 South, Range. 2 East.

Classification/Mileage: Wild — 7.2 miles; Scenic — 2.3 miles; Recreational — 0.7 miles; Total — 10.2 miles

San Jacinto River Mainstem from Sand Canyon upstream to Soboba Indian Reservation boundary, Class A

San Jacinto River, North Fork Mainstem and all tributaries above 4,000 ft elevation, Class A

- [Sespe Creek](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. The main stem from its confluence with Rock Creek and Howard Creek downstream to where it leaves Section 26, Township 5 North, Range 20 West.

Classification/Mileage: Wild — 27.5 miles; Scenic — 4.0 miles; Total — 31.5 miles.

DFG:

Ventura Co.

Sespe Creek Mainstem and all tributaries, Class A

- [Sisquoc River](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. From its origin downstream to the Los Padres National Forest boundary.

Classification/Mileage: Wild — 33.0 miles; Total — 33.0 miles.

Most of this river lies within the San Rafael Wilderness.

DFG:

Sisquoc River Mainstem and all tributaries, Class D

Water Canyon (Sisquoc River tributary) Mainstem and all tributaries, Class A

- [Smith River](#)

California Resources Agency
1416 Ninth Street
Sacramento, California 95814

Smith River National Recreation Area
Post Office Box 228
Gasquet, California 95543

Designated Reach: January 19, 1981 and November 16, 1990. The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to its mouth at the Pacific Ocean. The Middle Fork from its the headwaters to its confluence with the North Fork Smith River, including Myrtle Creek, Shelly Creek, Kelly Creek, Packsaddle Creek, the East Fork of Patrick Creek, the West Fork Patrick Creek, Little Jones Creek, Griffin Creek, Knopki Creek, Monkey Creek, Patrick Creek, and Hardscrabble Creek. The Siskiyou from its headwaters to its confluence with the Middle Fork, including the South Siskiyou Fork of the Smith River. The South Fork from its headwaters to its confluence with the main stem, including Williams Creek, Eightmile Creek, Harrington Creek, Prescott Fork, Quartz Creek, Jones Creek, Hurdgyurdy Creek, Gordon Creek, Coon Creek, Craigs Creek, Goose Creek, the East Fork of Goose Creek, Buch Creek, Muzzleloader Creek, Canthook Creek, Rock Creek, and Blackhawk Creek. The North Fork from the California-Oregon border to its confluence with the Middle Fork of the Smith River, including Diamond Creek, Bear Creek, Still Creek, the North Fork of Diamond Creek, High Plateau Creek, Stony Creek, and Peridotite Creek.

Classification/Mileage: Wild — 78.0 miles; Scenic — 31.0 miles; Recreational — 216.4 miles; Total — 325.4 miles.

DFG:

Del Norte:

Smith River, Middle Fork

Mainstem and all tributaries from Smith River upstream to Knopki Creek, Class B

Smith River, North Fork Mainstem and all tributaries, Class B

Smith River, South Fork Mainstem and all tributaries from Smith River upstream to Quartz Creek, Class B

- [Trinity River](#)

California Resources Agency
1416 Ninth Street
Sacramento, California 95814
Hoopa Valley Indian Reservation
Post Office Box 817

Shasta-Trinity National Forest
2400 Washington Avenue
Redding, California 96001
Six Rivers National Forest
1330 Bayshore Way

Hoopa, California 95546
Yurok Tribe
1034 - 6th Street
Eureka, California 95501

Eureka, California 95501
Bureau of Land Management
Redding Field Office
355 Hemsted Drive
Redding, California 96002

Designated Reach: January 19, 1981. From the confluence with the Klamath River to 100 yards below Lewiston Dam. The North Fork from the Trinity River confluence to the southern boundary of the Salmon-Trinity Primitive Area. The South Fork from the Trinity River confluence to the California State Highway 36 bridge crossing. The New River from the Trinity River confluence to the Salmon-Trinity Primitive Area.

Classification/Mileage: Wild — 44.0 miles; Scenic — 39.0 miles; Recreational — 120.0 miles; Total — 203.0 miles.

DFG:

Trinity Co.

Trinity River Mainstem from Humboldt-Trinity County Line upstream to North Fork Trinity River,

Class D

Trinity River Mainstem from North Fork Trinity River upstream to Grass Valley Creek, Class C

Trinity River Mainstem from Grass Valley Creek upstream to Lewiston Dam, Class A

Trinity River Mainstem and all tributaries upstream of Lewiston Dam, Class D

Trinity River, East Fork of North Fork Mainstem from North Fork

Trinity River, Class A

Trinity River, North Fork Mainstem, Class A

Trinity, South Fork Mainstem, Class B

- [Tuolumne River](#) — [Bureau of Land Management Site](#)

*Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308
Yosemite National Park
Post Office Box 577
Yosemite National Park, California 95389*

*Stanislaus National Forest
19777 Greenley Road
Sonora, California 95370*

Designated Reach: September 28, 1984. The main stem from its source to the Don Pedro Reservoir.

Classification/Mileage: Wild — 47.0 miles; Scenic — 23.0 miles; Recreational — 13.0 miles; Total — 83.0 miles.

DFG:

Stanislaus Co.

Tuolumne River Mainstem, Class C

Tuolumne Co.

Delaney Creek (Tuolumne River tributary) Mainstem, Class A

#1 DSEIR Use Classifications of Wild and Scenic rivers:

Big Sur River:

Designated Reach: June 19, 1992. From the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness. The South Fork and the North Fork from their headwaters to their confluence.

Classification/Mileage: Wild — 19.5 miles; Total — 19.5 miles.

Located in the Ventana Wilderness, this river offers outstanding opportunities for hiking, camping, swimming and fishing. It is one of the longest coastal California streams lined with redwoods.

DFG:

No specific classification listed except

Monterey Co.

Multiple Waters All rivers and streams west of Hwy 101 Class A,

Multiple waters All rivers and streams east of Hwy 101, unless otherwise noted below, Class D

Black Butte River:

Designated Reach: October 17, 2006. The segment from the Mendocino County line to its confluence with the Middle Eel River and Cold Creek from the Mendocino County line to its confluence with the Black Butte River.

From Wikipedia-The **Black Butte River** is located in the [Mendocino National Forest](#) of northern [California](#) in [Lake, Glenn](#) and [Mendocino](#) counties. It is a [tributary](#) to the [Middle Fork Eel River](#) and flows northward for 24 miles (39 km) from its headwaters near Round Mountain to the confluence with the Middle Fork Eel River. The [Northern California Coastal Wild Heritage Wilderness Act](#) of 2006 added 21 miles (34 km) of the Black Butte River (and a tributary Cold Creek) to the [National Wild and Scenic Rivers](#) System, of which 17.5 miles (28.2 km) are Wild status and 3.5 miles (5.6 km) are Scenic.^[1]

Classification/Mileage: Wild — 17.5.5 miles; Scenic — 3.57 miles; Total — 21.0 miles

DFG: No specific classification listed except

Glenn Co.

Multiple Waters All rivers and streams in the County west of I-5, unless otherwise noted below, Class F

Butte Creek Mainstem, Class A [IS THIS BLACK BUTTE RIVER?](#)

Mendocino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class F

Palm Canyon Creek:

Designated Reach: March 30, 2009. From the southern boundary of Section 6, Township 7 South, Range 5 East to the San Bernardino National Forest boundary in Section 1, Township 6 South, Range 4 East.

Classification/Mileage: Wild — 8.1 miles; Total — 8.1 miles.

DFG: No specific classification listed except:

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

Fuller Mill Creek:

Designated Reach: March 30, 2009. From the source of Fuller Mill Creek in the San Jacinto Wilderness to its confluence with the North Fork San Jacinto River.

Classification/Mileage: Scenic — 2.6 miles; Recreational — 0.9 miles; Total — 3.5 miles.

DFG: No specific classification listed except:

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

Feather River:

Designated Reach: October 2, 1968. The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California.

Classification/Mileage: Wild — 32.9 miles; Scenic — 9.7 miles; Recreational — 35.0 miles; Total — 77.6 miles.

DFG:

Butte Co.

Feather River, Middle Fork (Mainstem) Mainstem upstream of Lake Oroville, Class D

Feather River, Middle Fork (Tributaries) All tributaries to Middle Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E

Plumas Co.

Feather River, Middle Fork (Mainstem) Mainstem, Class D

Feather River, Middle Fork (Tributaries) All tributaries, unless otherwise noted, Class E

#2 Conflicting definitions - radius of thermal refugia e.g.

Special Closures for Thermal Refugia in the Salmon River Watershed

A **200-foot radius*** at the confluence of each of the following waters with the Salmon River (or its tributaries) is designated Class A

*Pursuant to Fish and Game Code 5653(d) It is unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that are closed to the use of vacuum or suction dredges. Therefore, the effective closure at thermal refugia locations is a **500-foot** radius from the center-line of the confluence of the tributary stream with the mainstem river.

#3 Confusing description

For Siskiyou County the Salmon and Scott rivers that are listed in the thermal refugia section is it just the confluence (refugia areas) or all of the Salmon and Scott rivers that are class A?

Subject: Re: Status of Suction Dredge DSEIR public review

Date: Thursday, April 14, 2011 6:14:03 PM PT

From: DUALL1@aol.com

To: mstopher@dfg.ca.gov

Thank you!
Tom McCarthy

In a message dated 4/14/2011 1:31:15 P.M. Pacific Daylight Time, MStopher@dfg.ca.gov writes:

Interested Parties

Quite a few of you attended one or more of the five public meetings held to date. Please be aware that a sixth meeting is scheduled for May 10, 2011 from 9:00 to noon in the California Natural Resources Agency auditorium at 1416 Ninth Street in Sacramento. This additional meeting was scheduled to assure compliance with requirements of the Administrative Procedures Act. This meeting will not include a preliminary workshop. There will be a very brief set of opening remarks by the Department of Fish and Game and we will then go into receiving public comment. The public review period will conclude on May 10, 2011.

The public meetings were attended by more than 700 interested individuals and the speakers supporting restoration of suction dredge mining were clearly in the majority. We have received comments through regular mail, email, fax and hand-delivery; and these represent a wide diversity of perspectives. Usually, the bulk of comments in a public review period arrive just before the period closes. If that holds for this project, I am expecting a significant influx. What we already have is substantial.

In addition to the DSEIR, you may be interested in reviewing additional documents related to the Administrative Procedures Act which are posted on our website <http://www.dfg.ca.gov/suctiondredge/>.

Please feel free to contact me with questions and I look forward to receiving your comments and suggestions. We will evaluate every piece of information to determine the content of the Final SEIR and Final Adopted Regulations.

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

voice 530.225.2275
fax 530.225.2391
cell 530.945.1344

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You received this message because you are subscribed to the Google Groups "CA Suction Dredge EIR" group.

To post to this group, send email to ca-suction-dredge-eir@googlegroups.com.

To unsubscribe from this group, send email to ca-suction-dredge-

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

SEIR Baseline is wrong: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge-miners for collecting and turning in mercury.

Identification requirement: The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide program.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations.

The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 mussels per square yard exist before dropping tailings! Some rivers are so inundated with mussels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Daryl H. More

Name and Address

15977 CHIWI Rd.
APPLE VALLEY, CA. 92307

4-14-2011

Date

THIS REALLY SAYS IT ALL.

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

POSTED

POSTED: 3-3-2011

COMPLETED: 4/14/11

NAPA COUNTY CLERK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MADE COUNTY CLERK
COMPLETED: BY:
POSTED: BY:
POSTED

Subject: Suction Dredging

Date: Thursday, April 14, 2011 10:07:14 PM PT

From: Michelle

To: dfgsuctiondredge@dfg.ca.gov

Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

As an active claim holder, and avid gold miner, I wish to make my opinions known about the SEIR and Proposed Regulations for suction dredge mining in California. In order to be fair, You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed. I believe the Department is using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious beneficial economic and social impacts to Americans which would result from your proposed regulations.

Further, with regards to mercury, the SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways. Modern gold miners are performing hazardous waste cleanup, free to the taxpayers. The alternative is to leave it there and let it wash down in every flood. Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones removing the mercury, at no cost to the taxpayers! Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge miners for collecting and turning in mercury.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. Further, doesn't the DFG issue licenses specifically to kill fish? What if I want to operate a dredge in some

part of California where there would not be a deleterious impact, such as my claim above Bullard Bar dam which destroyed the fish spawn decades ago? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits shouldn't be arbitrarily limited in numbers, but if they are, they should be transferable. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of any deleterious impact upon fish to support the reduction of existing dredging seasons. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you should leave our seasons as they have been since 1994.

The proposed 3-foot rule is arbitrary: The SEIR has not presented any

real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers. This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Permits should be valid in any dredgable state water: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging. Indeed, I think this is an intrusive invasion of privacy. Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish? This is just bureaucracy wrapping itself in red tape.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California

are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist before dropping tailings! Some rivers are so inundated with muscles; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And since there are so many, why? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against any current, the requirement to fill in our holes and level off our tailings is unrealistic. The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. I have seen many salmon and trout feeding from my tailings as the insects are washed free.

Dredge mining between one half hour after sunrise to sunset: How did this even get proposed? Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Finally, the proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here. Your non-resident license fee is already sufficiently expensive to discourage many.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Michelle Scott
682 Pine Meadows #1
Sparks, NV 89431

Subject: Proposed Dredge regulations
Date: Thursday, April 14, 2011 7:03:18 PM PT
From: Richard
To: dfgsuctiondredge@dfg.ca.gov

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

As an active claim holder, and avid gold miner, I wish to make my opinions known about the SEIR and Proposed Regulations for suction dredge mining in California. In order to be fair, you should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed. I believe the Department is using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious beneficial economic and social impacts to Americans which would result from your proposed regulations.

Further, with regards to **mercury**, the SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways. Modern gold miners are performing hazardous waste cleanup, free to the taxpayers. The alternative is to leave it there and let it wash down in every flood. **Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones removing the mercury, at no cost to the taxpayers!** Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge miners for collecting and turning in mercury.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations **ever** harmed a single fish, much less threatened the viability of an entire species. Further, doesn't the DFG issue licenses specifically to

kill fish? What if I want to operate a dredge in some part of California where there would not be a deleterious impact, such as my claim above Bullard Bar dam which destroyed the fish spawn decades ago? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits shouldn't be arbitrarily limited in numbers, but if they are, they should be transferable. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of any deleterious impact upon fish to support the reduction of existing dredging seasons. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you should leave our seasons as they have been since 1994.

The proposed 3-foot rule is arbitrary: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers. This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Permits should be valid in any dredgable state water: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging. Indeed, I think this is an intrusive invasion of privacy. Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish? This is just bureaucracy wrapping itself in red tape.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscels per square yard exist before dropping tailings! Some rivers are so inundated with muscels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And since there are so many, why? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against any current, the requirement to fill in our holes and level off

our tailings is unrealistic. The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. I have seen many salmon and trout feeding from my tailings as the insects are washed free.

Dredge mining between one half hour after sunrise to sunset: How did this even get proposed? Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Finally, the proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here. Your non-resident license fee is already sufficiently expensive to discourage many.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Richard Scott

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

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

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

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

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

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

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

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

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

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

Clerk Recorder

MAR 07 2011

Received

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

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

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

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

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

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

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

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

Subject: comment on dseir closures

Date: Friday, April 15, 2011 11:33:05 AM PT

From: Terry Cato

To: stopher

please accept this attachment as my comment

terry catto

Terry cato

Pobox 790

Weaverville ca 96093

5306233783 tcrosco@hotmail.com

COMMENT-CONCERN

STREAMS IN TRINITY COUNTY WHICH HAVE HAD FUNCTIONAL DREDGING SEASONS (JULY –SEPT) ARE NOW BEING CLASSIFIED AS “A” DESIGNATIONS OR COMPLETE CLOSURE. EAST FORK-NORTH FORK-READING, DUTCH CREEKS ARE EXAMPLES.

REASONING IN DSEIR

COHO HABITANT MAY BE IN DANGER

FACTS-OSERVATIONS

THESE STREAMS HAVE HAD FUNCTIONAL DREDGING SEASONS FOR YEARS, EVEN THE DFG, WITH AN INSPECTION AND FEES WOULD ALLOW “EARLY-INS” WHERE NO REDDS-SPAWNING AREAS WERE THREATENED. NATURALLY THIS ALSO CAME TO A CLOSE WHEN ENVIORNMENTAL GROUPS THREATENED LITIGATION AGAINST THE DFG DEPARTMENT. A DREDGE SEASON AT ONE TIME COULD GO FROM JUNE TO SEPTEMBER 14-30 IN THESE STREAMS, INSTEAD OF JULY1 TO SEPTEMBER, THE “OLD ALTERNATIVE.”

A DREDGING SEASON ON THESE CURRENTLY CLASSIFIED A STREAMS IS NEEDED TO HELP PROVIDE FOR GOOD FISH HABITANT-COOL POOLS AND FOOD CREATED BY THE DREDGING ACTIVITIES, AS WELL AS FUTURE SPAWNING BEDS CREATED FROM THE TAILIS.-JUST LIKE FLUSHING OUT THE RIVER” AN ACTIVITY NOW USED BY GOVERNMENT AGENCIES, DREDGING IS RESTORATION AND CREATION OF BETTER HABITANT. NO STUDIES SHOW THAT DREDGING IN ITSELF IS DELILOUS TO FISH. EVEN THE MERCURY THAT MAY BE DREDGED IS PICKED UP BY THE MINER.

STUDIES HAVE SHOWN THAT THERE IS NO PROBLEM WITH THE EXISTENCE OF COHO IN THE TRINITY RIVER-“THE TRINITY HATCHERY RELEASES 500,000 YOUNG COHO EACH YYEAR. SOME OF THESE FISH ARE CAUGHT OFF CALIFORNIA AND MUST RELEASED, SOME ARE EATEN BY SEA LIONS-DIE OR CAUGHT OFF THE COAST OF OREGON, WHERE THE FISHMEN CAN KEEP THE FISH. “DESPITE THIS, THE NUMBER OF RETURNS HAS RANGED FROM 3800 TO 18000 COHOS IN THE PAST TEN YEARS “, ACCORDING TO SPORTS COLUMNIST-FISHING GUIDE EB DUGGAN (MYOUTDOORBUDDY.COM). HE ALSO POINTS OUT IT TAKES A RETURN OF 1000 COHO FOR THE HATCHERY TO OBTAIN ENOUGH EGGS TO MEET ITS ANNUAL RELAEASE OF A HALF MILLON YOUNG COHO. COHO ARE EASIER TO CATCH IN THE OCEAN, MORE CHALLENGING IN THE RIVER AS HE POINTS TO HIS CATCH OF 5 COHO OVER A 20 YEAR FISHING GUIDE EXPERIENCE.

ALTERNATIVES TO COMPLETE CLOSURE

- A. KEEP THE SAME DREDGING PERIOD AS BEFORE FOR THESE TRIBUTARIES WHICH IS JULY 1 TO SEPTEMBER 15. AN INSPECTION FROM THE DFG WOULD BE REQUIRED BEFORE DREDGING COULD BEGIN TO INSPECT FOR COHO HABITANT-SPAWNING AREAS. **THIS SHOULD NOT PRESENT A PROBLEM FOR DFG AS IT IS THEIR INTENT TO INSPECT DREDGING SITES ANYWAY, PER DSEIR. WHY CLOSE THE AREAS COMPLETELY IF THIS INSPECTION IS GOING TO OCCUR? IF THERE ARE PROBLEMS THE DFG CAN POINT THEM OUT TO THE DREDGER.**
- B. SHORTEN THE SEASON TO AUGUST 1 TO SEPTEMBER 15-30, WITH AN INSPECTION. CLAIM OWNERS – DREDGER-MINERS ARE THEN ABLE TO USE THE MOST ECONOMICAL WAY OF MINING-DREDGING- TO HELP THEM PERFORM THEIR YEARLY ASSESSMENT WORK WHICH IS REQUIRED. THIS GIVES THE OWNER TO ONE MONTH OF DREDGING BEFORE REQUIRED PAPERS ARE DUE BY THE BLM DEPARTMENT.

TO COMPLETELY CLOSE THESE AREAS TO DREDGING ACTIVITIES IS NOT AN OPTION-ALTERNATIVE TO THE MINER, BUT STOPS HIM FROM CREATING A LIVILIHOD, AND OR SUPLEMENTING HIS FAMILY INCOME (ESPECIALLY IN THIS DIFFICULT ECONOMIC PERIOD.)

AFTER DREDGING ON THE EAST FORK OF THE NORTH OF THE TRINITY RIVER FOR 15 SEASONS OUR ACTIVITIES HELPED CREATE BETTER FISH HABITANT. WE WISH WE COULD HAVE HAD THE DFG DEPARTMENT COME AND SEE HOW THIS DREDGING HELPED THE FISH. COHO HAVE BEEN OBSERVED, BOTH YOUNG AND JUVINELLE DOING WELL WITH THE CURRENT DREDGE SEASONS IN THESE STREAMS.

I STRONGLY URGE THE FINAL DRAFT TO REFLECT ONE OF THE TWO ALTERNATIVES PRESENTED. COMPLETE CLOSURE IN THESE AREAS, SUCH AS THE EAST FORK, IS NOT AN ALTERNATIVE AND I WOULD ASSUME WILL PROBABLY LEAD TO LAWSUIT-LITIGATION FROM THE MINING SOCIETY TO STOP THE FINAL DRAFT

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

SEIR Baseline is wrong: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge-miners for collecting and turning in mercury.

Identification requirement: The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide program.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your “precautionary approach.” Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the “bank” is in relation to dredge mining. For example, is there a “bank” in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 mussels per square yard exist before dropping tailings! Some rivers are so inundated with mussels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Monty Colby 7686 5th St Turner, OR 971392 4-15-11
Name and Address Date

I agree with everything above. I would add that when we are dredging, the fish of all sizes are right there waiting for us to kick something edible loose. The smaller fish close in, as they have no fear. The larger trout etc. farther out at the edge of my vision. After all the tons of material that's gone thru. my dredge, I have never saw one fish of any size get sucked in my nozzle. We are actually feeding the fish.
Thank you

Subject: (none)

Date: Friday, April 15, 2011 12:26:45 AM PT

From: james frye

To: mstopher@dfg.ca.gov

mark,

There was a chance to do some good changes. Why are there so many zone A.s?

Many places have no other activity and little usage. The small dredge does little to the river.

I guess the special interest green movement has done it to the people again. Soon people will be banned from the rivers altogether.

Subject: Suction dredge mining

Date: Friday, April 15, 2011 6:09:11 PM PT

From: Steve Hansen

To: mstopher@dfg.ca.gov

Mr. Stopher,

Suction dredge mining seems totally inappropriate on the North Fork American river to me. The harm done to the environment out ways the benefit to a few as far as I'm concerned.

Sincerely,

Steve Hansen
8497 E. Hidden Lakes Dr.
Granite Bay, Ca. 95746

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

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If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 mussels per square yard exist before dropping tailings! Some rivers are so inundated with mussels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Jasper D. Glas

Name and Address

PO Box 183
Harpogtland
CA 96039

4-15-11

Date

Subject: MOU

Date: Friday, April 15, 2011 2:33:32 PM PT

From: ajlondon2002@yahoo.com

To: MStopher@dfg.ca.gov

Sorry about the delay. Attached is that MOU I showed you at the DEIR Public Comment in Yreka. You can see the BLM regulations in 43 CFR 3809 200-204 concerning such regulations in general. I am Still trying to track down the MOU or MOA concerning Suction Dredging between BLM and CDFG. When I find it I will forward it to you and hopefully reciprocity will apply. Have a wounderfull day
A J

Memorandum of Understanding For Coordinated Resource Management and Planning in California

- I. **Purpose.** The purpose of this memorandum of understanding is to define the organizational structure and establish guidelines for interagency coordinated resource management and planning in California.
- II. **Coordinated Planning.** Coordinated resource management planning is a process designed to achieve compatibility between the uses being made of natural resources, energy and mineral resources, livestock production, watershed, wildlife habitat, wood products, and recreation; and that such resources are improved, if necessary, and perpetuated in a condition of high quality for future generations. A coordinated resource management plan affects all ownerships of the planned area. All major uses of the area are considered and coordinated to avoid unacceptable and unnecessary conflicts. Each plan should become a coordinated management program administered by the principal owners, managers, and users of the resources addressed by the planning process.
- III. **Policy.** The signatory parties agree to develop and apply coordinated resource management plans on operating units, allotments, sub-watershed, and other appropriate resource areas which may include Federal, State, and private ownership or administration. The agencies or organizations involved in a particular plan will depend on the land ownership within the area and the uses to be made of the resources. The signatory agencies will seek to cooperate with the resource owners or managers within each specific planned area. Other agencies, organizations, and individuals will be asked to participate as appropriate.
- IV. **Authority.** Authority for the Federal agencies is contained in a national Memorandum of Understanding for Coordinated Resource Management between the Forest Service, Bureau of Land Management (BLM), the Soil Conservation Service (SCS), and Extension Service signed by the heads of each agency in 1987. This Memorandum supersedes the original 1971 agreement between BLM and SCS; the January 21, 1975 agreement between SCS, BLM and Forest Service; and the November 1980 agreement between the Forest Service, Soil Conservation Service, Bureau of Land Management, and the Science and Education Administration. Authority for agencies involved to participate in this effort is covered by existing Federal or State statutes or delegations of authority.
- V. **General Considerations.** This Memorandum does not modify or supersede other existing agreements and/or memoranda of understanding.
 - A. The resource management agencies whose lands or resource responsibilities are included in a particular planning area will retain the primary responsibility for meeting all requirements of law and regulation pertaining to the use and management of the lands or resources under their respective jurisdictions.
 - B. The agency or organization having primary planning responsibility, as mutually agreed, will serve as the "lead agency" for the purposes of contact and follow-up assistance with other agencies cooperating in a plan.
 - C. When any land treatment practices, structures or projects are to be applied to or installed upon public lands under the jurisdiction of a public agency, authorization must be obtained from the appropriate agency prior to initiation of the action.
 - D. The priorities and management objectives for Federal or State lands will be determined primarily by the agency responsible, by law, for the administration of such lands. However, every effort will be made to coordinated resource management planning activities with agencies having related jurisdictions.

E. Individual Resource Conservation Districts will be encouraged to have memoranda of understanding with appropriate Federal, State, and other land and resource agencies.

F. The Soil Conservation Service may provide technical assistance on public lands included in a coordinated resource management plan when private lands also benefit from that assistance.

VI. Organization at State Level

A. **Executive Council** – The Executive Council is comprised of: Regional Forester, Pacific Southwest Region – USDA Forest Service; State Conservationist, USDA Soil Conservation Service; California State Director, Bureau of Land Management; Regional Director, Bureau of Reclamation; Regional Director, U.S. Fish and Wildlife Service; State Executive Director, California Agricultural Stabilization and Conservation Service; President, California Association of Resource Conservation Districts; Vice-President – Agriculture and Natural Resources, University of California; Executive Officer, California State Lands Commission; Director, California Department of Fish and Game; Director, California Department of Conservation; Director, California Department of Forestry and Fire Protection; Director, California Department of Water Resources; and Director, California Department of Food and Agriculture. The Executive Council will direct interagency coordinated resource management and planning activities in California, review progress and problems, and facilitate this program by providing for training and scheduling of personnel, establish guidelines for determining priorities for planning, and otherwise achieve agency cooperation and coordination throughout the State. They will meet at least annually to conduct these functions. The chairperson of this group will rotate bi-annually providing each active public entity the opportunity to function as the lead agency to facilitate coordinated resource management. Representatives of other appropriate State and Federal agencies or organizations will be invited to participate in the meeting of this group.

B. **Technical Advisory Council** – The Technical Advisory Council will consist of a technical representative of each signatory agency. This group will promote coordinated resource management planning, provide training and guidance in operating procedures to field personnel, review selected plans, monitor effectiveness, follow up on plans, identify and resolve field problems, and carry out specific assignments received from the Executive Council. The Technical Advisory Council will meet as needed but not less than twice annually to conduct the above functions, and prepare and submit progress reports to the Executive Council. The Technical Advisory Council chairperson will be the representative of the Executive Council chairperson.

C. **Sponsor** – A sponsor may be any special interest group or organization of geographic diversity in California that supports the purpose and intent of this Memorandum of Understanding. Sponsors will be expected to promote CRMP through their membership and activities. Sponsor representatives are welcome to attend and participate in any Executive Council or Technical Advisory Council meeting or activity. Sponsorship should enhance consensus and participation in local CRMP efforts for the use and management of the natural resources of California.

D. **Executive Officer** – An Executive Officer of the Technical Advisory Council will provide continuity between the rotating lead agencies. The Executive Officer will perform the principal role as the facilitator and manager of support services to the Technical Advisory Council, as needed to maintain effective stewardship of California's natural resources.

With the concurrence and support of the California Association of Resource Conservation Districts (CARCD) Board of Directors, the Executive Director of CARCD will function as the Executive Officer of the Technical Advisory Council.

VII. Organization at Local Level

A. The Executive Council will arrange for distribution of this memorandum and its discussion in field locations of signatory agencies to assure mutual understanding and interpretation.

B. Any local planning team should include representatives from all landowner and resource administering agencies and other appropriate organizations which are significantly involved with and area selected for a coordinated planning effort. These representatives should have authority to make decisions for the agency or group they represent. The local group should encourage full participation of organizations who have land use planning responsibilities. A moderator to lead the planning process should be selected by the local group for each coordinated plan. Land ownership patterns, location of the area, time and costs involved in the effort, may be considered in the selection of the moderator. Where full time participation of a particular agency or group is not necessary to the planning process, suitable local arrangements should be made so that interagency coordinated planning can proceed with reasonable assurance that the final plan will be acceptable to all. Active participation by all key participants, from inception to completion of the planning process, is essential. Plans should provide for annual review for the first two or three years and be scheduled periodically thereafter as needed or as requested by a key participant. Plans should identify the agency with lead responsibility for review and follow-up.

C. Each Agency and group has its own program of activities for which priorities are established. The development of each coordinated resource management plan should be dovetailed into each agency's activity schedule. This requires cooperation between agencies, groups, and individual land managers in the selection and assignment of priority to requests for coordinated plans.

D. At the request of local organizations, representatives of agencies and organizations engaged in coordinated resource planning and management will present information about on-going and proposed resource activities or local concern. Technical Advisory Council members will be available, when appropriate, to assist.

VIII. Modification. This agreement shall remain in effect until modified by the parties in writing; it is renegotiable at the option of any one of the parties or may be terminated upon giving 90 days written notice to all parties.

Signatures

Ed Haste California State Director USDI Bureau of Land Management	Paul Barker Regional Forester - Pacific Southwest Region USDA Forest Service
Pearlie S. Reed State Conservationist USDA Soil Conservation Service	Lawrence F. Hancock Regional Director USDI Bureau of Reclamation
Marvin L. Plenert Regional Director USDI U.S. Fish and Wildlife Service	John G. Smythe State Executive Director – USDA Agricultural Stabilization and Conservation Service
Jack Somerville President – California Association of Resource Conservation Districts	Kenneth R. Farrell Director – Cooperative Extension University of California
Peter Bontadelli Director Department of Fish and Game	Harold R. Walt Director Department of Forestry and Fire Protection
Randall M. Ward Director Department of Conservation	David N. Kennedy Director Department of Water Resources
Henry J. Voss Director Department of Food and Agriculture	Charles Warren Executive Officer State Lands Commission

John Wise Acting Regional Administrator – Region IX Environmental Protection Agency	
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1/11/90

WHEREAS, historically the agency of the chairperson of the Executive Council and the California Association of Resource Conservation Districts have provided the administration services necessary to support Executive Council and Technical Advisory Council (TAC) activities; and

WHEREAS, these support activities have reached the level of about one-half a person year plus overhead, which has been found to be unduly burdensome by present and potential future service providers; and

WHEREAS, it would be more fair and less disruptive to the organization of the Executive Council Chairperson to spread the cost over all of the Signatories to the CRMP Memorandum of Understanding by employing a person to provide administrative and other support services;

THEREFORE BE IT RESOLVED THAT the CRMP Executive Officer (MOU Section VI-D) be authorized to provide the necessary services and products either through an employee or by contract; and

FURTHER RESOLVED THAT such a person perform the services and have the qualification and compensation detailed in the job description approved by the TAC on August 23, 1994; and

FURTHER RESOLVED THAT the position be half-time initially, but subject to increase by TAC if funds or other resources are found to support such increase; and

RESOLVED THAT the Signatories to the MOU be requested to pay \$3,000 in October of each year representing a long term commitment until such a time as the Executive Council elects to terminate or change the agreement. Each Signatory will receive an annual report, annual CRMP conference, and copy of the CRMP registry.

Adopted August 22, 1994 by the Coordinated Resource Management Planning Council in Davis, California.

AMMENDED to increase the annual payment to \$3,500 in January of each calendar year until such a time as the Executive Council elects to terminate or change the agreement. Approved by the TAC March 15, 2000.

From: "bruce lorraine"
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/15/2011 10:40:55 PM
Subject: Reject Suction Dredge Mining in California Waterways

I value water quality, and fish and wildlife habitat. Suction dredge mining is a not danger to our rivers. I suggest you do more than consult pusedo science using faulty tecniques, heresay, could be & may be's. Try doing real scientific studies with real scientists.

State wildlife agency experts and scientists have lied throu their teeth about the dangers to fish habitats & wildlife. More river materials are moved in one day by a severe winter storm than all of the dredgers in America all year long. And yet fish populations continue to return every year..

Maybe the politicans & environmentalists should be honest about their agenda. This isnb't about the environment it's about political control & hundreds of billions of dollars in budgets.

The statement that:

"Suction dredge mining destroys our waterways, harms endangered fish and wildlife, and wastes taxpayer money."

Is a complete falsehood. Small communities throughout the west depend on income from the mining community. Dredging removes lead & garbage from our waterways. Almost all dredgers & miners are very concerned about the environment & most bring out more garbage than they create. I know I do.

I have been dredging & mining for years

Thank you for considering my concerns.

bruce lorraine
bond st
oakland, CA 94061

Subject: Fw: suction dredging "CA Suction Dredge EIR"

Date: Friday, April 15, 2011 6:42:00 PM PT

From: Nick Oman

To: chicoletters@newsreview.com, dfgsuctiondredge@dfg.ca.gov, admin@toplinebikes.com, dragonisth@yahoo.com, mikeg@gvn.net, boxman20@msn.com, jerinp@comcast.net, MStopher@dfg.ca.gov, nicko@eaglesecurity.com, roberts@newsreview.com, tobinriverotter@aol.com

-----Forwarded Message-----

From: Nick Oman

Sent: Apr 15, 2011 9:13 PM

To: anick2@earthlink.net

Subject: suction dredging "CA Suction Dredge EIR"

A MINERS WISH,

Of all the studies that were done on suction dredging. I wish a study would have been made on how suction dredging with an environmental plan could be used as a tool to improve our rivers fish habitats. I WISH, the biologists could have studied how I can use my dredge to make good gravel spawning bars as a by-product of dredging, I WISH the EPA could have done a study on how much lead and mercury could be removed as a by-product of dredging, I WISH all the people against dredging could have studied how to use dredging as a tool to improve fish habitats. If I float a turbidity curtain behind my dredge would that change all of the studies negative findings? I WISH people would look at suction dredging as 4000 fish habitat improvement projects being paid for with the little gold that they find, I WISH I could get help to use my dredge to improve fish habitat from all the people involved in the study.

ORIGINAL LETTER IN EIR

About twenty years ago C.D.F. and G. did a little study on my mining claim. The river bed of my claim is like most river beds, boulder bound with hard packed gravels. With the input of the biologist I put the gravel in one pile, the cobbles in another pile. They asked me to use a spill-proof gas container and NOT to pan my mining concentrates back into the river. The next spring we went to the river and found the winter high water had made a loose gravel bar, perfect for fish spawn, the cobbles turned into perfect habitat for the little fish. The dredge hole turned into a deep cold waterpool 12 degrees colder than surface water. By not panning my mining concentrates back into the river I was able to remove over 12.5 oz of lead fish weights and old bullets plus a car battery. I have continued to dredge in an environmentally friendly way since, I feel that dredging could become an effective tool to help fish habitat, if done the correct way and it is just as healthy for the river as roto-tilling your garden.

THANK YOU,

Nick Oman

P.O. box 69

Storrie Ca.

Subject: NO Suction Dredge Mining !

Date: Friday, April 15, 2011 8:28:43 AM PT

From: Dakota Otto

To: dfgsuctiondredge@dfg.ca.gov

I value water quality, and fish and wildlife habitat in public waterways more than I value recreational mining.

I believe suction-dredge mining to be a costly and destructive use of our rivers. I urge you to adopt the No Action alternative to protect public waterways from needless harm.

At a minimum, the regulations should be revised to prohibit suction-dredge mining in all rivers and streams that provide critical habitat and future recovery areas for threatened and endangered fish and wildlife.

Furthermore, the state of California historically spends more money processing new suction-dredge mining permits than it receives in revenue, wasting valuable taxpayer money on a controversial and harmful program.

I support closing to suction-dredge mining all mercury-impaired rivers and streams, Wild & Scenic Rivers, Wild Trout Streams, and National Parks. This action will protect water quality, human health, fish and wildlife.

I look forward to seeing a decision based upon the concern for salmon and for all The People. Thank you,

Dakota Otto
1012 Bellview Ave
1012 Bellview Ave
Ashland, OR 97520

SUCTION DREDGE PERMITTING PROGRAM

Draft Supplemental EIR - Comment Form

041511_Proffiti

Name:	Graule PROFFITI
Mailing Address:	29326 REVUS ROAD
	COARSEGOLD, CA. 93614
Telephone No. (optional):	559
Email (optional):	Gpblueeyes@hotmail.com.

Comments/Issues:

I oppose all you are doing to try
AND TAKE OUR RIGHTS AWAY FROM us
re: DREDGING.

I oppose "you" + the people who have
~~NOT~~ NO PROSPECTING background
to make decisions based on WHAT
OTHERS THINK they know WHAT THEY
ARE TALKING ABOUT.

I AM NOT QUALIFIED TO DO YOUR
JOB. YOU ARE NOT QUALIFIED TO DO
MINE. (I am a recreational prospector).

YOU NEED PEOPLE WHO ACTUALLY
DO DREDGING - GO WITH THEM, DREDGE
IN A CREEK NOT A POND & SEE WHAT
IT IS REALLY ABOUT.

Please use additional sheets if necessary.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Website: www.dfg.ca.gov/suctiondredge

Fax: (530) 225-2391

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

MARK STOPHER

CALIFORNIA DEPT. OF FISH AND GAME

601 LOCUST STREET

REDDING, CA 96001

(Fold Here)

I personally (previously to this mess)
dredged in a creek THAT NEVER HAD OR
WILL HAVE FISH. THIS LAST WINTER THE
CREEK RAN SO HEAVY WITH DIRT + DEBRIS
FROM THE HEAVY RAINS, IT CHANGED THE
COURSE OF THE RIVER/CREEK. MOTHER NATURE
DID MORE ~~DAMAGE~~ TO THAT CREEK THAN
MY 2 1/2" dredge that I use to use
once a month could ever of thought about
doing.

Gayle

P.S. frogs are eaten by fish - it is nature's way!



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



April 15, 2011

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

Subject: Suction Dredge Permitting Program
SCH#: 2009112005

Dear Mark Stopher:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. The review period closed on April 14, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009112005
Project Title Suction Dredge Permitting Program
Lead Agency Fish & Game #1

Type **SIR** Supplemental EIR
Description Note: Ref. SCH #1993102046

The DFG is acting under an order from Alameda County Superior Court to revise regulations for its suction dredge permitting program and to comply with the CEQA in doing so. Recently enacted law (i.e. SB 670), codified at Fish and Game Code section 5653.1 establishes a moratorium on suction dredging in CA until the Department certifies the SEIR and adopts new regulations.

Lead Agency Contact

Name Mark Stopher
Agency California Department of Fish and Game
Phone (530) 225-2275 **Fax**
email
Address 1416 Ninth Street
City Sacramento **State** CA **Zip** 95814

Project Location

County
City
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Statewide in scope - various land uses, zoning and general plan designations

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Conservation; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Transportation Planning; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 03/01/2011 **Start of Review** 03/01/2011 **End of Review** 04/14/2011

April 15, 2011

Mr. Mark Stephen.

I would like to voice my opposition to the proposed dredging reqs. I belong to several gold prospecting clubs and organizations. There is no way I can pick only six sites in California. We travel to different sites in California and may stay for a few days or a few weeks at a time.

We go to L.D.M.A. property at Scott's River, we have a claim there and several more in the same area. When we go there we may not stay long or maybe they won't be able to accommodate us for dredging. We may have to go to a different claim.

I don't think your experts have spent time dredging or they would know how much mercury, lead and other trash we remove from the

water and surrounding areas. We have always left the areas much cleaner than when we came.

California has been hurt financially by the SB-680 stoppage. All the businesses and small towns in the gold areas have been heavily impacted by this bill.

My family of prospectors have greatly reduced travel, fuel, camping fees and other expenses and supplies.

This involved four different households in our family alone. How much ^{sales} taxes, income taxes, and other fees has California lost.

I think the rules and regs before SB-680 were restrictive enough.

Please reconsider your current proposal for drilling regs.

Thank You

Kathleen Strain

Eugene E. Strain

April 16, 2011

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

Dear Mr. Stopher,

The purpose of writing this letter is not to present any scientific data, but to give my observations and a little common sense.

The 2010 season would have been my twenty-eighth (28th) year of mining/dredging. The last nineteen (19) years have been on a federal mining claim that I own. After a year of high water, spring runoff, you can hardly tell anyone has been dredging there the season before unless you know what to look for.

The point I am trying to make is this; Is there really a problem? It sounds like all speculation. "Why would anyone try to fix something that is not broken?" It seems the D.F.G. may be trying to appease some special interest groups. The Department should take the lead and not be led, stand behind changes when needed, where needed period.

I have reviewed the proposed changes and found them unreasonable. Can you imagine going into the water in the fall or winter with diving gear (September 1st through January 31st)? Think how short the days are, how bad the weather can get and snow closing the roads. What a spiteful change for the miner/dredger. Were the reasons scientifically justified?

On the economic front, I supplement my income by mining-dredging; making jewelry with the gold I find. These are hard times with the economy and you would think that any activity that helps the economy would be greatly accepted. The data does not total to large amounts of revenue but in theses hard times every little bit helps.

To sum it up, nineteen years of mining/dredging on my mining claim has not affected the fishing or aesthetics of the area, in fact the fishing has improved. The fish are anxious for the dredge to dislodge and float food to where they wait. The fishing is best in pools behind the dredge (downstream) when the dredge is not in operation. The pools that are formed add to their habitat.

The excitement of finding gold is always a motivating factor to continue searching. Also the tranquility of nature, the love of nature and outdoors keeps me interested in mining/dredging. Most of us do take the time to clean our camp sites and operations. There are always those few that abuse the privileges of mining/dredging and make the rest of us look bad in the eyes of other nature lovers.

Thank you for taking the time to read the letter of a concerned miner.

Sincerely,

A handwritten signature in cursive script, reading "Frank R. Augugliaro".

**Frank R. Augugliaro
P.O. Box 1732
Quincy, CA 95971
(530) 283-0617**

From: ["Mark Godfrey"](#)**To:** dfgsuctiondredge@dfg.ca.gov**CC:****Date:** 04/16/2011 2:31:19 PM**Subject:** Endorse Suction Dredge Mining in California Waterways

I value water quality, and fish and wildlife habitat in public waterways . I believe suction dredge mining is a great way to rid our streams of toxic material such as lead and mercury in our rivers. I urge you to REJECT the No Action alternative to protect public waterways from needless harm.

State wildlife agency experts and scientists have testified that suction dredge mining harms our waterways and endangered fish. However they only testify to what they are paid to testify about. They have not done any studies to substantiate their lies. The mechanized mining process to collect small amounts of gold removes mercury from historic mining and churns up hardpacked river gravel that enhances water quality. Suction dredge mining aids aquatic life bringing nutrients to the surface to feed endangered salmon and improving the food chain.

In a time of economic crisis eliminating suction dredge mining is even more harmful to California with a loss of revenue from all the people that come to California and spend money while they are there. The state of California historically spends more money processing new suction dredge mining permits than it receives in revenue only because they limit the amount of permits they issue.

At a minimum, the regulations should be revised to regulate suction dredge mining in salmon habitat rivers and streams that provide critical habitat and recovery areas for threatened and endangered fish and wildlife. I do not support closing any mercury-impaired rivers and streams, Wild & Scenic Rivers, Wild Trout Streams, and National Parks to suction dredge mining to protect water quality, human health, fish and wildlife. Open them up and let the prospector remove the toxins from the water thereby making the water better for all.

Suction dredge mining enhances our waterways, aids endangered fish and wildlife, and adds to taxpayer money. I urge you put the common interests of all above the ignorant misgivings of a few environmentalists.

Thank you for considering my concerns.

Mark Godfrey
601 PR 900
Hutto, TX 78634

From: ["John Hooper"](#)**To:** dfgsuctiondredge@dfg.ca.gov**CC:****Date:** 04/16/2011 8:22:20 AM**Subject:** Reject Suction Dredge Mining in California Waterways

Endorse Suction Dredge Mining in California Waterways

I value water quality, and fish and wildlife habitat in public waterways . I am a certified wildlife and fisheries biologist and have years of education that prove suction dredge mining is a great way to rid our streams of toxic material such as lead and mercury in our rivers. I urge you to REJECT the No Action alternative to protect public waterways from needless harm.

State wildlife agency experts and scientists like myself, have testified that suction dredge mining does not harm our waterways or endanger fish. Studies have been done to prove it. The mechanized mining process to collect small amounts of gold removes mercury from historic mining and churns up hardpacked river gravel that enhances water quality. Suction dredge mining aids aquatic life bringing nutrients to the surface to feed endangered salmon and improving the food chain.

In a time of economic crisis eliminating suction dredge mining is even more harmful to California with a loss of revenue from all the people that come to California and spend money while they are there. The state of California historically spends more money processing new suction dredge mining permits than it receives in revenue only because they limit the amount of permits they issue.

At a minimum, the regulations should be revised to regulate suction dredge mining in salmon habitat rivers and streams that provide critical habitat and recovery areas for threatened and endangered fish and wildlife. I do not support closing any mercury-impaired rivers and streams, Wild & Scenic Rivers, Wild Trout Streams, and National Parks to suction dredge mining to protect water quality, human health, fish and wildlife. Open them up and let the prospector remove the toxins from the water thereby making the water better for all.

Suction dredge mining enhances our waterways, aids endangered fish and wildlife, and adds to taxpayer money. I am from Tennessee and I contribute several thousand dollars to the small towns of Oregon and California each year on my prospecting trips. I urge you put the common interests of all above the ignorant misgivings of a few misguided environmentalists.

Thank you for considering my concerns.

John Hooper
p.o. box 774
madisonville, TN 37354

4/16/11

041611_Jones

Dear Mr. Stopher:

Please consider this letter an official comment letter on the draft SEIR prepared for the draft amended regulations that have been circulated.

The North Fork American River must be protected from suction dredge mining. The proposed regulations do not provide sufficient protection of our rivers.

Please revise the regulations to prohibit suction dredge mining that threatens fish and wildlife. Please close all mercury-impaired rivers and streams to suction dredge mining to protect water quality, human health, fish, and wildlife.

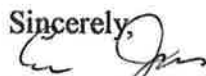
Suction Dredge mining is incompatible with safety, and was prohibited in the W&S North Fork American under previous regulations. Mechanized or motorized equipment does not belong in a W & S River.

Suction dredge mining will harm the North Fork American River's exceptional water quality and clarity, as well as its extraordinary scenic, recreation, and fishery values.

Suction dredge mining is completely inappropriate in the North Fork American River.

Thank you for your consideration.

Sincerely,



Evan Jones

520 P street #33

Sacramento, CA 95814

From: ["Brett Lauble"](#)
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/16/2011 8:04:33 PM
Subject: Support Suction Dredge Mining in California Waterways

Dear Mr. Stopher,

I have listened to all the pros and cons of dredging. It seems to me that a small group of people with the time and resources are doing a "smear job" against the mining community in Ca. You yourself have said the 1994 Regs were well written.

Why make major changes to good regulations?

Please do a realistic evaluation and use facts and real data, not the "maybe, could result, and outright lies" to scare the public.

You know the true story. Do what is right.

Brett Lauble
4945 N. Bank Rd.
Crescent City, CA 95531

From: ["Tim Livingston"](#)

To: dfgsuctiondredge@dfg.ca.gov

CC:

Date: 04/16/2011 2:49:48 PM

Subject: Suction Dredge Mining in California Waterways

Hi Mark

I value water quality, and fish and wildlife habitat in public waterways and I value recreational mining. I believe suction dredge mining is NOT a destructive use of our rivers. I urge you to adopt the an alternative to protect suction dredging.

The mechanized mining process to collect gold removes mercury from streams. Suction dredge mining does NOT destroy aquatic life or harm endangered salmon or impact the food chain.

In a time of economic crisis eliminating suction dredge mining will cause more economic damage to small rural communities.

At a minimum, the regulations should Not be revised to prohibit suction dredge mining.

Suction dredge mining can be done in a manner that does NOT harm fish and wildlife. I urge an alternative that provides protection to people, rural communities and wildlife.

Thank you for considering my concerns.

Tim Livingston

Tim Livingston
23904 Coleman Fish Hatchery Rd
Anderson, CA 96007

Subject: Between a rock and a hard place...

Date: Saturday, April 16, 2011 8:05:45 PM PT

From: Lynda Mealue

To: dfgsuctiondredge@dfg.ca.gov

Mr. Stopher,

I spoke in Yreka. The following is an email that I have sent to Senators in CA, the 49ers mining group, and to Senator Gaines.

Mike Mealue
707-954-4447
Retired Teacher, Dredger

In 30+ years of vacuum gold dredging on the Smith, Klamath, and Salmon Rivers, I have never dredged into a fish egg nest or talked to anyone who has!

Seriously, what is missing from the new Fish and Game Subsequent Environmental Impact Report (SEIR) are **field studies** recording and numbering fish egg nests found during the gold dredging season, allowed under 1994 Dredging Regulations (Summer months). These **field studies** should have been done during the Legislative Dredging Moratorium using appropriate fish counting practices. Why wasn't it done? It's simple. So few nests would have been found, it would have undermined the SEIR and exposed opposition propaganda.

What you will not find in the new SEIR are the real impacts on fish species, including Coho Salmon.

First, CA Fish and Game will agree that climate change (increases in water temps), dams, drought, and disease greatly impact fish (Study the 2002 fish kill on the Klamath River).

Second, the CA Fish and Game is not mandated to put in their report the *impact of Sport Fishing and Tribal Harvest*. On March 1, 2011, at the Public Information Meeting of the CA Dept of Fish and Game Klamath-Trinity Project, it was reported that approximately 5000 Chinook Salmon were caught by Sports Fishermen in 2010. The Klamath River Fall Chinook Salmon Tribal Harvest for 2010 was approximately 30,000 fish. That's a lot of potential egg nests eliminated by fishing poles and nets...we could call it **fish abortion**. **I do not advocate the restriction of individual or group rights (sport or native fishermen) but rather point out the duplicitous positions taken by some in destroying mining rights.**

Third, you will not find any studies in the SEIR where CA Fish and Game biologists actually used a vacuum dredge! In other words, we have an agency mandated to study an activity that they have never done. How can you "suppose" effects unless you use actual field experience?

Already, the CA Fish and Game has taken more time to finish this study than first given by the court. Rather than focus on the impacts of gold dredging and do real studies of fish nests, they chose to

create new regulations to appease the court and legislature. Developing these new proposed regulations was probably more costly to taxpayers than if valid fish studies were done.

The 2008 moratorium on vacuum gold dredging was done with extreme environmental group pressure which was not based on science or reason. The moratorium has hurt California's economy and has trampled the rights of law-abiding citizens. It is time to reverse the mistake and drop the moratorium for the 2011 dredging season. **Yes, there is a vacuum dredging season to protect fish species during spawning!**

I would urge each California Congressperson/Representative to support **Senator Gaines' SB 657**. It's time to make it right.

“Creating new regulations that take away individual rights ***should be*** based on timely scientific study, not speculation and environmentally misplaced fervor.”

Vacuum gold dredging does not harm fish!

Subject: Allow Suction Dredge Mining in California Waterways

Date: Saturday, April 16, 2011 9:15:25 AM PT

From: Jerry Miller

To: dfgsuctiondredge@dfg.ca.gov

I value water quality, and fish and wildlife habitat in public waterways as much as I value recreational mining. I believe suction dredge mining is an inexpensive use of our rivers. I urge you to adopt the No Action alternative to protect public waterways from needless harm, by people who want run everyone Else's life, when we are ALL suppose to have that freedom.

State wildlife agency experts and scientists have testified that suction dredge mining benefits our waterways and helps spooning fish. The mechanized mining process to collect small amounts of gold removes mercury dredge mining. Suction dredge mining also benefits aquatic life without harming endangered salmon or the impacting of the food chain.

In a time of economic crisis restarting suction dredge mining is even more needed.

At a minimum, the regulations should be revised to allow suction dredge mining in all rivers and streams. I support closing all mercury-impaired rivers.

Suction dredge mining benefits our waterways, aids endangered fish and wildlife, and saves taxpayer money. I urge you put the common interests of all above the of a few who want to run everyone's life.

Thank you for considering my concerns.

Jerry Miller
3431 S. Pacific Hwy. #64
Medford, OR 97501

From: ["JOHN SCHOONOVER"](#)

To: dfgsuctiondredge@dfg.ca.gov

CC:

Date: 04/16/2011 10:33:54 AM

Subject: support Suction Dredge Mining in California Waterways

I value water quality, and fish and wildlife habitat in public waterways I also value recreational mining. I believe suction dredge mining is a good way for families and individuals to use the great outdoors with no real destructive consequences to our rivers. I urge you to stop believing the hype and lies from groups like the CKS wildlands center

In a time of economic crisis eliminating suction dredge mining is even more damaging to The state of California and its local city economies

I THINK that there's a way to allow people to enjoy the rivers and the recreation of dredging with instream work dates that do not harm spawning fish just like we have here in Oregon.

If you are wondering I helped support the economy of northern California until the ban on dredging was put in effect, now I have no reason to visit your state

Thank you for considering my concerns.

JOHN SCHOONOVER
TERRITORIAL
MONROE, OR 97456

Mark Stopher

April 17, 2011

Department of Fish & Game

601 Locust Street

Redding, Ca. 96001

Re: Proposed Suction Dredge Regulations - Project No. 09.005

Dear Mr. Stopher,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

I am opposed to all of the proposed changes made in the CDFG Proposed Suction Dredge regulations. I have not seen any solid scientific, peer reviewed data in the Supplemental Environmental Impact Report (SEIR) that indicates suction dredging is deleterious to fish or habitat. It is apparent from the conclusions reached that the analysis of the pre-existing data has been misinterpreted and twisted to arrive at self-serving and biased findings.

The very idea that the baseline for this SEIR is “**no dredging**” tells me that the entire project is flawed! The regulations under the 1994 EIR determined that suction dredging under those regulations would cause no deleterious effects to fish. So the DF&G issued permits for 17 years. For the Department to use the “**no dredging**” baseline is arbitrary and misleading and is an underhanded attempt to make the impacts from suction dredging appear greater than they really are. It appears to be an attempt to minimize the serious economic and social impacts to Americans which would result from your proposed regulations.

228 (c)(2). Page 4, line 25. Limitation of six locations listed on permit. I do not believe the DF&G has the authority to limit the number of locations I can prospect without going through the time & expense of amending my permit. There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species.

228 (g). Page 5 line 29. Limitation on the number of dredge permits issued per year. There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason. Also, it is well known that anti-hunting organizations buy up as many hunting permits as possible to prevent hunting. There is EVERY reason to believe that anti-dredging organizations (KS Wild, Center for Biological Diversity, Sierra Fund, Sierra Club, etc.) will do the same to prevent real suction dredgers from making a living if the number of permits will be limited.

228 (j)(1). Page 11, line 11. Equipment requirements, Nozzle restriction to no larger than 4inches. I do not believe that the DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious

impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

228 (j)(5). Page 13, line 2. The suction dredge permit # must be affixed to the equipment. This requirement has no bearing whatsoever on any deleterious effect to fish! 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. This requirement is not necessary to protect fish and should be removed.

228 (k)(3). Page 12, line 28. Pump intake Screening. The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are currently being manufactured. In my 37 years of mining with a suction dredge I have NEVER sucked up a fish in my suction hose. That is because fish can get away from and are able to “feel” the tug of any suction near them. A fish (yes even a young one) could *certainly* prevent itself from being entrained by a stationary object such as a pump intake! This is a ridiculous rule that should be removed from any of the alternatives.

228 (k)(1). Page 13, starting line 9. Restriction of Motorized Winching. The 1994 Regulations already restricted winching to protect the stream banks, beds and riparian edges of rivers, what “new” evidence is there that **motorized** winches pose a greater environmental threat than any other winching? None that I can see in the SEIR. The new requirement of a Departmental on-site inspection, 1602 Authorization and a Streambed Alteration Agreement for motorized winching is overly burdensome, expensive and seems to be designed to altogether prevent the profitable use of one’s legal Federal Mining Claim and should be removed from the Proposed Regulations.

228 (k)(3). Page 14, line 17. No dredging within three feet of a lateral edge of the water level. The 1994 Regulations already prevented suction dredging into the stream or river bank. The SEIR has not presented any real evidence that dredging within three feet of the stream bank has ever harmed a single fish. 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 small gold bearing streams in a very under-handed manor without specifically naming them as “closed” or without providing any scientific evidence that the “three foot” restriction would reduce any harmful effect to the environment.

228 (15). Page 16, line 1. Leveling Tailings Piles. Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic. Furthermore there IS evidence that shows fish using dredge holes to their benefit. 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. My personal observations confirm this

behavior of fish. **Requiring dredgers to level tailing piles would be deleterious to fish habitat!** This needs to be removed from the Proposed Regulations.

228.5 Section Dredge Use Classifications & Special Regulations. In these new proposed regulations the rivers and streams that are “open”, the times, locations and even the elevations where suction dredging can be performed have been severely reduced and restricted. The different classifications of dredge “seasons” have been reduced or changed, yet Class D has been lengthened. Even so, it has been lengthened into a time of the year that would not be feasible or possible to suction dredge. I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your “precautionary approach.” Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, our seasons should remain as they have been since 1994.

I believe that the Proposed Regulations, the No Action and the Reduced Impact Alternatives violate these Sections from various Government Codes...

Government Code 11813: The Legislature finds and declares the following:

(a) Waste and inefficiency in state government undermines the confidence of Californians in government and reduces the state government's ability to adequately address vital public needs.

(b) State government, in many instances, is a morass of bureaucratic red tape and regulations that ultimately stifle economic revitalization and further alienate the people the agencies were created to serve.

Government Code 11340.1.(a): It is the intent of the Legislature that agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

On September 9, 1850, Congress passed an Act for the Admission of California into the Union. 31 Cong. Ch. 50, September 9, 1850, 9 Stat. 452. In critical part, that Act states as follows:

“Sec. 3. And be it further enacted, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned. . .” (emphasis added). I believe that the only fair, just, reasonable, logical, scientific and otherwise sensible action is to adopt the 1994 Regulations Alternative.

Sincerely,

Bill Chambers 464 E. Amber Way Hanford, Ca. 93230

From: ["Don Conner"](#)
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/17/2011 10:15:41 PM
Subject: Reject Suction Dredge Mining in California

This is a myth, I have spent countless hours moving gravel on bedrock with everything from a 2 to 8 inch underwater suction dredge. I have had hundreds, if not thousands of Salmon, Steelhead and trout fry crowding around my mask and downstream from the nozzle, feeding on what we are turning over. The redistribution of gravels on the river bed breaks up compaction and prepares more spawning bed where it was too compacted for the fish to spawn in, previous to our work. It is taking all my restraint to not say nasty derogatory comments about those who make these statements and haven't a clue what they are talking about. Scourge my foot, you can kiss my sluice box.

In the interest of dispelling some of this suction dredging mythology. See if ya can get your heads around this. In years past, before watershed depletion, dams, quid pro quo political deals to steal NCalifornia and southern oregon water, w...e had annual or seasonal periods of high water which moved huge rocks boulders and redistributed loose gravels to accomodate fish spawn. Guess what, that doesn't happen now as often as it used to. Enter the recreational and small time concientious miner who lives on and in communion with the land and water ways. Those compacted bottom gravels are no longer productive spawning beds. The recreational miner, who is every bit as much a part of mother nature as the former floods. then loosens this compacted gravel, feeding fry in the process and returns this loose gravel to the river bottom where it then becomes prime spawning ground again. DO YA GET IT NOW! Observation, logic, deductive reasoning, and DFG's own reports attesting to the benefit of the craft when it is done in tune with natures cycles No room for kneejerk reactionaries here, just truth.

Don Conner
1810 Ave I
Levelland, TX 79336
US

Subject: Re: Status of Suction Dredge DSEIR public review

Date: Sunday, April 17, 2011 8:20:28 AM PT

From: Bill Fisher

To: Mark Stopher

Dear Mark. According to the way things are going do you foresee any permits given this year or any dredging season this year? If the impact report showed no significant impact on the environment due to dredging which is what I always expected, then what was wrong with the original regulations? It still seems that this State wants no dredging due to the new rules being enforced and how hard it will be to get a permit? I don't even know if I will be able to get one or not should they become available. I have had a claim on the North fork of the Yuba for 15 years and I could always get one for my 8" dredge which I sold 2 years ago and bought a 6". Now it looks like I might have to beg to get one for the 6"? With the max number put on permits how can I even be assured of a permit? Thanks Your Friend Bill Fisher

From: Mark Stopher <MStopher@dfg.ca.gov>

To: Charlie Watson <cwatson@advancedgeologic.com>; Kerwin Krause <kerwin.krause@alaska.gov>; John <jeepest@aol.com>; Joseph McGee <joni4cats@aol.com>; red2ctsp@aol.com; Curtis Willie <sbishop1979@aol.com>; Charles Huss <smaltoy@aol.com>; Floyd Vaughan <vaughan1896@aol.com>; Bonnie Kriens <mbkriens@att.net>; Chuck Johnson <n6yii@att.net>; Tom Harris <THARRIS1950@att.net>; Ed <traqngold@att.net>; davemack@attglobal.net; Gary West <gwest@ci.vallejo.ca.us>; Jim Hart <stanford@citlink.net>; Gary Swayne <PapaGary48@comcast.net>; Dennis Martin <Dennis.Martin@ejgallo.com>; Michael Kellett <mkellett02@fs.fed.us>; filterstone@gmail.com; Jarod Ruffo <jr2050@gmail.com>; Ken and Debbie McMaster <mcmasterpiece@gmail.com>; Vince Nelson <nelsonsr@gmail.com>; Eugene Beley <sfvcgpaa@gmail.com>; new49ers@goldgold.com; Blake Harmon <bharmon@goldprospectors.org>; ca-suction-dredge-eir@googlegroups.com; Rich Linden <danielhasnoemail@hotmail.com>; Steve Lintner <orecar2010@hotmail.com>; sodman77@hotmail.com; Tom Brenner <tbrenner@hrblock.com>; Scott Harn <scott@icmj.com>; Herb Miller <millar@jps.net>; Pat Keene <pat@keeneeng.com>; Jan Sticha <magyver@magyver.com>; David Dunham <dddunham@me.com>; Lewis Spengler <educaptor.s@me.com>; Richard McCarthy <rmccarthy@mindspring.com>; Wesley Wright <wwright@mwconstructionllc.com>; Heidi Walters <heid Walters@northcoastjournal.com>; Chris McCord <k942gadget@pacific.net>; Richard Brubaker <brubaker46@peoplepc.com>; Dave Mack <dave@promackmining.com>; Barbara Manganello <bsman@quiknet.com>; Cyndi Hillery <CHillery@rcrcnet.org>; Mary Pitto <mpitto@rcrcnet.org>; Stephen Kulieke <skulieke@rcrcnet.org>; D Ray East <dr.east@sbcglobal.net>; Bill Fisher <goldminerbill@sbcglobal.net>; Scott Fischer <scottfischer@sbcglobal.net>; Paul Nasiatka <scubaflake1@sbcglobal.net>; Marcia Armstrong <armstrng@sisqtel.net>; Ray Stewart <au1099@sisqtel.net>; Jim Foley <jfoley@sisqtel.net>; Jennifer DeLeon <Jennifer.DeLeon@slc.ca.gov>; Wanda Oliver <mtngutter@sti.net>; Elleonore Hizon <elleonore.hizon@thomsonreuters.com>; CustomerSolutions <CustomerSolutions@united.com>; Charles N Alpers <cnalpers@usgs.gov>; Gerald Hobbs <jerhobbs2@verizon.net>; roaring camp <roaringcamp@volcano.net>; Don Robinson <goldworld@wildblue.net>; Martin Nielsen <mnielsen@windjammercable.net>; James Coker <jamescoker1954@yahoo.co.uk>; Michael Adams <audredger2002@yahoo.com>; Manuel Figueiredo <kenainson@yahoo.com>; Mike Allen <mallen7711@yahoo.com>; pdic-1916@yahoo.com; Scott Coykendall <scottsspot@yahoo.com>; Jim Madden <upi.gold@yahoo.com>

Cc: John Mattox <JMattox@dfg.ca.gov>; Randy Kelly <RKelly@dfg.ca.gov>; Michael Stevenson <Michael@horizonh2o.com>

Sent: Thu, April 14, 2011 1:30:33 PM

Subject: Status of Suction Dredge DSEIR public review

Interested Parties

Quite a few of you attended one or more of the five public meetings held to date. Please be aware that a sixth meeting is scheduled for May 10, 2011 from 9:00 to noon in the California Natural Resources Agency

From: ["rick hepburn"](#)
To: dfgsuctiondredge@dfg.ca.gov
CC:
Date: 04/17/2011 7:18:33 PM
Subject: Reject Suction Dredge Mining in California Waterways

Endorse Suction Dredge Mining in California Waterways

I value water quality, and fish and wildlife habitat in public waterways . I believe suction dredge mining is a great way to rid our streams of toxic material such as lead and mercury in our rivers. I urge you to REJECT the No Action alternative to protect public waterways from needless harm.

State wildlife agency experts and scientists have testified that suction dredge mining harms our waterways and endangered fish. However they only testify to what they are paid to testify about. They have not done any studies to substantiate their lies, when in fact the studies done by scientists have shown the oposit. (or at the very least, less than significant).The mechanized mining process to collect small amounts of gold removes mercury from historic mining and churns up hardpacked river gravel that enhances water quality. Suction dredge mining aids aquatic life bringing nutrients to the surface to feed endangered salmon and improving the food chain.

In a time of economic crisis eliminating suction dredge mining is even more harmful to California with a loss of revenue from all the people that come to California and spend money while they are there. The state of California historically spends more money processing new suction dredge mining permits than it receives in revenue only because they limit the amount of permits they issue.

At a minimum, the regulations should be revised to regulate suction dredge mining in salmon habitat rivers and streams that provide critical habitat and recovery areas for threatened and endangered fish and wildlife. I do not support closing any mercury-impaired rivers and streams, Wild & Scenic Rivers, Wild Trout Streams, and National Parks to suction dredge mining to protect water quality, human health, fish and wildlife. Open them up and let the prospector remove the toxins from the water thereby making the water better for all.

Suction dredge mining enhances our waterways, aids endangered fish and wildlife, and adds to taxpayer money. I urge you put the common interests of all above the ignorant misgivings of a few environmentalists.

Thank you for considering my concerns.

rick hepburn
6827 linda rd
eureka, CA 95503

Subject: RE: Comments regarding SEIR and Proposed Regulations for suction dredge
Date: Sunday, April 17, 2011 1:56:16 PM PT
From: Danny Houston
To: dfgsuctiondredge@dfg.ca.gov

Dear Sir:

Thank you for allowing us the opportunity to comment on the California Department of Fish & Game's (DFG) Suction Dredge Permitting Program Subsequent Environmental Impact Report (SEIR) and Proposed Regulations.

What is entirely missing from your SEIR is a discussion about the sociological impact that your proposed regulations are going to have upon suction dredgers, American property owners and other Americans as the California Department of Fish & Game grinds forward with the intent to disenfranchise them/us of the opportunity to make a living (liberty) and continue to have some control over their/our own private property.

Please recognize that there is no objective stated within the SEIR to also balance real concerns for environmental protection with the rights of property owners and existing business opportunities (especially small business) which exist within the areas that would be affected by the proposed regulatory changes.

We are convinced that DFG is attempting to complete the Administrative Process with too narrow of a view. Your approach appears to be to remove any and all risk to fish, no matter how insubstantial or theoretical, regardless of the costs which the affected small businesses and property owners will have to pay.

To be lawful, any restrictions must make tangible improvements in the community or species-level survival of fish. The SEIR does not present a record to support the restrictions you that you are proposing. We ask you to recognize that the legislature has also acknowledged the importance of maintaining and encouraging a viable minerals industry.

These Code Sections mandate respect for mining as an activity that cannot lawfully be singled out for significant restrictions. If mere "potential" for adverse interactions were the criterion for regulation, you should be forbidding all swimming, rafting, kayaking and fishing in the river -- and even camping near the river, all of which pose as much "potential" to injure fish as mining—and certainly more so in the case of fishing.

In going through the SEIR, it appears that DFG decided from the beginning to overlook the important negative economic and social benefits which your proposed regulations will certainly have upon the gold mining community. One reason we say this is that while DFG has loaded the SEIR with scientific justification in an attempt to support its proposed regulatory changes, there is little-to-no explanation about how the changes (from the 1994 regulations) are going to seriously harm the small businesses and property owners that will be negatively impacted.

We suggest that DFG is deliberately attempting to dismiss the real impacts the proposed regulations will have upon the social and economic wellbeing of the most-affected stakeholders (gold dredgers and property owners) because of the arbitrary baseline which DFG has adopted. Even though the SEIR has acknowledged multiple times that suction dredging has been active within California since the 1960's, DFG decided to compare impacts from the proposed regulations to the existing situation whereby the Alameda Superior Court has imposed a no dredging moratorium until DFG completes this CEQA process. Yet, the purpose of the CEQA process from the beginning was to determine if existing (1994) dredge regulations were creating a deleterious impact upon fish.

DFG submitted Declarations within the Alameda litigation stating that you had doubts that existing regulations were providing enough protection for fish. Therefore, you began this process with it in mind that you were going to impose more restrictive regulations over suction dredgers. Therefore, we are assuming that DFG is making an economic comparison to "no dredging" under the existing moratorium so you can avoid the required balancing act of also taking into consideration how the proposed regulations will burden the thousands of dredger miners and the thousands of property owners who have invested into the existing (1994) regulatory framework.

These statements are misleading, because they are not making a comparison to all of the business activity which has invested itself to the existing (1994) regulations. Your SEIR should make it more clear that the proposed regulations would eliminate suction dredging across the state in most places where existing regulations allow it to occur. In addition, your SEIR should make it more clear that in the places where dredging would be allowed under the proposed regulations, effective mining capacity would be reduced to one quarter because suction nozzles would be reduced to 4-inches from 6-inches¹. In addition, California's most productive rivers would be reduced to 1/8th of existing capacity because allowable nozzles would be reduced from 8-inches to 4-inches.

While DFG states that dredgers may be allowed under the proposed regulations to increase capacity by entering into a Section 1600 Agreement, nothing is said about how lengthy and expensive the process is, ultimately which would make it impossible for many or most dredgers to gain approval during the same mining season that the dredger is pursuing the mining project.

With Respect
Danny Houston
Retired Army, 100% Disabled Veteran

Subject: No Suction Dredge Mining in California

Date: Sunday, April 17, 2011 7:08:45 PM PT

From: Ted Kennel

To: dfgsuctiondredge@dfg.ca.gov

Living, vibrant streams are of much greater value than any gold that could be recovered from them through suction dredge mining. It's amazing to me that we are still talking about whether people should be able to take a clear stream, rich in aquatic life and turn it into a sediment stew.

This is no longer the 1850s. I would hope we had learned something since then about valuing our streams and the fish and wildlife that depend on them. Please stop this practice once and for all. Please end suction dredge mining in California.

Thanks for considering my opinion.

Ted Kennel
395 Richmond Dr.
Apt #12
Millbrae, CA 94030

Subject: Comments on Draft SEIR

Date: Monday, April 18, 2011 10:15:41 AM PT

From: Gay Berrien

To: dfgsuctiondredge@dfg.ca.gov

Dear Mr. Stopher,

Attached is a letter regarding this SEIR from my husband and me for you to consider.

Thank you very much,

Gay L. Berrien

P.O. Box 669
Big Bar, CA 96010
April 18, 2011

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

Dear Mr. Stopher:

My husband, Richard, and I are concerned about the suction dredging issue about which the Fish and Game has been conducting studies and requesting public input. We would like to see the dredging continued.

We have both lived in Trinity County most of our lives and are both retired Forest Service employees. Our homes have been in Denny along the New River and also here at Big Bar along the main Trinity River. From our living in this region of mountains, forests, and streams for so long and from our experience with the Forest Service and its management of the resources, we believe we have a fair idea of suction dredging and how it affects or does not affect the streams here. Frequenting the New and Trinity rivers with hiking, swimming, and fishing (when fishing was allowed in the New River) through many years, we are familiar with the use of the dredges. In the mid-1970s there was an especially large influx of suction dredges on the streams here from a spike in gold prices at that time.

Water may be silted for a time during a dredging operation. This is to be expected and we do not believe it has adversely affected the waters in this part of Trinity County in modern times. There have never been enough dredges to have such an effect, we believe, and there have been considerably less in recent years. We did not call the Forest Service office to arrive at a figure on how many dredges were actually using local waterways last year up to the time the moratorium started, but we are certain there were not more than one dredge in several miles of one another. In the Denny area and above Denny, we know of only one. The small number of dredges does not produce an unacceptable level of silt in the waterways insofar as we have observed over the years. (There is no more than what occurs during a summer rainstorm that causes a temporary spurt in siltation.) And, even in the 1970s when there was more dredging activity, this did not apparently hinder the populations of steelhead in New River; New River has one of the largest numbers of summer steelhead in the western states.

The National Forest, on which most of the dredging in this area occurs, was formed to allow uses of our public forests, including the extraction of precious metals. Although you could argue that many of these dredgers in the past have made only moderate to small amounts of income from their mining activities—so

why, then, worry about them?—this is still a valid use of our public forest and this importance and right should not be minimalized and taken away.

Suction dredging should continue to be allowed at least in Trinity County. The dredging seasons should continue as they were—they had been shortened enough before the moratorium was put into effect. It is a shame that apparently real problems up on the Klamath where one individual or small group was overusing a particular resource should be so magnified as to rob a livelihood from another group of people who were not overusing their river.

Thank you for considering this letter.

Sincerely,

/s/ *Gay L. Berrien*

Gay L. Berrien

Name: RICHARD G. BUCKOVIC

Mailing Address: 730 MARY DR.
MOLALLA, OR. 97038

Telephone No. (optional): 503-829-9386

Email (optional): RGGEOVICLTD@MOLALLA.NET

[illegible]

Please use additional sheets if necessary.

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

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

Email: dfgsuctiondredge@dfg.ca.gov

Fax: (530) 225-2391

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

Mr. Mark Stopher
California Department of Fish & Game

My distinct impression of your public meeting held March 30th at Yreka, California is that of a charade. It seems to me that you and your cohorts are just "going thru the formality of listening" when your minds are already, politically made up.

We know that there is a politically powerful eco-enviro group of California State Senators and Representatives who fund CDFG through the state budget. This makes you subservient to their good will.

These legislators must run for office, periodically. Running for office requires large sums of money. Radical special interest groups such as the Sierra Club, the Center for Biodiversity, Trout Unlimited, et cetera eagerly fund these campaigns. This makes the legislators subservient to these radical special interest groups.

It doesn't take a genius to see the pattern:

Radical Environmental Group **Money Program** → State Legislature **Money Program** → Ca.D.F.&G. program

↓
economically kill dredging which in turn destroys the businesses and the remaining economy of Siskiyou Country.

Your proposed program for severely curtailing dredging is based mostly on opinion and heresy and shows little or no hard, scientific research and proof to back it up. Your program therefore is a farce and your meetings are a charade.

Richard G. Buckovic
730 Mary Dr.
Molalla, OR 97038

P.S. I am enclosing an opinion draft that I submitted to The Oregonian in rebuttal to one of their editorials. The information in the draft is based on scientific studies by qualified scientists and on-site observations by myself, a dredger since 1982. Hundreds of other dredgers have made similar observations.

Dredging, A Solution to Many Aquatic Environmental Problems

It seems to me that your editorial writers would better serve the public if you really knew the facts and could separate them from hearsay. It is obvious that you did not research very deeply to support your prejudiced opinions concerning suction dredging in our rivers. (Editorial, The Oregonian, Saturday, August 21, 2010)

The fish related environmental problems are: (1) Mercury (2) Lead (3) Trash – Monofilament lines, auto body and machinery parts, pieces of batteries, plastics and you name it. (4) Packed Algae – covered slick rock at the top of the river strata (5) High water temperatures and (6) Feces and wastes left by rafters, fishermen and the general public.

Mercury collects in the bottom of the river on or near the bedrock. When the winter storms bring extreme flows, the mercury is moved and disbursed throughout the river strata; it thus comes in contact with all life (plant and animal) in the river system. A study conducted on the American river (Northern California) showed that 98% of the measured Mercury was collected when processed through a dredge.

Washington (State) has set up a program in cooperation with suction dredge miners to collect harmful metals and debris. Over a 12 month period the Washington Department of Ecology took possession of over 150 pounds of mercury that had been collected by suction dredgers.

Collecting this highly poisonous metal from our river system by dredging is very effective and economical. It costs the US taxpayer nothing; in fact, we out-of-state dredgers pay about \$180 per year (plus other fees) for the privilege of doing this public service. How many millions of dollars would it cost the taxpayers if the Federal or State Governments did the clean-up?

Lead has accumulated in Western rivers for over 100 years. Fishermen, hunters, and the general public are responsible. I have removed by dredging sinkers, fishing gear, old battery parts and other lead-bearing materials. Lead is a poison which accumulates in the gills of fish and is harmful to all living creatures. One dredge will remove several pounds of lead every dredging season.

Trash in the form of monofilament line, plastics, steel, and iron from cars and machinery is removed by dredging. Sunlight decomposes the plastic and monofilament line releasing harmful chemicals into the waters. Thousands of

pounds of plastics, steel and iron are removed by dredging each year at no taxpayer cost!

Algae-covered, packed rock: The water temperatures rise as the day-time temperatures heat up and the river flows decrease. Algae "blooms" as this process goes on and eventually covers the river bed from bank to bank. The algae-covered slick rocks make it almost impossible for fish to form a bed (redd) in which to lay their eggs. A dredge leaves a trail of clean, aerated gravel for salmon redds. That is exactly where the mature pairs go to spawn. Wild fry numbers have increased as a result.

The high water temperatures of late spring, summer, and fall can be partly modified by the deep holes left by dredgers. The water in the bottom of these holes is often fed by deep springs and is cooler than that found in the shallows. Predation of fry is reduced because of deep water protection. These holes also serve as "rest stations" for migrating fish. Deep holes are beneficial to all river life.

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

In the clear, rippling Western rivers, where salmon spawn, suction dredging offers economical solutions to environmental problems facing salmon reproduction.

Why don't you educate yourselves before writing highly prejudice editorials?

References and sources of information for the above facts and opinions:

- (1) Joseph C. Greene, A retired US EPA research biologist with 30 years experience.
- (2) Claudia Wise, a physical scientist/chemist with the EPA for 32 years. Wise has relevant experience with scientific projects involving fish toxicology, salmon restoration, water temperature studies, and global climatic change on her resume.

Other references are: David McCracken, New 49 ers, Happy Camp Ca., Public Funds for the People, San Bernadino, Ca., and the California Mining Journal, July, August and September Issues 2009.

Personal information: Mineral exploration, prospecting, and dredging activities for 30 years; member of the board of directors of a junior mining company for 11

years; B.S. & M.S. from OSU; 30 years teaching in 3 Oregon High Schools; Mayor and City Councilman for 20 years. Taxpayer for 73 years. I am 83+ years old.

Richard G. Buckovic
Molalla

On river dredging, California is right

In clear, rippling Western rivers where salmon spawn, suction dredges bring havoc from above. Prospectors with gold-rush glimmerings float river rafts with gas-powered suction devices, vacuuming up the sediment along the river bottom and, after it's been sluiced in pursuit of flakes of gold, spit it back out.

The practice was banned in California last year and some prospectors have moved north into Oregon rivers, to the dismay of those who worry about the future of pristine Southern Oregon streams such as the Rogue. "They leave huge holes in the river where the water becomes stagnant and breeds algae," says Sen. Jason Atkinson, R-Central Point, who's spent much of his life in the outdoors. "They ruin — destroy — spawning habitat."

Atkinson, who recently returned to southern Oregon from a teaching trip in South Africa, says he came home to "this mess." He plans to introduce legislation banning the practice of suction

dredging in Oregon.

It costs only \$25 for a suction dredger to get an annual permit from Oregon's Department of Environmental Quality. As of the end of last month, more than 1,200 prospectors had done so, about a third more than last year. The permits require miners to monitor and limit water turbidity, or particulates suspended in the water. But those limits are largely self-enforced, which is to say, not enforced at all.

The prospectors are driven, no doubt, by the prolonged recession, as well as by California's ban. They have hopes of finding wealth in gold flakes — or at least enough to eke out an income that pays for their equipment.

Many of them argue that they provide an environmental benefit when they agitate and recycle sediment from river bottoms. They cleanse the rivers, create new hollows and return the sediment, they contend. But people who most value salmon, including the Karuk tribe of northern

California, say that's absurd. "Suction dredge mining is nothing more than recreational genocide," argues Karuk official Leaf Hillman.

Testimony from the engineering firm of G. Fred Lee & Associates of El Macero, Calif., found that the turbidity caused by suction dredges "can be adverse" to habitat. But further, the firm said dredging contributes to algae masses and mobilizes mercury, which threatens the health of fish and people who eat them.

In California, the issue reached a boil because declining salmon runs drove fishermen out of the rivers, in hopes of helping the stocks to regenerate. Meanwhile, the suction dredges were allowed to continue operating, infuriating fishing and environmental groups.

The practice has no place in Oregon rivers for environmental and economic reasons. Atkinson is on the right course: Since the DEQ is granting suction dredging permits so freely, the Legislature must step in to take care of the state's rivers.

Subject: Suction Dredging - Trinity River
Date: Monday, April 18, 2011 8:43:29 AM PT
From: Timothy Gilbride-Read
To: dfgsuctiondredge@dfg.ca.gov

We are river-front property owners on the Trinity River in Salyer, Trinity County. We also spend a lot of our time in the fall, winter, and spring on the river, enjoying various activities such as swimming, kayaking, and rafting. We are **adamantly opposed** to any suction dredging on Northcoast rivers. The destructive and extractive benefits to a few are far outweighed by the enjoyment of the river by the many and by the health of the fishery. The piles of sediment, noisy polluting motors and cross-river cables are damaging to the river and the fisheries and detract from everyones enjoyment of the river and from the health of the fishery. Thank you,

Tim and Anita Gilbride-Read
255 Wilson Ln, Fieldbrook, Ca 95519
707-839-4645

1 Eagle Pt. Salyer, CA

Subject: (none)

Date: Monday, April 25, 2011 2:41:30 PM PT

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

April 18, 2011

From: Frank Harrison
21720 Highway 299
Big Bar, CA 96010

Ph: 530-623-9290
e-mail: feharrison@msn.com

Subject: Public input to Proposed Dredging Regulations

Attached you will find my input to the Proposed Regulations. I did attend the meeting at the Senior Nutrition Center in Redding and I did go up to the podium. Three minutes was insufficient time to address all of what I had to say as it would have been difficult to reference the material properly and then make comments.

Please accept this as addendum and clarity of purpose.

Thank you

Frank Harrison

P.S.

This was originally written in Word Perfect format, but as few offices use anything other than Microsoft Word, I have attempted to run it through Microsoft Office Word 2003. Some of the formatting may have become lost in translation.

Secondly, my old printer gave the gray ghost and stopped working as I attempted to print it.

Please bear with me.

Thanks

See Pgs 4-5 Lines 25-33 and 1-5

25 (2) A list of up to six locations where the permit applicant
26 plans to suction dredge. Location information shall include
27 either:
28 (A) County, river or stream or lake name, township, range,
29 section, quarter section, base, and meridian; or
30 (B) Approximate centerpoint of the location using latitude
31 and longitude.
32 For each location the California Active Mining Claim number, if
33 applicable, and approximate dates of proposed dredging shall be

1 listed.

2 (3) A list of all suction dredge equipment that will be used
3 under the permit, including nozzle size, constrictor ring size
4 (if needed), engine manufacturer and model number, and
5 horsepower

This area pertains to the paper work that is desired for the dredge permit.

Line 30 (B) makes reference to the approximate center point of the location using latitude and longitude. As county lines are sometimes the center point of rivers, Listing county (as desired in part (A) is frequently very confusing. It would be very helpful if the Department could also use the coordinate system for the various landmarks that the Department specifies in the open areas vs. the closed areas. In this way, dredgers could easily tell whether or not the area that they intend to dredge is open or closed. Likewise, the Department could easily determine the same thing.

In Lines 4 and 5, the requirement for engine manufacturer, model number and horsepower appears more in line of harassment than fish protection. First, Honda engines are no longer listed as to horsepower. They are listed by cc(s of displacement. No dredger is going to put a 100 hp engine on a set of pontoons that will only be used to support a 4 inch dredge. Horsepower doesn't indicate anything. Example: My 4 inch dredge uses 2 Honda engines with water pumps. I like to dredge in deep water (approximately 20-30 feet deep). To raise the cobbles and gravels from this depth, I use a smaller engine to feed an auxiliary jet system 20 feet down and a larger engine to feed the jet at the sluice box level. If horsepower is really crucial, you would have maximum allowable engine sizes in the Rules and Regulations. As you don't, that is prima facie evidence that it is meaningless.

See pg. 5 Lines 29-32

29 (g) Number of Permits. The Department shall issue a maximum of 4,000
30 permits annually, on a first-come, first-serve basis. Any
permits
31 issued in 2011 will apply toward the limitation of 4,000 permits for
32 2012.

This is unnecessary. By your own admission, the average numbers of permits per year is only about 3200. This number can vary related to the price at which gold sells.

See pg. 11 Lines 1-4

1 1602(a)(4)(A)(i) and, in the event a Streambed Alteration
2 Agreement is required authorization from the Department for the
3 proposed suction dredging operations at the location specified in
4 the permit application pursuant to subdivision.

You speak of a Streambed Alteration Agreement but do not indicate what required information is needed. Knowing ahead could curtail your workload as well as ours.

See pg.11 Lines 11-14

11 (e)(j) Equipment Requirements.
12 (1) Nozzle Restriction. No suction dredge having an intake nozzle
13 with an inside diameter larger than six four inches may be used
14 unless:

This limitation would place all suction dredging into the category of HOBBIEST activity.

Anyone who has dredged for any length of time knows that a 4 inch dredge can not move sufficient material to achieve any quantity of gold unless that operator happened upon a (glory hole).

Many of us have sizeable amounts of money invested in equipment.

Further on, you specify that authorization can be obtained for larger dredges, but fail to mention what the process involves.

See pg. 12 Lines 8-23

8 (E)Suction dredge intake nozzles up to eight inches in
9 diameter may be permitted at the Department(s discretion in
10 accordance with Section 228 subdivision(j)(1)(A) only on
11 the following rivers:
12 (1) American (Placer, Nevada, and El Dorado counties)
13 (2) Cosumnes (Sacramento, Amador and El Dorado
14 counties)
15 (3) Feather (Butte, Plumas, and Yuba counties)
16 (4) Klamath (Del Norte, Humboldt and Siskiyou
17 counties)
18 (5) Merced (Mariposa and Merced counties)
19 (6) Mokelumne (Amador, Calaveras and San Joaquin
20 counties)
21 (7) Scott (Siskiyou County)
22 (8) Trinity (Trinity and Humboldt counties); and
23 (9) Yuba (Sierra and Yuba counties)

First you specify that a nozzle great than 4 inch requires special authorization, but here you state that up to an 8 inch nozzle may be used on the above rivers.

Does this mean that a special authorization is not required for these rivers?

See pg. 12 Lines 25-27

25 (2) Hose Restriction. The inside diameter of the intake hose may
26 not be more than four two inches larger than the permitted intake
27 nozzle size.

I do not understand the purpose of this. The inside diameter of the suction hose has no bearing on the amount of material that can be moved. An inside diameter, larger than the nozzle diameter, merely acts to diminish the number of plug-ups that may occur due to tumbling rocks. It's the nozzle diameter that determines amount of material moved.

See pg. 14 Lines 17-19

17 (3) No person may suction dredge within three feet of the lateral
18 edge of the current water level, including at the edge of
19 instream gravel bars or under any overhanging banks.

This provisions opens dredgers to all kinds of repercussions.

Example:

Suppose the dredger has started dredging 3 feet out from the current water level and then the water level drops significantly. Now the dredge hole would appear to have been made into the gravel bar. Subsequent to this, a local law enforcement official sees the hole. The dredger gets cited for regulation violation.

See pg 15 Lines 24-25

24 (12) No person shall displace any material embedded on banks of
25 rivers or streams.

It would seem that this provision means that all power sluicing (aka high banking) is curtailed, or does this just refer to dredging?

Please clarify.

See pg. 18 Lines 28-31

28 (b) Suction Dredge Special Regulations. The Suction Dredge Use
29 Classifications (Section (a), above) apply for each of the rivers or
30 streams in each of the counties listed below. Lakes and reservoirs
31 statewide are Class H.

If all lakes and reservoirs statewide are class H, why, in accordance with the following from pg. 10. Lines 20-24, is Special Approval needed?

20 (d) (i) Special Approval for Use of Suction Dredges in Lakes and
21 Reservoirs. No suction dredging is permitted within the current water
22 level in any lake or reservoir unless: without written approval from
23 the lake operating agency, the Regional Water Quality Control Board,
24 and an on-site inspection and approval by the Department

My next area of discussion is a little harder to visualize, but here goes. It pertains to those areas that area described under Classes (A) through (H).

Look at El Dorado County, Rubicon River.

Rubicon River: Mainstem and all tributaries upstream from the Placer-El Dorado County Line are Class A

Class A: No dredging permitted at anytime.

Look also at Placer County, Rubicon River

Rubicon River: Mainstem and all tributaries upstream of Oxbow Dam to the Placer-El Dorado County Line are Class E

Class E: Open to dredging from September 1 through January 31

The problem with this is (Where is the portion of The El DORADO-PLACER County line that is being referenced).

(3) Pump Intake Screening. The intake for the suction dredge
29 pump shall be covered with screening mesh. Screen mesh openings
30 shall not exceed 3/32 inch (2.38 mm) for woven wire or perforated
31 plate screens, or 0.0689 inch (1.75 mm) for profile wire screens,
32 with a minimum 27% open area.

Shouldn't this be MAXIMUM 27% open area?

That is if the purpose is supposed to be to limit the possibility that newly hatched fish might get sucked up by the pump intake hose.

Next topic:

I don't remember exactly where it is, but there is a statement in these proposed regulations that pertain to the concept that, should any dredge permit be issued during the year 2011, then it will carry over for the year 2012.

This should not be included in the regulations. It applies only to this year. You would have to re-write the regulations prior to the year 2013. This is better handled on the permit itself.

DISCUSSION:

Obviously, there are many items of concern that have not been addressed by these proposed regulations. You have gone to great lengths to show the processes of revocation and appeal for dredge permits, but have failed to present any information regarding the processes required to get Special Permit Authorization, fees that may be imposed or time elements that may be involved.

I do not wish to be argumentative, but it would seem that these regulations have been put forth simply to give the impression that something is being done towards meeting the Court imposed conditions.

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

Dear Mr. Stopher,

I would appreciate your time and attention in regards to the SEIR and Proposed Regulations for suction dredge mining in the State of California.

It should be acknowledged that suction dredgers, in the past before the moratorium, had been removing over 7,000 ounces of mercury every year under the 1994 regulations from California's waterways. That is equal to 98,000 ounces for the 14 years of operation since the 1994 regulations! This is the only activity by any group, organization or government agency that is removing mercury from waterways, at no cost to the California taxpayers to boot! Maybe California should be compensating suction dredgers for this environmental cleanup work.

The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for a nonresident suction dredge permit. Otherwise California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits as there has been no evidence presented in SEIR that over 14 years of suction dredging, since 1994, has a single fish ever been harmed. Have you ever seen a suction dredge in operation under water?? If not, I suggest that you witness the activity for yourself, first hand.

It should be taken into consideration, the prior existing rights on permit acquisition. If not, those dredge miners or associations who have already purchased equipment and property mining rights could lose that pre-existing right.

DFG should not further limit the places where suction dredging is allowed. Unless it can be demonstrated that a harmful impact has been created under the existing regulations, the seasons should be left as they have been since 1994. It seems to me that the SEIR has not shown any evidence of harmful impact to fish to support any reduction in existing dredging seasons in the 1994 regulations. Let's just leave the dredging season as stated in the 1994 regulations.

Again, where is the real evidence that dredging with three feet of a stream bank has ever harmed a single fish! If imposed, it could make it more harmful for beginners and children to learn suction dredging in deeper water, rather than in shallow water where they could just stand up if need be.

How does marking my dredge with a sign prevent any harm being done to a fish?? How does this make sense? I already must have my dredge permit with me at all times, so what additional purpose is there in having a numbered sign on my dredge??

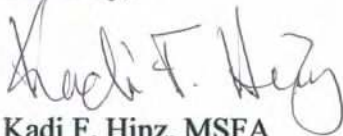
The requirement of fuel for suction dredging should mirror the requirements of other motorized equipment in use on the waterways of California. To impose more restrictive regulations is discriminatory and again, where is the evidence that suction dredgers have been more egregious than other boaters in spilling fuel to warrant a more restrictive regulation.

Should the site be returned to pre-mining grade after suction dredging has been completed? It is not possible to move a tailing pile upstream against a swift current, so it is an unrealistic request. In fact, those holes left in the streambed provide a nice cool spot for fish to hang out in during the much warmer summer months when the river temperature rises. How about we just let the next storm push all the stream material where it wants to go.

It should be the purview of the local authorities to determine the hours of suction dredging as I'm sure it doesn't matter to the fish.

I appreciate your time and attention today and don't forget to go out there and take a look at what suction dredgers do up close and personal!!

Sincerely,



Kadi F. Hinz, MSFA
18576 SW 92nd Terr
Tualatin, OR 97062
Ph: 503-341-5071

cc: New 49er's

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	William Lloyd
Mailing Address:	1501 Chaparral Rd. Fort Jones CA. 96032
Telephone No. (optional):	
Email (optional):	blloyd@sigsitel.net

Comments/Issues:	<p>①. Imposition of the $\frac{3}{32}$ inch intake requirement on pumps is unreasonable. The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.</p> <p>②. Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.</p> <p>③. DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species.</p> <p>④. DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please reinstate the 1994 regulations, they were firm but fair.</p>
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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

Subject: Comments Re: SEIR Suction Dredge proposal

Date: Monday, April 18, 2011 1:30:56 PM PT

From: wkl goldartplanet

To: dfgsuctiondredge@dfg.ca.gov

Dear Mr. Mark Stopher,

I have attached a Microsoft Word document that contains my comments regarding the proposed changes to the suction dredging regulations in California.

Please contact me if you have questions or concerns.

Thank you for your time.

Sincerely,

William Lundeen
2266 Del Mar Rd #4
Montrose, CA 92010
818 426-0261

18 April 2011

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

Comments regarding Title 14, Division 1, Subdivision 1, Chapter 8, Section 228 and 228.5.
Suction Dredging – Proposed Amendments to Regulations.

Dear Sir,

I understand that the task of the SEIR and subsequent amendment of the suction dredging regulations was a difficult one. It seems to me that some of the changes were made with a rather large brush however. Expediency may have been the reason but I wish to relate my experience in the hope that there will be modifications to the proposal as written, at least in the case of Kanaka Creek in Sierra County.

I have been mining on Kanaka Creek in Sierra County California since 1972. I have always followed the rules of permitting, equipment, assessment and the goal of low impact and leaving the waterway, vegetation and wildlife as found. Kanaka Creek has a history of mining including several hard rock mines in the canyon going back to 1849. There is one hard rock mine currently in operation in Alleghany.

Kanaka Creek flows from above Alleghany California to where it meets the Middle Fork of the Yuba River at the west end of Foote's Crossing Road. My claim is located a few miles below Alleghany California. Kanaka is a small waterway that affords no vessel navigation. There have not been any Salmon seen in Kanaka Creek in the 38 years I have been working the creek. There are trout that seem to benefit from the turning of the gravels that the dredging operation affords, furthermore the creek's size means that the gravel turns and moves with nearly every spring runoff and during rainstorms that blanket the canyon. I have witnessed rainstorms that after an hour caused the creek to rise and the rumbling of rocks and boulder movement could be felt through the ground at creek side. In addition I have never seen the Green Frog I heard mentioned as a species to be protected.

The dredging season for Kanaka Creek has been from May to October which is the best time for dredging on Kanaka Creek due to the water level changes that occur seasonally. The proposed change to allow dredging on Kanaka from September 1 through January 31 (page 17) is untenable and will result in minimal if any dredging at all on Kanaka Creek. The proposed changes state that the Middle Fork of the Yuba River and all tributaries from the Sierra-Yuba County line upstream to Milton Reservoir shall be as Class E (page 59). This sweeping mandate will negatively impact many small waterways in the area and effectively shut down suction dredging. Considering that Kanaka Creek is small and runs for a short distance and has no Salmon or frogs I would hope that the DFG would reconsider and allow the dredging season on

Kanaka Creek to remain as it has been for the 38 years I have been mining there. I understand the need to protect our resources and add that for all the years I have been on Kanaka Creek the water has run clean and pure. The water is periodically tested for safety and in 38 years not one visitor to my claim has become ill due to biological organisms or chemicals in the water. Kanaka Creek is a beautiful place and I hope to keep it that way while still being allowed to dredge for the two weeks I normally spend in July to satisfy the Assessment work requirements and not have to resort to hand working the claim to do so as I did in 2010. The option to choose the two weeks from amongst the summer months is a benefit as well.

Please accept my humble pleading to review the small tributary to the Yuba River known as Kanaka Creek. Many people visit and Kanaka Creek in the Alleghany area and many people live nearby year round. Many of those who live in the area rely on dredging as a means to supplement income. The visitors who come to the area to see and learn about the historical significance of gold mining in California bring money to the area that helps the local economies. It would be a tragedy to make all of that go away.

Thank you for taking the time to listen to my plea. I would love to have the opportunity to speak to you directly if you have any questions or concerns.

Sincerely,

William K Lundeen

2266 Del Mar Rd #4
Montrose, Ca. 91020

818 426-0261

SUCTION DREDGE PERMITTING PROGRAM

Draft Subsequent Environmental Impact Report (DSEIR)

Comment Form

Name:	W. John Mortensen
Mailing Address:	345 W. Pine #30
	Central Point, OR 97502
Telephone No. (optional):	541-664-6318
Email (optional):	golddvr@yahoo.com

Comments/Issues:	<p>- MARK, First off, I appreciate The D.F.G. was willing to hear from the MINERS. I didn't realize how many hurdles we are faced with due to the pressures from special interest groups and politics.</p> <p>- There were many troubling proposals brought to light. I hadn't read all 2000+ pages on the E.I.R.</p> <p>① Limiting dredging to 4000 permits! My partners and I have spent thousands of dollars on our claims, which I have held for for about 30 years. To deny me the right to use them if I am not lucky enough to obtain one out of 4000 is Absurd. What would you do to keep the Mining clubs from getting all of the permits? This is A BIG Issue.</p> <p>② I hold these claims for perpetuity for the benefit of my children and grandchildren, so they can enjoy the great outdoors. Land is precious and I would like to leave something for them to enjoy!</p>
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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

Place
Stamp
Here

MARK STOPHER

CALIFORNIA DEPT. OF FISH AND GAME

601 LOCUST STREET

REDDING, CA 96001

(Fold Here)

③ I have never had A problem with D.F.G. in the past and I have followed All of the rules. The miners have benefited the Scott River; (previous letter)

④ My family, my partners and I have every right to mine. we have benefited our claims, NOT doing Any damage to the natural resources. ONE of the definitions of Conservation is the "wise use of the resource". As A retired Ag/Forestry teacher I Am well educated on the use and preservation of our NATURAL resources.

⑤ The economic impact these proposals would have on our locals is A Travesty.

⑥ Last thought - there is Always A few who go Against the grain, especially on the smaller streams - WE had one years Ago on my claims. Most of us Are not That way as we tend to bond together. Hope you and the politics give us A break.

Sincerely,
John Mortensen

Tape
Here -
Do Not
Staple

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

SEIR Baseline is wrong: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge-miners for collecting and turning in mercury.

Identification requirement: The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide program.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations.

The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your “precautionary approach.” Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the “bank” is in relation to dredge mining. For example, is there a “bank” in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 mussels per square yard exist before dropping tailings! Some rivers are so inundated with mussels; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Daniel B. Pool

Name and Address

4-18-'11

Date

Daniel B. Pool
P.O. Box 441
Hayfork Ca. 96041

I purchased a Standard Resident Dredge permit on 7-8-'09, + found out it was revoked on 8-8-'09.
permit # 200198-08

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

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

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

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

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

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

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

FILED
Emet J. Dronenburg, Jr., Recorder County Clerk

MAR 07 2011
L. Kesian
BY _____
DEPUTY

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

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

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

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

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

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

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

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

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

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

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

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on MAR 07 2011
Posted MAR 07 2011 Removed APR 12 2011
Returned to agency on APR 12 2011
Deputy L. Kesian

Subject: Re: Queastion on Suction Dredge DSEIR public review

Date: Monday, April 18, 2011 11:14:16 AM PT

From: stevensbrian@comcast.net

To: mstopher@dfg.ca.gov

Mark,

First, let me thank you for all of your effort and hard work. I have been kept informed by your effort, thanks.

I could not find what the criteria for each category (A through H) on why a stream or river might have 3 or 4 different A or B or F or G.

Could you send me the the specific area that covers why and A is an A or why a F is an F.
Brian Stevens

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

From: "Mark Stopher" <MStopher@dfg.ca.gov>

To: "Charlie Watson" <cwatson@advancedgeologic.com>, "Kerwin Krause" <kerwin.krause@alaska.gov>, "John" <jeepest@aol.com>, "Joseph McGee" <joni4cats@aol.com>, reddy2ctsp@aol.com, "Curtis Willie" <sbishop1979@aol.com>, "Charles Huss" <smaltoy@aol.com>, "Floyd Vaughan" <vaughan1896@aol.com>, "Bonnie Kriens" <mbkriens@att.net>, "Chuck Johnson" <n6yii@att.net>, "Tom Harris" <THARRIS1950@att.net>, "Ed" <traqngold@att.net>, davemack@attglobal.net, "Gary West" <gwest@ci.vallejo.ca.us>, "Jim Hart" <stanford@citlink.net>, "Gary Swayne" <PapaGary48@comcast.net>, "Dennis Martin" <Dennis.Martin@ejgallo.com>, "Michael Kellett" <mkellett02@fs.fed.us>, filterstone@gmail.com, "Jarod Ruffo" <jr2050@gmail.com>, "Ken and Debbie McMaster" <mcmasterpiece@gmail.com>, "Vince Nelson" <nelsonsrv@gmail.com>, "Eugene Beley" <sfvcgpaa@gmail.com>, new49ers@goldgold.com, "Blake Harmon" <bharmon@goldprospectors.org>, ca-suction-dredge-eir@googlegroups.com, "Rich Linden" <danielhasnoemail@hotmail.com>, "Steve Lintner" <orecar2010@hotmail.com>, sodman77@hotmail.com, "Tom Brenner" <tbrenner@hrblock.com>, "Scott Harn" <scott@icmj.com>, "Herb Miller" <miller@jps.net>, "Pat Keene" <pat@keeneeng.com>, "Jan Sticha" <magyver@magyver.com>, "David Dunham" <dddunham@me.com>, "Lewis Spengler" <educaptor.s@me.com>, "Richard McCarthy" <rmccarthy@mindspring.com>, "Wesley Wright" <wwright@mwconstructionllc.com>, "Heidi Walters" <heidialwalters@northcoastjournal.com>, "Chris McCord" <k942gadget@pacific.net>, "Richard Brubaker" <brubaker46@peoplepc.com>, "Dave Mack" <dave@promackmining.com>, "Barbara Manganello" <bsman@quiknet.com>, "Cyndi Hillery" <CHillery@rcrcnet.org>, "Mary Pitto" <mpitto@rcrcnet.org>, "Stephen Kulieke" <skulieke@rcrcnet.org>, "D Ray East" <dr.east@sbcglobal.net>, "Bill Fisher" <goldminerbill@sbcglobal.net>, "Scott Fischer" <scottfischer@sbcglobal.net>, "Paul Nasiatka" <scubaflake1@sbcglobal.net>, "Marcia Armstrong" <armstrng@sisqtel.net>, "Ray Stewart" <au1099@sisqtel.net>, "Jim Foley" <jfoley@sisqtel.net>, "Jennifer DeLeon" <Jennifer.DeLeon@slc.ca.gov>, "Wanda Oliver" <mtngutter@sti.net>, "Elleonore Hizon" <elleonore.hizon@thomsonreuters.com>, "CustomerSolutions" <CustomerSolutions@united.com>, "Charles N Alpers" <cnapers@usgs.gov>, "Gerald Hobbs" <jerhobbs2@verizon.net>, "roaring camp" <roaringcamp@volcano.net>, "Don Robinson" <goldworld@wildblue.net>, "Martin Nielsen" <mnielsen@windjammercable.net>, "James Coker" <jamescoker1954@yahoo.co.uk>, "Michael Adams" <audredger2002@yahoo.com>, "Manuel Figueiredo" <kenainson@yahoo.com>, "Mike Allen" <mallen7711@yahoo.com>, pdic-1916@yahoo.com, "Scott Coykendall" <scottspot@yahoo.com>, "Jim Madden" <upi.gold@yahoo.com>

Mark Stopher

California Department of Fish and Game

601 Locust Street

Redding, CA 96001

Fax: (530) 225-2391 E-mail: dfgsuctiondredge@dfg.ca.gov

Dear Sir,

Please consider my following comments regarding the SEIR and Proposed Regulations for suction dredge mining in California:

SEIR Baseline is wrong: I take strong exception to the Department using an arbitrary and misleading baseline within the SEIR in an underhanded attempt to make the impacts from suction dredging appear greater than they really are, and in an attempt to marginalize the serious economic and social impacts to Americans which would result from your proposed regulations. You should use a proper baseline that is based upon existing dredge and small business activity under the 1994 regulations during the season before the moratorium was imposed.

Mercury is not a problem: Your SEIR relies unreasonably upon the unfounded conclusions of Charles Alpers' who has allowed his personal political agenda get in the way of real science. The SEIR does not give enough weight to the discovery by Rick Humphries Report of California Water Resources Control Board that normal gold dredges are effective at recovering at least 98% of the mercury from the bottom of California's waterways.

The SEIR does not acknowledge, based upon your own survey results, that suction dredgers have been removing over 7,000 ounces of mercury or more every year under the 1994 regulations from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations! Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where it is believed to be potentially harmful.

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Rather than reduce the amount of mercury which we are removing from the ecosystem, the responsible approach for State agencies would be to create a collection system in California which rewards dredge-miners for collecting and turning in mercury.

Identification requirement: The proposed regulations should allow visitors from other countries to use a foreign passport or driver's license as identification so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: There is no evidence presented in the SEIR that 14 years of dredging under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. What if I want to operate a dredge in some part of California where there would not be a deleterious impact? A limit on permits may prohibit me or someone else from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: In the event that DFG decides to impose (reasonable) limits in a blanket statewide permit program that will allow for most suction dredgers, I do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. DFG has a site inspection mechanism allowing you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide program.

Onsite inspections should be immediately signed off when approved: There should not be a delay in signing off on a site inspection in cases where DFG officials cannot identify a deleterious impact. There should be a time limit in the regulations in which the application will be approved or disapproved. Due process should be allowed if I desire to appeal an application which has been disapproved.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights on a limited permit program. Otherwise, dredge-miners who have already invested in property and equipment could potentially lose our prior existing right to work our mining claims or other mining opportunities (belonging to an association that provides access to mining property).

Statewide permits, if limited, should be transferable: Permits should be transferable if there is going to be a limit on the number allowed under a statewide program. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

DFG should not further-limit the size of dredges under the statewide permitting program: I do not believe that DFG has the authority to step onto the public lands and impose a permit restriction upon the productive capacity of my dredge without also coming up with specific reasons why existing capacities under the 1994 regulations are creating a deleterious impact upon fish. Please leave nozzle restriction sizes as they were in the 1994 regulations. The regulations should also allow a wear tolerance factor on nozzle restrictor rings. I suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact can be determined through a site inspection.

DFG should not further-limit the places where dredging is allowed: This proposal is just supported by your "precautionary approach." Except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, please leave our seasons as they have been since 1994.

Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under a statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: I do not see that the SEIR contains evidence of a deleterious impact upon fish to support the reduction of existing dredging seasons that are in the 1994 regulations. This proposal is only supported by your "precautionary approach." Except for those time periods where you can demonstrate that a deleterious impact has been created under the existing regulations, you leave our seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish. This prohibition would prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and more safe. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties.

It would be more productive to provide better language describing what the "bank" is in relation to dredge mining. For example, is there a "bank" in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves? Existing language is not clear enough. The proper answer is to clear that up, rather than impose an additional buffer zone which reduces our mining opportunities.

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: Fish & Game Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to mine at a time or location that is otherwise closed, or to use larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredge project will create a substantial impact upon the bed or bank of the waterway, would be an unreasonable imposition upon dredge-miners. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one. It should not be any different for suction dredgers.

This also applies to the use of power winches, which provide the only safe and efficient means of progressing when some rocks are too heavy to move by hand, or they cannot be rolled over other rocks that are in the way. You should not impose a 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

Imposition of the 3/32-inch intake requirement on pumps is unreasonable: The 1994 regulations already prohibit dredge operation at times when fish may be too small to swim away from pump intakes as they are already being manufactured.

Most dredges today are being produced using 3/16th inch or 15/64th inch holes for the pump intakes. To avoid conflict, you should adopt something larger than the two hole sizes which are already being used on most dredges in California.

Allowance of permit locations must be more broad: Since existing regulations already set the times and places where dredging is not deleterious to fish, I do not see any practical reason to force dredge-miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended.

Since I intend to prospect, I will not know the exact locations where I will be dredging at the time I apply for my permit. You should broaden the location requirement in your permit application to naming the waterways where I intend to work. This will allow me some flexibility to move around in search of gold without having to make an expensive trip to the closest Department license sales office to amend my permit.

The proposed dredge marking system is not workable: There is no practical way of attaching a sign to a small dredge! What does this have to do with preventing a deleterious impact upon fish?

If you must have an identification number on my dredge, you should eliminate the requirement of 3-inch number and allow the numbers to be marked either on the pontoons or the sluice box, but only if it is possible to do so. This would allow smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: I question your authority on placing any requirement upon suction dredgers in this matter, other than to prohibit the spillage of fuel. Millions of boaters all over California are allowed to keep fuel safely in their boats. Your proposed regulations would prohibit suction dredgers from doing the very same thing!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner hike 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

Disturbance of mussel beds: It is unreasonable to propose that every suction dredger must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist before dropping tailings! Some rivers are so inundated with muscles; this imposition would amount to a suction dredge prohibition in a large part of the waterway! And why, since there are so many? How does the protection of mussels from dredge-miners conform to the language of Section 5653? Please drop this silly mussel idea from final regulations.

Returning the site to the pre-mining grade to the greatest extent possible: Since it is impossible to move tailings and rocks upstream against a swift current, the requirement to fill in our holes and level off our tailings is unrealistic.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile, than they are on a pre-mining grade which is inundated with unstable gravel; so your proposal will actually create more harm than good! The dredge holes which I leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. My piled cobbles create protected habitat where fingerlings can hide from predators. It would be better for the fish if we just allow Mother Nature to settle things out in the next storm event.

Dredge mining between one half hour after sunrise to sunset: Your authority is limited to preventing a deleterious impact upon fish. Please drop this from proposed regulations and leave this particular concern to local authorities where it belongs.

Thank you very much for giving careful consideration to my comments and suggestions!

Sincerely,

Mary Wright - BOX 220 HAPPY CAMP, CA 96039

Name and Address

Date

*Sir; according to the HR all minerals
were given to the people and also the waters
so that they could prospect for precious
minerals. Please send me your response on
this, Please give me the names of all who own the
(continued.)*

Committee who are trying to restrict
our right to prospect for these precious
minerals.

Gary Wright.



California Regional Water Quality Control Board

Los Angeles Region



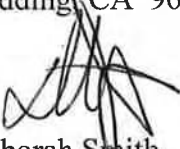
Linda S. Adams
*Acting Secretary for
Environmental Protection*

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr
Governor

041911_LaRWQCB

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



FROM: Deborah Smith
Chief Deputy Executive Officer

DATE: April 19, 2011

SUBJECT: SUCTION DREDGE PROGRAM DRAFT SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT COMMENTS

Dear Mr. Stopher

We have reviewed the Draft Subsequent Environmental Impact Report (SEIR) which addresses the potential environmental effects of the currently suspended Suction Dredge Permitting Program operated by the California Department of Fish and Game (CDFG). We also have reviewed the Proposed Suction Dredge Regulations (Title 14, Section 228 et seq.).

On average, CDFG issued approximately 3,200 suction dredge mining permits to California residents annually for the 15 years prior to the current moratorium established in July 2009. The comparable average number of non-resident suction dredge mining permits issued annually by CDFG was approximately 450. Within the Los Angeles region, most suction dredge mining permits were issued for mining within the San Gabriel River system.

We are extremely concerned about the potential adverse impacts that this activity could have upon water quality and beneficial uses in rivers, streams, lakes and reservoirs throughout the Los Angeles Region and across the state. The United States Environmental Protection Agency's Healthy Watersheds Initiative and the Draft Healthy Watersheds Technical Document (2011) provide clear evidence of recent and ongoing declines in our aquatic resources, showing that two-thirds of the nation's streams are in poor or fair biological condition. Recent studies of the benthic macroinvertebrate community in California's perennial streams support this conclusion. In our opinion, an activity such as suction dredge mining, which extensively modifies the natural

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations

structure of the aquatic habitat, would be inappropriate within streams or other waterbodies that already are in decline and probably would produce unacceptable adverse impacts within most streams that remain in good condition within the Los Angeles Region. Therefore, we recommend closing all streams in the Los Angeles Region to suction dredging.

The Draft SEIR identifies several potential adverse impacts to water quality resulting from suction dredge mining activities. Adverse impacts include contaminant discharges from onshore dredge site encampments, increased levels of turbidity and total suspended solids, and resuspension of mercury, other trace metals and trace organic compounds (e.g., pesticides).

The Draft SEIR characterizes adverse impacts to water quality associated with contaminant discharges from onshore encampments and increased levels of turbidity and total suspended solids downstream from suction dredging operations as "Less than Significant". Unfortunately, this characterization is based upon very little quantitative data. Los Angeles Regional Board staff believes that these adverse impacts could be significant in many cases, particularly within water bodies that already are degraded, as well as in high quality water bodies ("reference" quality waters).

The Draft SEIR characterizes adverse impacts to water quality associated with resuspension of mercury and other trace metals as "Significant and Unavoidable". Los Angeles Regional Board staff agrees that these impacts would be significant and unavoidable. Although the Draft SEIR suggests that adverse impacts to water quality associated with resuspension of trace organic compounds would be "Less than Significant", there is very little data available to characterize existing concentrations of these contaminants in freshwater sediments. Los Angeles Regional Board staff believes that these adverse impacts could be significant in some cases.

The Draft SEIR states that suction dredging activity was found to have short-term, localized adverse impacts on the local invertebrate abundance and community composition in the water bodies where this activity occurs. These impacts were characterized as "Less than Significant". However, the Draft SEIR does not present any monitoring data to support this conclusion. Los Angeles Regional Board staff believes that there would be widespread and significant adverse impacts to the benthic macroinvertebrate community in streams, due to the extensive movement of boulders and cobbles by hand within stream reaches and the subsequent removal and redeposition of bottom material associated with suction dredging activities. Los Angeles Regional Board staff does not believe that this potentially significant adverse impact was addressed adequately in the Draft SEIR. This should be analyzed in much greater detail in the document.

The Los Angeles Regional Board recommends that the proposed Suction Dredge Regulations be modified as follows:

- Classification of Los Angeles County waters (starting on page 33) – all lakes, reservoirs, rivers and streams within Los Angeles County should be classified as Class A (No dredging permitted at any time).
- Classification of Ventura County waters (starting on page 67) – all lakes, reservoirs, rivers and streams within Ventura County should be classified as Class A (No dredging permitted at any time).

Thank you for the opportunity to comment on the Draft SEIR and the new Proposed Suction Dredge Regulations. If you have any questions, please telephone Michael Lyons at (213) 576-6718 as he is the staff person most familiar with these issues.

Subject: Change Use Classification Of North Fork American River to Class C

Date: Tuesday, April 19, 2011 11:40:11 AM PT

From: craig.lindsay@comcast.net

To: Mark Stopher

CC: David Marks, Don Robinson, Eric Maksymyk, Jerry Hobbs, Mojave Joe, Pat Keene, Ray Nutting, Rick, Scott Harn

Dear Mark,

Attached is the response from the North Fork Dredgers Association strongly supporting a change in the DSEIR from the incorrectly proposed Class G to the appropriate classification of C for the Water from Lake Clementine to the Colfax Iowa Hill Road Bridge.

In addition, I will be sending the letter via USPS certified mail for inclusion into the public comments for the proposed DSEIR changes.

Regards,

Craig A. Lindsay
President, North Fork Dredgers Association
Property Owner, North Fork of the American River

Cell 916-813-0104

April 19, 2011

Sent Electronically and By Certified Mail

Attention: Mark Stopher
Environmental Program Manager
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
mstopher@dfg.ca.gov

From: Craig A. Lindsay
President, North Fork Dredgers Association
14 Lourdes Court
Sacramento, CA 95831
916-813-0104
craig.lindsay@comcast.net

Subject: Modify Proposed Suction Dredge Use Classifications Assigned to Streams within the State – Suction Dredge Program Draft SEIR Comments

Dear Mark,

I am requesting a review and change of the proposed draft use classification for the Water: American River, North Fork, Description: Mainstream and all tributaries from Lake Clementine to Big Valley Canyon, from Class: G to Class: C.

This request for change is based on the following five (5) discussion points:

Point 1 – **Inappropriate Description of Water**

The North Fork of the American River was designated as a Wild and Scenic River in 1978 by federal statute and by the 2009 California Public Resources Code - Section 5093.50 - 5093.70, Chapter 1.4. California Wild And Scenic Rivers Act. Section 5093.54 specifically states:

The following rivers and segments thereof are designated as components of the system:

i) North Fork American River:

- (1) The North Fork from the source of the North Fork American River to two and one-half miles above the Forest Hill-Soda Springs Road **Wild**
- (2) The North Fork from two and one-half miles above the Forest Hill-Soda Springs Road to one-half mile below the Forest Hill-Soda Springs Road **Scenic**
- (3) The North Fork from one-half mile below the Forest Hill-Soda Springs Road to one-quarter mile above the Iowa Hill Bridge **Wild**
- (4) The North Fork from one-quarter mile above the Iowa Hill Bridge to the Iowa Hill Bridge **Scenic**

The description of this Water is misrepresented and needs to be corrected. The current proposed description is misleading as it includes water that is by long standing legal definition a wild and scenic river.

The Wild & Scenic Rivers Act Public Law 90-542 (October 2, 1968) and amendments thereto, provide for a National Wild and Scenic Rivers System, and for other purposes. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, Section 9 (b) states: "all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river

segments referred to in paragraphs (77) through (88) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.” Further (a) (iii) “subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.”

Since mining (dredging) has not been allowed for over 30 years in the wild and scenic stretch of the North Fork, no mention should be made of a location in where dredging cannot and has not occurred due to prior federal law.

In addition, from CDFG’s own document, “Initial Statement of Reasons” page10:

Duplication or Conflict with Federal Regulations; “The CDFG’s proposed regulatory action does not duplicate, conflict with or compromise existing federal law or regulations.

Since the start of the Wild and Scenic area for the North Fork is the Colfax Iowa Hill Road Bridge this termination point, not Big Valley Canyon should be the descriptor used for this section open to dredging. Big Valley Canyon, located at Latitude: 39.2199027 and Longitude: -120.5554839 and an elevation of 2,897 feet is located high upstream in the section of the wild and scenic of the North Fork and is a totally misrepresented termination point for this definition. No other river classified by the DSEIR has a starting point in a dredgeable river and its ending point in a defined Wild and Scenic river. See Appendix A

ACTION #1:

Amend the DSEIR to read: Water: American River, North Fork, Description: Mainstream and all tributaries from Lake Clementine to Colfax Iowa Hill Road Bridge, Class: C.

If deemed necessary, add a additional classification to the DSEIR: Water: American River, North Fork, Description: Mainstream and all tributaries from Colfax Iowa Hill Road Bridge upstream to its source, Class: A

Point 2 – **Inappropriate Action Species Restriction** – Resident Rainbow Trout (*Oncorhynchus mykiss irideus*)

As listed in Appendix L- Species Based Restrictions on Proposed Program Activities of the DSEIR.

From DSEIR Chapter 4.3 Biological Resources, page 9

“Wild coastal rainbow trout are spring spawners. Spawning can occur between February and June depending on local water temperatures. At high elevations spawning can be delayed until July or August (Moyle, 2002). Eggs and sac fry of coastal rainbow trout could suffer significant mortality during passage through a suction dredge.”

Exception is taken with “high elevations” in the above statement, as it applies to the river between Lake Clementine Dam and the Colfax Iowa Hill Road Bridge. The North Fork between Lake Clementine and the Colfax Iowa Hill Road Bridge is not at “high elevation”; Lake Clementine is at an elevation of 715’ from the CDW station NFD and increases to an elevation of 1150’ at the Colfax Iowa Hill Road Bridge. It appears that using Big Valley Canyon at an elevation of 2897’ as the terminus of the proposed description of the North Fork of the American was a falsely manufactured inclusion to have this water deemed “high elevation”.

During the months of July through September the river flows are low, averaging from ~300 cubic feet per second (cfs) July to a low of >100 cfs in September (data from CDW station NFD). With

these low flows, low river volume and the high daily air temperatures water temperatures are high at this elevation (650' to 1150') of the North Fork. Except for the occasional deep pools, the river can easily be forded at many spots in the summer months at waist level or less. In these shallow sections the surface water temperatures are above those that can support resident Rainbow Trout spawning.

The following river temperature data support this from: <http://wdr.water.usgs.gov>

Water-Data Reports (North Fork American River at Auburn Dam Site):

Station 11433790	Year:	Month:	Average Min:	Average Max:
Auburn, CA	2009	June	13.2°C	24.6°C
Elevation: 680'		July	16.3°C	23.9°C
		August	13.8°C	21.5°C
		September	12.2°C	17.6°C
	2008	June	15.3°C	22.3°C
		July	15.5°C	22.1°C
		August	14.9°C	20.8°C
		September	14.6°C	19.6°C
	2007	June	16.9°C	23.2
		July	15.5°C	22.2
		August	---	---
		September	---	---
	2006	June	13.0°C	19.0°C
		July	15.5°C	---
		August	14.5°C	20.0°C
		September	14.0°C	21.5°C
	2005	June	12.0°C	18.5°C
		July	16.5°C	23.0°C
		August	15.0°C	21.0°C
		September	12.5°C	18.5°C

This species can withstand vast ranges of temperature variation (0-27 °C), but spawning and growth occurs in a narrower range (9-14 °C).

From: http://www.fao.org/fishery/culturedspecies/Oncorhynchus_mykiss/en

Observational data (plus personal communications) strongly support that the high water temperatures preclude trout (one Rainbow identified in 5 years of my dredging June through October) from occupying the river during these months, let alone spawning in these sub-optimal conditions. As observed and as supporting evidence in the June through September timeframe, the predominate fish in this section of the river is a non-native, introduced species, the small mouth bass (*Micropterus salmoides*) which prefers water at temperatures of 16 to 23 degrees Celsius well above the optimal temperature for trout.

Strong exception is taken with the statement from DSEIR Chapter 4.3 Biological Resources, page 9:

” As a result protecting *above barrier* populations of coastal rainbow trout *during spawning periods* is of vital importance. This applies to the wild populations of coastal rainbow trout in the North Fork American River and all its tributaries; the wild populations in the other forks of the American River are *protected through closures for other species*.”

This statement is incorrect on two accounts, number one the conditions for spawning of Rainbow Trout are extremely unlikely during the June through September time frame in the North Fork of the American River between Lake Clementine and the Colfax Iowa Hill Road

bridge as supported by the temperature data and number two, the misinformation in the this statement; "protected through closures for other species"; **NONE** of other forks of the American that are protected with an action species restriction are assigned class G status.

All of the other forks of the American River have significant wild populations of resident Rainbow Trout (as evidenced by the number of guides and outfitters who advertise the excellent Rainbow Trout fishing and provide fishing expeditions on the Middle and South Forks of the American) and further supported by information from DSEIR Chapter 4.3-1 pages 7-8 states:

"Rainbow trout are the native trout in the Pacific drainages of California. At present two groups of rainbow trout are recognized as native to California: coastal rainbow trout (*Oncorhynchus mykiss irideus*) and redband trout of the Upper Kern and Upper Sacramento rivers. In California, the coastal rainbow trout are recognized by six groups of "steelhead" all of which have non-migratory populations in their watersheds (Moyle 2002)."

Reviewing the classification information for the American River watershed all of the following sections were assigned different Classes, as listed below:

Table 1:

- #1 American River, Middle Fork, Mainstream above Oxbow Dam, is listed as Class D
- #2 American River, Middle Fork, All tributaries above Oxbow Dam, is listed as Class E
- #3 American River, North Fork, Mainstream and all tributaries above Folsom Lake to confluence with the Middle Fork American River, is listed as Class C
- #4 American River, South Fork, Mainstream and all tributaries from Folsom Lake upstream to Slab Creek Reservoir, is listed as Class C
- #5 American River, South Fork, Mainstream and all tributaries from Slab Creek Reservoir upstream to Highway 50 Bridge at Riverton, is listed as Class E and again a duplicate listing as Class C

All of the above examples #1 thru #5 are "above barrier" so the decision to single out and assign Class: G status to the section of the North Fork between Lake Clementine and the Colfax Iowa Hill Road Bridge appears extremely arbitrary. In addition, the rationale supporting that decision is spurious. It is also extremely interesting that these populations of non-migratory (resident) Rainbow Trout are not listed in Appendix L for ANY other river in system in California.

In fact, in DSEIR Chapter 4.3-1 pages 7-8 proposes Class C temporal restriction:

Rainbow trout (*Oncorhynchus mykiss irideus*)

Federal Listing Status: None

State Listing Status: None

Proposed Temporal Restriction: Class C for the North Fork of the American River and tributaries.

So the question is asked, if the Proposed Temporal Restriction is for Class C designation from DSEIR Chapter 4.3-1 pages 7-8 why is class G status assigned to this section of the river in DSEIR Chapter 2, Section (31) Place, page 2-43?

Also, from Chapter 2 Program Description, Section 2.2.3:

"The use classes assigned to each of the *Fish* action species were then applied to streams within the species range or known distribution. There is a broad range of data that provide

information on species distribution in the state. The quality and accuracy of these data resources vary. In all cases, CDFG has attempted to use the best available data on species not feasible to incorporate all data resources specific to each action species. Thus, the draft proposed amendments to the existing regulations often reflect broad understanding of a species distribution within the state. In many cases, modifications to the species' use classification or known distributions were applied based on regional knowledge of the species status and life history characteristic. In all cases these modifications were based on the potential for suction dredging activities to be deleterious to *Fish* species. Modifications to the generic use classifications or spatial data used for each species are described in Chapter 4.3, Table 4.3-1 or Appendix L."

Again, resident populations of Rainbow Trout (*Oncorhynchus mykiss irideus*) are evident through the state's various watersheds, why are they not applied based on regional knowledge of the species status and life history characteristic in any other river system in Appendix L of the DSEIR? Again, this appears to be an apparent arbitrary and inconsistent application of the documents internal mechanisms to apply fair and equitable classifications.

Interestingly, no mention and description is made of resident rainbow trout in the DSEIR Appendix J: Detailed Life History Description for *Fish* Action Species, why were resident Rainbow Trout not included? All of the other action species are included in Appendix J. It appears that the proposed Class G dredging limitations for the North Fork of the American River between Lake Clementine and the Colfax Iowa Hill Road Bridge were applied and implemented for reasons other than a legitimate action species restriction.

ACTION 2:

Therefore based on information from point #2 the action species restriction, Resident Rainbow Trout (*Oncorhynchus mykiss irideus*) is incorrectly applied to the waters of the North Fork of the American River between Lake Clementine and the Colfax Iowa Hill Road Bridge. Remove Resident Rainbow Trout (*Oncorhynchus mykiss irideus*) from Table 4.3-1.

Point 3 – **Inappropriate Action Species Restriction** - Foothill Yellow Legged Frog (*Rana boylei*)

As listed in Appendix L of the DSEIR - Species Based Restrictions on Proposed Program Activities of the DSEIR.

Further support of Temporal Restriction Class C status for the North Fork between Lake Clementine Dam and the Colfax Iowa Hill Road Bridge.

From DSEIR Chapter 4.3-31:

"To provide additional protection for this species, streams within the known range of foothill yellow-legged frog, which encompasses a significant portion of the state, are designated Class D. The Class D restriction would protect egg masses from entrainment; while tadpoles may still be present at the times that streams are open to suction dredging, sufficient refugia are believed to exist such that significant impacts would not result. Further, year round closures (Class A) have been identified for other action species, which in many cases would provide surrogate protection for foothill yellow-legged frog tadpoles. Similarly, surrogate protection may result from land use designations (e.g., National Parks, Wilderness Areas). Finally, Section 228 (k)16 of the regulations requires dredgers to avoid disturbance of eggs, redds, tadpoles and mollusks. In summary, for the example of the foothill yellow-legged frog, the Proposed Program's use of spatial, temporal and operational restrictions would ensure that suction dredging activities would not have a significant impact on the species as a whole, and therefore the potential impacts are considered to be less than significant."

The information provided DSEIR Chapter 4.3-31 presupposes that there are resident frog populations in the North Fork of the American River. Applying gross distribution maps and

interpolating the existence of the Foothill Yellow Legged frog in any given waterway is an arbitrary and capricious not to mention incorrect decision (See species distribution maps in Appendix B). In fact, from Amphibiaweb.org in the Lannoo section, Gary M. Fellers states,

“Since 1993, my field crews and I have conducted extensive surveys for foothill yellow-legged frogs in California, visiting 804 sites (in 40 counties) that had suitable habitat within the historical range. We found at least one foothill yellow-legged frog at 213 of these sites (26.5% of sites), representing 28 counties.

Extant populations of foothill yellow-legged frogs are not evenly distributed in California. In the Pacific northwest, 40% of the streams support populations of foothill yellow-legged frogs, while that number drops to 30% in the Cascade Mountains (north of the Sierra Nevada), 30% in the south coast range (south of San Francisco), and 12% in the Sierra Nevada foothills... While the number of populations is important, population size is also critical. Only 30 of the 213 sites in California with foothill yellow-legged frogs have populations estimated to be 20 or more adult frogs.”

Only 12% of streams in the Sierra Nevada had populations of *Rana boylei*, which ones? Using the available data from BerkeleyMapper (see Appendix B) to determine recorded collection points for *Rana boylei* shows that a total of 8 specimens have been found since the identification of this species by Baird in 1854. Six were collected 1.5 miles NE of the Auburn City Hall in what is now a residential area. A single specimen found near the confluence of the North and Middle Forks of the American below the Lake Clementine Dam and the last specimen collected in 1986 above the dam at Sugar Pine Reservoir. No recorded specimens have been found in the waters of the North Fork of the American River as defined from the dam at Lake Clementine to the Colfax Iowa Hill Road Bridge. Therefore, additional protection as stated in DSEIR Chapter 4.3-31 is unwarranted and cannot be justified since there are no Foothill Yellow Legged Frogs in this defined stretch of the river.

As mentioned previously, the predominate fish in this section of the river during the summer months is a non-native, introduced species, the small mouth bass (*Micropterus salmoides*) which prefers water at temperatures of 16 to 23 degrees Celsius:

“There is also evidence that smallmouth bass predation can contribute to local extirpation of native frogs and other amphibians” (Keisecker and Blaustein, 1998)

“Fish, amphibians, small mammals and other items have been found in their stomachs” (Moyle 2002)

All of the above information further supports applying a Class C temporal restriction to the section of the North Fork of the American River between Lake Clementine Dam and the Colfax Iowa Hill Road Bridge. Supporting information and collection points in Appendix B.

ACTION #3:

Therefore based on information from point #3 the action species restriction, Foothill Yellow Legged Frog (*Rana boylei*) is incorrectly applied to the waters of the North Fork of the American River between Lake Clementine and the Colfax Iowa Hill Road Bridge. Remove the Foothill Yellow Legged F as an action species for this water and correct use classification of this water to Class C.

Point 4 – Threatened Species

Finally, Rainbow trout are not protected, threatened or in danger of being placed on an endangered species list. In fact, non-migratory (resident) Rainbow Trout (*Oncorhynchus mykiss irideus*) have a Federal Listing Status of None and a State Listing Status of None. Nor are they listed in Appendix J CNDDDB Species List.

All of the other 12 proposed Class G sections of California rivers have fish that are have a Federal Listing (FT - Lahontan Cutthroat Trout) and/or a State Listing (SSC - Mountain Sucker). List of proposed Class G river sections:

Alpine County:

Carson River, East Fork Mainstem and all tributaries from California-Nevada State Line to Carson Falls, unless otherwise noted, G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout (Recovery)

Carson River, West Fork Mainstem and all tributaries, unless otherwise noted below, G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout (Recovery)

El Dorado County:

Lake Tahoe (Tributaries) all waters draining to Lake Tahoe, unless otherwise noted, G; Mountain Sucker, Mountain Whitefish

Mono County:

Buckeye Creek Mainstem and tributaries downstream of Buckeye Hot Spring, G; Mountain Sucker, Mountain Whitefish

Desert Creek (Drains to Fourmile Hill Creek - Nevada) Mainstem and tributaries, G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout

East Walker River Mainstem and tributaries, unless otherwise noted, G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout

Hot Creek (Little Walker River tributary north of Bridgeport), Mainstem and tributaries above Little Walker River G; Mountain Sucker, Mountain Whitefish

Robinson Creek Mainstem and tributaries downstream of Twin Lakes, G; Mountain Sucker, Mountain Whitefish

West Walker River and Tributaries All Mainstem and tributaries, unless otherwise noted, G; Mountain Sucker, Mountain Whitefish

Nevada County:

Truckee River Mainstem G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout
Truckee River (Tributaries), All tributaries, unless otherwise noted, G; Mountain Sucker, Mountain Whitefish, Lahontan Cutthroat Trout

Again this suggests an inconsistent application of the proposed Class G status to the North Fork of the American River between Lake Clementine Dam and the Colfax Iowa Hill Road Bridge since all other proposed class G river segments have fish with a federal or state listing.

Point 5 – Use Impacts

The North Fork of the American River between Lake Clementine and the Colfax Iowa Hill Road Bridge is within the boundaries of the Auburn State Recreation Area. The river from Lake Clementine to the Colfax Iowa Hill Road Bridge is bordered by a highly varied mix of land parcels ranging in size from less than 1 acre to over 500 acres owned both by the BLM and private property owners. Other than river access by raft, kayak or canoe the majority of these parcels have extremely limited road access. A total of three roads cross the North Fork in the Auburn State Recreation Area; Ponderosa, Yankee Jim and Colfax Iowa Hill. No overnight stays are permitted in the Auburn State Recreation Area except for the single campground at Mineral Bar near the Colfax Iowa Hill Road Bridge, which is limited to 15 sites and a two-week (14 day) maximum.

Access to dredging is limited by the number of campsites, minimal number roads, park closure at 9:00 PM and a 14-day maximum camping limit. In addition, no mining claims are filed in this area as per data using the BLM Geocommunicator GIS database, which limits the areas that potentially could be dredged since private property owner permission would be needed. This is a river section that will have a reduced potential for total number of dredgers, dredging days and use impacts.

SUMMARY:

Action: Change use classification for the Water: American River, North Fork, Description: Mainstream and all tributaries from Lake Clementine to Colfax Iowa Hill Road Bridge, to Class: C.

Basis:

- #1 - Inappropriate description of Water termination point in a wild and scenic river.
- #2 - Inappropriate application of Action Species Restriction for Resident Rainbow Trout (*Oncorhynchus mykiss irideus*). Remove as action species.
- #3 - Action Species Restriction for Foothill Yellow Legged Frog (*Rana boylei*) is incorrectly applied to a river with no known specimens. Change use classification to Class C, to be consistent with all of the other rivers.
- #4 - In appropriate classification, all other Class G rivers have listed or threatened species, the North Fork of the American does not have any such listed species.
- #5 - Minimal use impact, due to low number of camping sites, no over-night camping, few roads to access river and large amounts of private property bordering river with no mining claims.

Thank you for your attention and corrective actions to change the misclassified water of the North Fork of the American River from Lake Clementine to Colfax Iowa Hill Road Bridge to its appropriate use classification of C.

Sincerely,



Craig A. Lindsay
President, North Fork Dredgers Association

cc: Dave Marks, Don Robinson, Ray Budowich, Bruce Emerson, Troy Bochus, Pat Keene, Jerry Hobbs, Dave Readacker, Tim Readacker, Eric Rasbold, Pioneer Mining, Ray Nutting,

Appendix A: California Wild and Scenic Rivers

- [Amargosa River](#)

Designated Reach: March 30, 2009. From the northern boundary of Section 7, Township 21 North, Range 7 East to 100 feet upstream of the Tecopa Hot Springs Road crossing. From 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa. From the northern boundary of Section 16, Township 20 North, Range 7 East to 100 feet upstream of the Dumont Dunes Access Road crossing in Section 32, Township 19 North, Range 7 East. From 100 feet downstream of the Dumont Dunes Access Road for the next 1.4 miles.

Designated Reach: January 19, 1981. From the confluence with the Sacramento River to the Nimbus Dam.

Classification/Mileage: Recreational — 23.0 miles; Total — 23.0 miles.

DFG:

San Bernardino Co.

Amargosa River Mainstem from SR-127 crossing upstream to Old Spanish Trail crossing in Tecopa (Inyo Co) Class A

Amargosa River Mainstem from San Bernardino-Inyo County line upstream to Saratoga Springs Class A
Inyo Co.

Amargosa River Mainstem upstream of Death Valley Road (CA 127), Class A

- [American River \(Lower\)](#)

Designated Reach: January 19, 1981. From the confluence with the Sacramento River to the Nimbus Dam.

Classification/Mileage: Recreational — 23.0 miles; Total — 23.0 miles.

DFG:

Sacramento Co.

American River Mainstem from Sacramento River upstream to Nimbus Dam, Class A

- [American River \(North Fork\)](#) — [Bureau of Land Management Site](#)

*Tahoe National Forest
631 Coyote Street
Nevada City, California 95950*

*Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308*

Designated Reach: November 10, 1978. From a point 0.3 miles above Heath Springs downstream to a point 1,000 feet upstream of the Colfax-Iowa Hill Bridge.

Classification/Mileage: Wild — 38.3 miles; Total — 38.3 miles.

DFG:

Placer Co.

American River, North Fork Mainstem and all tributaries from Lake Clementine Dam to Big Valley Canyon, Class G

- [Bautista Creek](#)

*San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408*

Designated Reach: March 30, 2009. From the San Bernardino National Forest boundary in Section 36, Township 6 South, Range 2 East to the San Bernardino National Forest boundary in Section 2, Township 6 South, Range 1 East.

Classification/Mileage: Recreational — 9.8 miles; Total — 9.8 miles.

DFG: No classification listed except

Riverside Co.

Bautista Creek Mainstem, upstream from Fairview Ave crossing, Class A

- [Big Sur River](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. From the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness. The South Fork and the North Fork from their headwaters to their confluence.

Classification/Mileage: Wild — 19.5 miles; Total — 19.5 miles.

Located in the Ventana Wilderness, this river offers outstanding opportunities for hiking, camping, swimming and fishing. It is one of the longest coastal California streams lined with redwoods.

DFG:

No specific classification listed except

Monterey Co.

Multiple Waters All rivers and streams west of Hwy 101 Class A,

Multiple waters All rivers and streams east of Hwy 101, unless otherwise noted below, Class D

- [Black Butte River](#)

Mendocino National Forest
825 North Humboldt Avenue
Willows, California 95988
Telephone: (530) 934-3316

Designated Reach: October 17, 2006. The segment from the Mendocino County line to its confluence with the Middle Eel River and Cold Creek from the Mendocino County line to its confluence with the Black Butte River.

From Wikipedia-The **Black Butte River** is located in the Mendocino National Forest of northern California in Lake, Glenn and Mendocino counties. It is a tributary to the Middle Fork Eel River and flows northward for 24 miles (39 km) from its headwaters near Round Mountain to the confluence with the Middle Fork Eel River. The Northern California Coastal Wild Heritage Wilderness Act of 2006 added 21 miles (34 km) of the Black Butte River (and a tributary Cold Creek) to the National Wild and Scenic Rivers System, of which 17.5 miles (28.2 km) are Wild status and 3.5 miles (5.6 km) are Scenic.^[1]

Classification/Mileage: Wild — 17.5.5 miles; Scenic — 3.57 miles; Total — 21.0 miles

DFG: No specific classification listed except

Glenn Co.

Multiple Waters All rivers and streams in the County west of I-5, unless otherwise noted below, Class F
Butte Creek Mainstem, Class A [IS THIS BLACK BUTTE RIVER?](#)

Mendocino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class F

[Cottonwood Creek](#)

Inyo National Forest
351 Pacu Lane
Suite 200
Bishop, California 93514

Designated Reach: March 30, 2009. From its headwaters at the spring in Section 27, Township 4 South, Range 34 East to the northern boundary of Sec. 5, Township 4 South, Range 34 East.

Classification/Mileage: Wild — 17.4 miles; Recreational — 4.1 miles; Total — 21.5 miles.

DFG:

Inyo Co.

Cottonwood Creek (Drains to Owens Lake) Mainstem and tributaries upstream of Little Cottonwood Creek, Class A

Cottonwood Creek (East of Highway 168), Mainstem Class A

- Eel River

California Resources Agency
1416 Ninth Street
Sacramento, California 95814

Mendocino National Forest
825 North Humboldt Avenue
Willows, California 95988

Bureau of Land Management
Ukiah Field Office
2550 North State Street
Ukiah, California 95482

Round Valley Reservation
Post Office Box 448
Covelo, California 95428

Six Rivers National Forest
1330 Bayshore Way
Eureka, California 95501

Designated Reach: January 19, 1981. From the mouth of the river to 100 yards below Van Arsdale Dam. The Middle Fork from its confluence with the main stem to the southern boundary of the Yolla Bolly Wilderness Area. The South Fork from its confluence with the main stem to the Section Four Creek confluence. The North Fork from its confluence with the main stem to Old Gilman Ranch. The Van Duzen River from the confluence with the Eel River to Dinsmore Bridge.

From Wikipedia: The river originates on the southern flank of Bald Mountain in northeastern Mendocino County.^[2] It flows southeast, then west, through Mendocino National Forest and Lake County. It is impounded in Lake Pillsbury, the reservoir created by Scott Dam.

Below Lake Pillsbury the Eel River re-enters Mendocino County, turning northwest approximately 15 miles (24 km) east of Willits. It flows northwest in a long isolated valley, collecting many tributaries including the Middle Fork Eel River and the North Fork Eel River. Between these two tributaries the Round Valley Indian Reservation lies east of the Eel River.

After the North Fork confluence, the Eel River flows around Island Mountain in the southwestern corner of Trinity County then crosses Humboldt County from the southeast to northwest, flowing in a winding course past a series of small mountain communities. The South Fork Eel River joins as the river valley widens. U.S. Route 101 runs along the South Fork Eel River and then the main Eel River's lower course.

After passing Scotia Bluffs near Rio Dell, the Eel River is joined by the Van Duzen River. Below that confluence, the Eel passes Fortuna and enters the Pacific in central Humboldt County, approximately 15 miles (24 km) south of Eureka.^[7] Eel River estuary is recognized for protection by the California Bays and Estuaries Policy.^[8]

Classification/Mileage: Wild — 97.0 miles; Scenic — 28.0 miles; Recreational — 273.0; Total — 398.0 miles
DFG:

Humboldt Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F
Special Closures for Thermal Refugia in Klamath River Watershed, see DSEIR chapter 2-30

Mendocino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F

Trinity Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, F

- Feather River

Plumas National Forest
159 Lawrence Street
Box 11599
Quincy, California 95971

Designated Reach: October 2, 1968. The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California.

Classification/Mileage: Wild — 32.9 miles; Scenic — 9.7 miles; Recreational — 35.0 miles; Total — 77.6 miles.

DFG:

Butte Co.

Feather River Mainstem to Lake Oroville, Class A

Feather River, Middle Fork (Mainstem) Mainstem upstream of Lake Oroville, Class D

Feather River, Middle Fork (Tributaries) All tributaries to Middle Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E

Feather River, North Fork (Mainstem) Mainstem upstream of Lake Oroville, class D
 Feather River, North Fork (Tributaries) All tributaries to North Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E
 Feather River, South Fork (Mainstem) Mainstem upstream of Lake Oroville, Class D
 Feather River, South Fork (Tributaries) All tributaries to South Fork Feather River upstream of Lake Oroville, unless otherwise noted, Class E
Plumas Co.
 Feather River, Middle Fork (Mainstem) Mainstem, Class D
 Feather River, Middle Fork (Tributaries) All tributaries, unless otherwise noted, Class E
 Feather River, North Fork (Mainstem) Mainstem from Plumas-Butte County Line to East Branch of North Fork Feather River, Class D
 Feather River, North Fork (Tributaries) All tributaries, unless otherwise noted, Class E
 Feather River, South Fork Mainstem, Class D
 Feather River, South Fork All tributaries, unless otherwise noted, Class E
 Boulder Creek (Little North Fork of Middle Fork Feather River tributary) Mainstem and all tributaries, Class A

- Fuller Mill Creek

San Bernardino National Forest
 602 South Tippecanoe Avenue
 San Bernardino, California 92408
Designated Reach: March 30, 2009. From the source of Fuller Mill Creek in the San Jacinto Wilderness to its confluence with the North Fork San Jacinto River.
Classification/Mileage: Scenic — 2.6 miles; Recreational — 0.9 miles; Total — 3.5 miles.
DFG: No specific classification listed except

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- Kern River

Sequoia/Kings Canyon National Parks
 47050 Generals Highway
 Three Rivers, California 93271

Sequoia National Forest
 900 West Grand Avenue
 Porterville, California 93257

Designated Reach: November 24, 1987. The North Fork from the Tulare-Kern County line to its headwaters in Sequoia National Park. The South Fork from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest.
Classification/Mileage: Wild — 123.1 miles; Scenic — 20.9 miles; Recreational — 7.0 miles; Total — 151.0 miles. This river includes both the North and South Forks of the Kern. The South Fork descends through deep gorges with large granite outcroppings and domes interspersed with open meadows. It is habitat for the golden trout, the state fish of California. The upper 47.5 miles of the North Fork flow through Sequoia National Park and the Golden Trout Wilderness, a scenic area with a wide variety of recreational opportunities, as well as cultural and historical features.
DFG:

Kern Co.

Kern River, South Fork (Tributaries) All tributaries to the South Fork Kern River upstream of Lake Isabella and north of SR 178, Class A

Tulare Co.

Multiple Waters All rivers and streams in the County above 4,000 feet elevation, Class A
 Multiple Waters All rivers and streams in the County between 1,000 and 4,000 feet elevation, Class F

- Kings River

Sequoia/Kings Canyon National Parks
 47050 Generals Highway
 Three Rivers, California 93271

Sequoia National Forest
 900 West Grand Avenue
 Porterville, California 93257

Designated Reach: November 3, 1987. From the confluence of the Middle Fork and the South Fork to the point at elevation 1,595 feet above mean sea level. The Middle Fork from its headwaters at Lake Helen to its confluence with the main stem. The South Fork from its headwaters at Lake 11599 to its confluence with the main stem.

Classification/Mileage: Wild — 65.5 miles; Recreational — 15.5 miles; Total — 81.0 miles.

This river includes the entire Middle and South Forks, which are largely in Kings Canyon National Park (although you should be sure to check out the river on the Sequoia National Forest—just as spectacular). Beginning in glacial lakes above timberline, the river flows through deep, steep-sided canyons, over falls and cataracts, eventually becoming an outstanding whitewater rafting river in its lower reaches in Sequoia National Forest. Geology, scenery, recreation, fish, wildlife and history are all significant aspects

DFG: No specific classification listed except

Fresno Co.

Multiple Waters All rivers and streams in the County above 4,000 feet elevation, Class A

Multiple Waters All rivers and streams east of I-5 between 1,000 to 4,000 feet, unless otherwise noted below, Class F

Multiple Waters All rivers and streams east of I-5 less than 1,000 feet elevation, unless otherwise noted below, Class H

Kings Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- Klamath River — U.S. Forest Service Site

*California Resources Agency
1416 Ninth Street
Sacramento, California 95814*

*Karuk Tribe of California
Post Office Box 1016
Happy Camp, California 96039*

*Yurok Tribe
1034 - 6th Street
Eureka, California 95501*

*Klamath National Forest
1312 Fairlane Road
Yreka, California 96097*

*Hoopa Valley Indian Reservation
Post Office Box 817
Hoopa, California 95546*

*Bureau of Land Management
Arcata Field Office
1695 Hinden Road
Arcata, California 95521*

Designated Reach: January 19, 1981. From the mouth to 3,600 feet below Iron Gate Dam. The Salmon River from its confluence with the Klamath to the confluence of the North and South Forks of the Salmon River. The North Fork of the Salmon River from the Salmon River confluence to the southern boundary of the Marble Mountain Wilderness Area. The South Fork of the Salmon River from the Salmon River confluence to the Cecilville Bridge. The Scott River from its confluence with the Klamath to its confluence with Schackleford Creek. All of Wooley Creek.

Classification/Mileage: Wild — 12.0 miles; Scenic — 24.0 miles; Recreational — 250.0; Total — 286.0 miles.

From Wikipedia: Upper Klamath Lake, filling a broad valley at the foot of the eastern slope of the southern High Cascades, is considered the birthplace of the Klamath River. Its headstreams, however, begin over 100 miles (160 km) away—as far as Crater Lake and the Oregon-Nevada border. The first 1-mile (1.6 km) stretch of the Klamath River is known as the Link River. Not long after, however, the river is impounded in a 18-mile (29 km)-long reservoir near Klamath Falls, Lake Ewauna, where it receives the Lost River and passes the nearly-dry bed of Lower Klamath Lake.^{[10][11][12]} Even after it flows out of this reservoir, it drops through a series of three more artificial lakes^[13] before it crosses the Oregon-California state border and turns south near the town of Hornbrook towards the direction of Mount Shasta. However, the river soon swings west to receive the Shasta River and Scott River, cutting deep into the head of its canyon through the Klamath Mountains.^[5]

The route through the High and Western Cascades and the Klamath Mountains constitutes the majority of the river's course and takes it from the arid high desert climate of its upper watershed into a temperate rainforest nourished by Pacific rains. From the Scott River confluence, the river generally runs west along the south side of the Siskiyou Mountains until it takes a sharp southward turn near the town of Happy Camp. There, it flows southwest over whitewater rapids into the Klamath National Forest, receiving the Salmon River, and passing the unincorporated community of Orleans. At Weitchpec the river reaches the southernmost point in its entire course and veers sharply northwards as it receives the Trinity River. The Trinity River confluence also marks the point where the current of the Klamath slows down dramatically. For the remainder of its course, it flows generally northwest through the Hoopa Valley and Yurok Indian Reservations, passing the town of Klamath and flowing out to sea 16 miles (26 km) south of Crescent City

DFG:

Del Norte:

Klamath River Mainstem, Class D

Humboldt Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class F
Thermal Refugia: multiple creeks

Siskiyou Co.

Klamath River Mainstem from Iron Gate Reservoir upstream to California-Oregon State Line, Class A
Cottonwood Creek (Tributary to Klamath River) Mainstem, Class A
Elk Creek (Tributary to Klamath River) Mainstem, Class A
Indian Creek (Tributary to Klamath River) Mainstem, Class A
Salmon River, South Fork Mainstem from French Creek upstream to St. Claire Creek, Class
Thermal Refugia: Elk Creek/Salmon River, Empire Creek/Scott River,
Wooley Creek Mainstem, Class A

- [Merced River](#) — [Bureau of Land Management Site](#)

Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308

Sierra National Forest
1130 O Street
Fresno, California 93721

Yosemite National Park
Post Office Box 577
Yosemite National Park, California 95389

Designated Reach: November 2, 1987 and October 23, 1992. From its source (including Red Peak Fork, Merced Peak Fork, Triple Peak Fork, and Lyle Fork) in Yosemite National Park to a the normal maximum operating pool (water surface level) of Lake McClure (elevation 867 feet mean sea level). The South Fork from its source in Yosemite National Park to the confluence with the main stem.

Classification/Mileage: Wild — 71.0 miles; Scenic — 16.0 miles; Recreational — 35.5 miles; Total — 122.5 miles.
DFG:

Merced Co.

Merced River Mainstem, Class C

Mariposa Co.

Multiple Waters All rivers and streams in the County from 2,000 to 5,000 feet elevation, Class D
Multiple Waters All rivers and streams in the County below 2,000 feet elevation, Class F

- [Owens River Headwaters](#)

Inyo National Forest
351 Pacu Lane
Suite 200
Bishop, California 93514

Designated Reach: March 30, 2009. Deadman Creek from the two-forked source east of San Joaquin Peak to 100 feet upstream of Big Springs. The upper Owens River from 100 feet upstream of Big Springs to the private property boundary in Section 19, Township 2 South, Range 28 East. Glass Creek from its two-forked source to its confluence with Deadman Creek.

Classification/Mileage: Wild — 6.3 miles; Scenic — 6.6 miles; Recreational — 6.2 miles; Total — 19.1 miles.
DFG:

Mono Co.

Unnamed Creeks (Owens River/Lake Crowley Drainage) Mainstem and tributaries of all Unnamed Creeks within Inyo National Forest, from Willfred Creek west to Deadman Creek, Class A
Unnamed Creeks (Owens River/Lake Crowley Drainage) Mainstem and tributaries of all Unnamed Creeks within Inyo National Forest, from Dry Creek south to Little Hot Creek, Class A

- [Palm Canyon Creek](#)

San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408

Designated Reach: March 30, 2009. From the southern boundary of Section 6, Township 7 South, Range 5 East to the San Bernardino National Forest boundary in Section 1, Township 6 South, Range 4 East.

Classification/Mileage: Wild — 8.1 miles; Total — 8.1 miles.

DFG: No specific classification listed except

San Bernardino Co.

Multiple Waters All rivers and streams in the County, unless otherwise noted below, Class H

- [Piru Creek](#)

Los Padres National Forest
6755 Hollister Avenue
Suite 150
Goleta, California 93117

Angeles National Forest
701 North Santa Anita Avenue
Arcadia, California 91006

Designated Reach: March 30, 2009. From 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary between Los Angeles and Ventura Counties.

Classification/Mileage: Wild — 4.3 miles; Recreational — 3.0 miles; Total — 7.3 miles

DFG:

Ventura Co.

Piru Creek Mainstem from Pyramid Reservoir to Lockwood Creek, Class A

- [San Jacinto River \(North Fork\)](#)

San Bernardino National Forest
602 South Tippecanoe Avenue
San Bernardino, California 92408

Designated Reach: March 30, 2009. From the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the northern boundary of Section 17, Township 5 South, Range. 2 East.

Classification/Mileage: Wild — 7.2 miles; Scenic — 2.3 miles; Recreational — 0.7 miles; Total — 10.2 miles

San Jacinto River Mainstem from Sand Canyon upstream to Soboba Indian Reservation boundary, Class A

San Jacinto River, North Fork Mainstem and all tributaries above 4,000 ft elevation, Class A

- [Sespe Creek](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. The main stem from its confluence with Rock Creek and Howard Creek downstream to where it leaves Section 26, Township 5 North, Range 20 West.

Classification/Mileage: Wild — 27.5 miles; Scenic — 4.0 miles; Total — 31.5 miles.

DFG:

Ventura Co.

Sespe Creek Mainstem and all tributaries, Class A

- [Sisquoc River](#)

Los Padres National Forest
6144 Calle Real
Goleta, California 93117

Designated Reach: June 19, 1992. From its origin downstream to the Los Padres National Forest boundary.

Classification/Mileage: Wild — 33.0 miles; Total — 33.0 miles.

Most of this river lies within the San Rafael Wilderness.

DFG:

Sisquoc River Mainstem and all tributaries, Class D

Water Canyon (Sisquoc River tributary) Mainstem and all tributaries, Class A

- [Smith River](#)

California Resources Agency
1416 Ninth Street

Smith River National Recreation Area
Post Office Box 228

Sacramento, California 95814

Gasquet, California 95543

Designated Reach: January 19, 1981 and November 16, 1990. The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to its mouth at the Pacific Ocean. The Middle Fork from its the headwaters to its confluence with the North Fork Smith River, including Myrtle Creek, Shelly Creek, Kelly Creek, Packsaddle Creek, the East Fork of Patrick Creek, the West Fork Patrick Creek, Little Jones Creek, Griffin Creek, Knopki Creek, Monkey Creek, Patrick Creek, and Hardscrabble Creek. The Siskiyou from its headwaters to its confluence with the Middle Fork, including the South Siskiyou Fork of the Smith River. The South Fork from its headwaters to its confluence with the main stem, including Williams Creek, Eightmile Creek, Harrington Creek, Prescott Fork, Quartz Creek, Jones Creek, Hurdygurdy Creek, Gordon Creek, Coon Creek, Craigs Creek, Goose Creek, the East Fork of Goose Creek, Buch Creek, Muzzleloader Creek, Canthook Creek, Rock Creek, and Blackhawk Creek. The North Fork from the California-Oregon border to its confluence with the Middle Fork of the Smith River, including Diamond Creek, Bear Creek, Still Creek, the North Fork of Diamond Creek, High Plateau Creek, Stony Creek, and Peridotite Creek.

Classification/Mileage: Wild — 78.0 miles; Scenic — 31.0 miles; Recreational — 216.4 miles; Total — 325.4 miles.

DFG:

Del Norte:

Smith River, Middle Fork

Mainstem and all tributaries from Smith River upstream to Knopki Creek, Class B

Smith River, North Fork Mainstem and all tributaries, Class B

Smith River, South Fork Mainstem and all tributaries from Smith River upstream to Quartz Creek, Class B

- Trinity River

California Resources Agency
1416 Ninth Street
Sacramento, California 95814
Hoopa Valley Indian Reservation
Post Office Box 817
Hoopa, California 95546
Yurok Tribe
1034 - 6th Street
Eureka, California 95501

Shasta-Trinity National Forest
2400 Washington Avenue
Redding, California 96001
Six Rivers National Forest
1330 Bayshore Way
Eureka, California 95501
Bureau of Land Management
Redding Field Office
355 Hemsted Drive
Redding, California 96002

Designated Reach: January 19, 1981. From the confluence with the Klamath River to 100 yards below Lewiston Dam. The North Fork from the Trinity River confluence to the southern boundary of the Salmon-Trinity Primitive Area. The South Fork from the Trinity River confluence to the California State Highway 36 bridge crossing. The New River from the Trinity River confluence to the Salmon-Trinity Primitive Area.

Classification/Mileage: Wild — 44.0 miles; Scenic — 39.0 miles; Recreational — 120.0 miles; Total — 203.0 miles.

DFG:

Trinity Co.

Trinity River Mainstem from Humboldt-Trinity County Line upstream to North Fork Trinity River, Class D

Trinity River Mainstem from North Fork Trinity River upstream to Grass Valley Creek, Class C

Trinity River Mainstem from Grass Valley Creek upstream to Lewiston Dam, Class A

Trinity River Mainstem and all tributaries upstream of Lewiston Dam, Class D

Trinity River, East Fork of North Fork Mainstem from North Fork Trinity River, Class A

Trinity River, North Fork Mainstem, Class A

Trinity, South Fork Mainstem, Class B

- Tuolumne River — Bureau of Land Management Site

Bureau of Land Management
Bakersfield District
3801 Pegasus Drive
Bakersfield, California 93308
Yosemite National Park
Post Office Box 577

Stanislaus National Forest
19777 Greenley Road
Sonora, California 95370

Yosemite National Park, California 95389

Designated Reach: September 28, 1984. The main stem from its source to the Don Pedro Reservoir.

Classification/Mileage: Wild — 47.0 miles; Scenic — 23.0 miles; Recreational — 13.0 miles; Total — 83.0 miles.

DFG:

Stanislaus Co.

Tuolumne River Mainstem, Class C

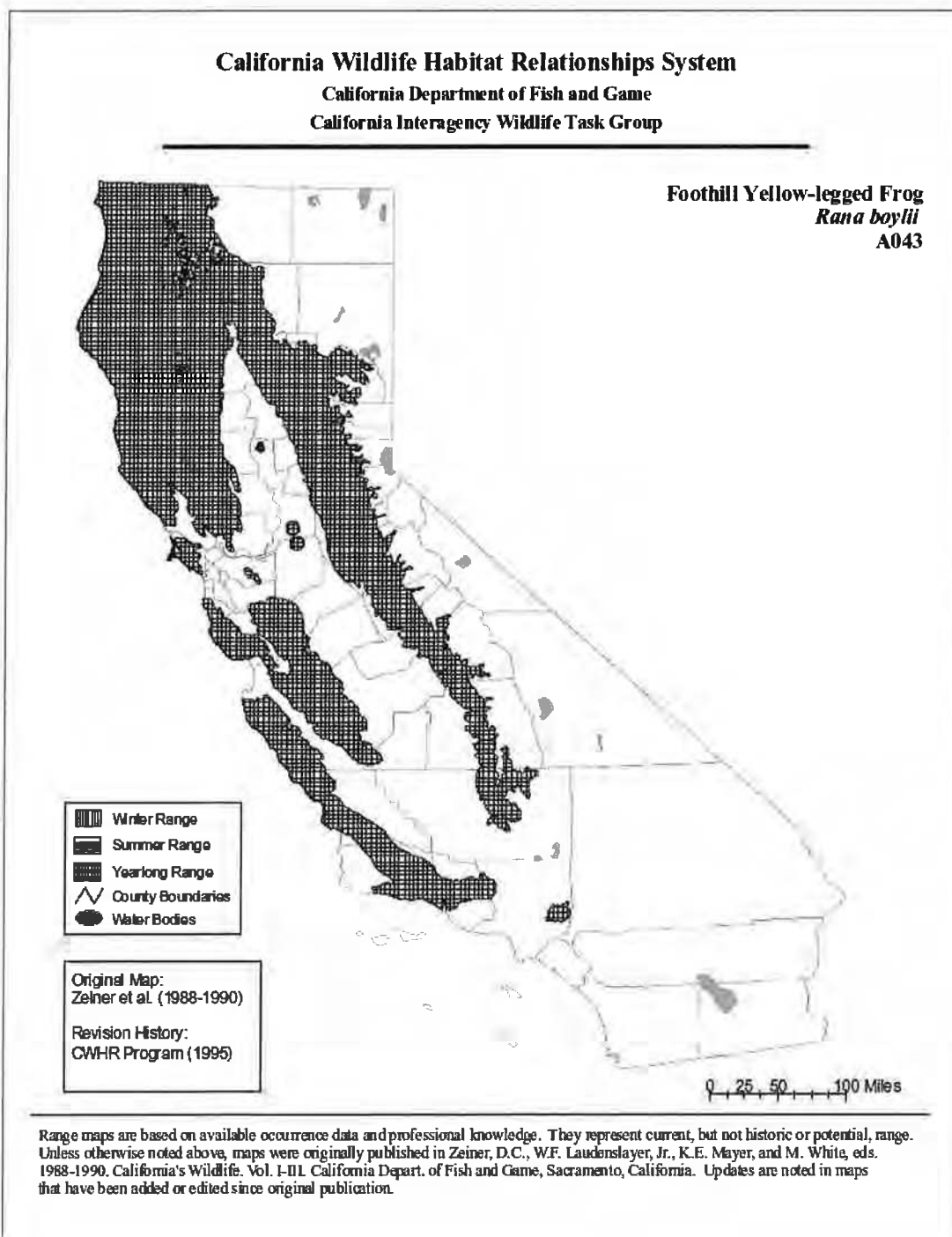
Tuolumne Co.

Delaney Creek (Tuolumne River tributary) Mainstem, Class A

Appendix B – Species Distribution Maps

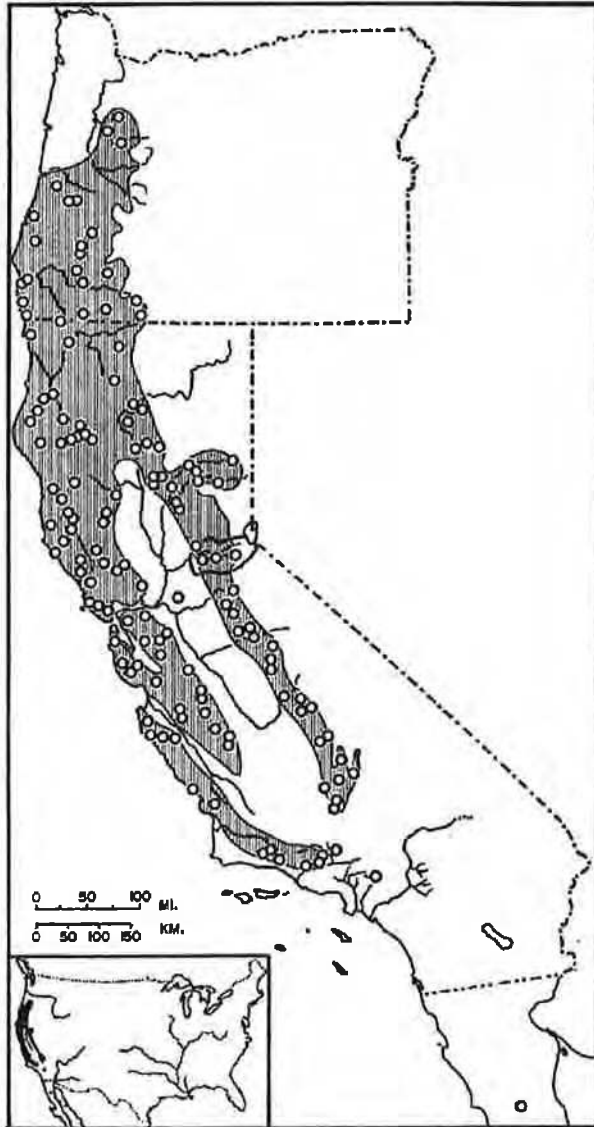
The species under consideration is the Foothill Yellow Legged Frog *Rana boylei* (A034). The following predictive map was generated (1995) by the CWHR software program and obtained from the DFG website:

<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=1501&inline=1>



On first appearance, *R. boylei* appears to be distributed throughout the western slope of the Sierra Nevada. If we cross-check this map with another distribution map from AmphibiaWeb:

http://amphibiaweb.org/cgi-bin/amphib_query?query_src=aw_search_index&special=maps&genus=Rana&species=boylei&photos=yes



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

From Zweifel 1968, Catalogue of American Amphibians and Reptiles.
Notice the words "essentially continuous". Also the circles are the sites that the frogs have been collected and recorded from, so called disjunct populations.

The CWHR map shows no disjunct populations but rather suggests a continuous and contiguous distribution of *R. boylli* in the Sierra Nevada. From the DFG website:

http://www.dfg.ca.gov/biogeodata/cwhr/downloads/Level_II/LevelIII_web.pdf

The CWHR map has been generated using predictive software modeling, not collection of actual specimens. From the presentation:

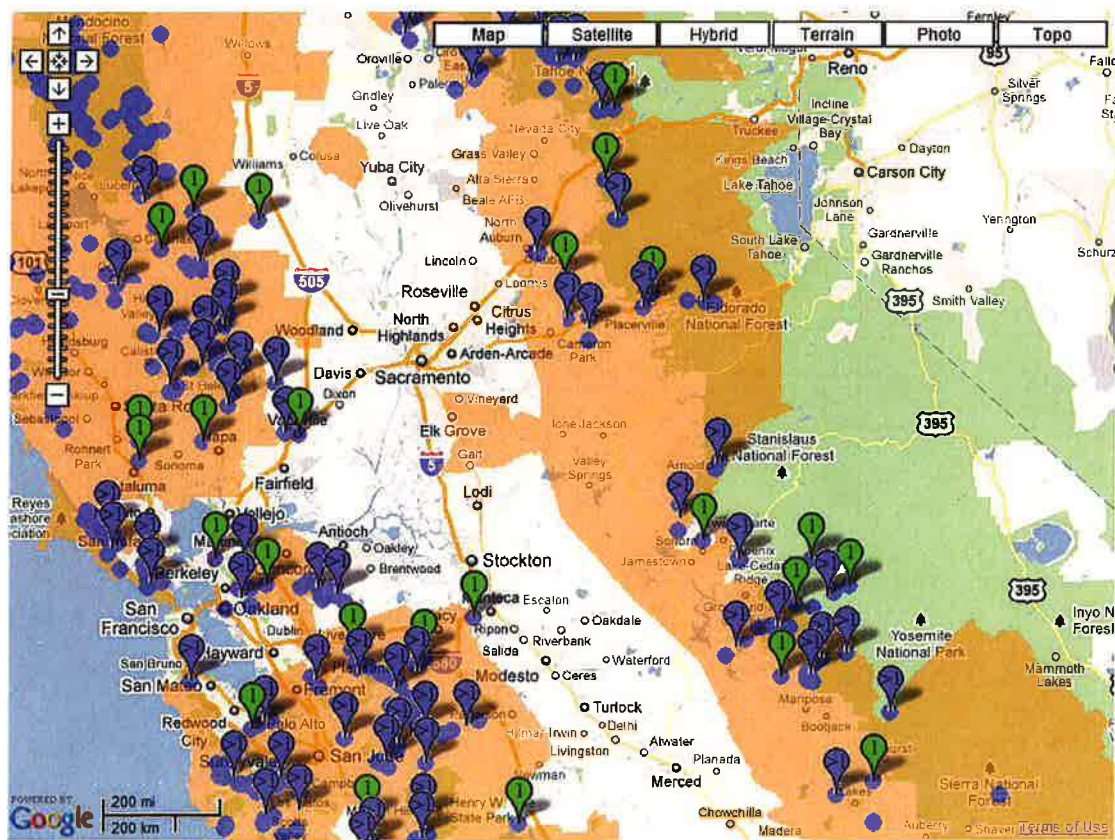
- “habitat stages” and “special habitat elements” are both used to predict suitability and thus project species presence
- Range and distribution maps captured at 1:1,000,000 scale

Using this predictive modeling approach to assign action species restrictions in the DESIR is false and is a misrepresentation of species distribution. It is a presumption that with appropriate habitat the species will be present. Also, the software does not provide a fine enough granularity to use it on specific streams and rivers.

If we look at actual species collection data from, for example Placer County, using a web available tool:

 [View distribution map](#) using BerkeleyMapper.

We find the following map:



Here's the key for the markers on the Berkeley Map:

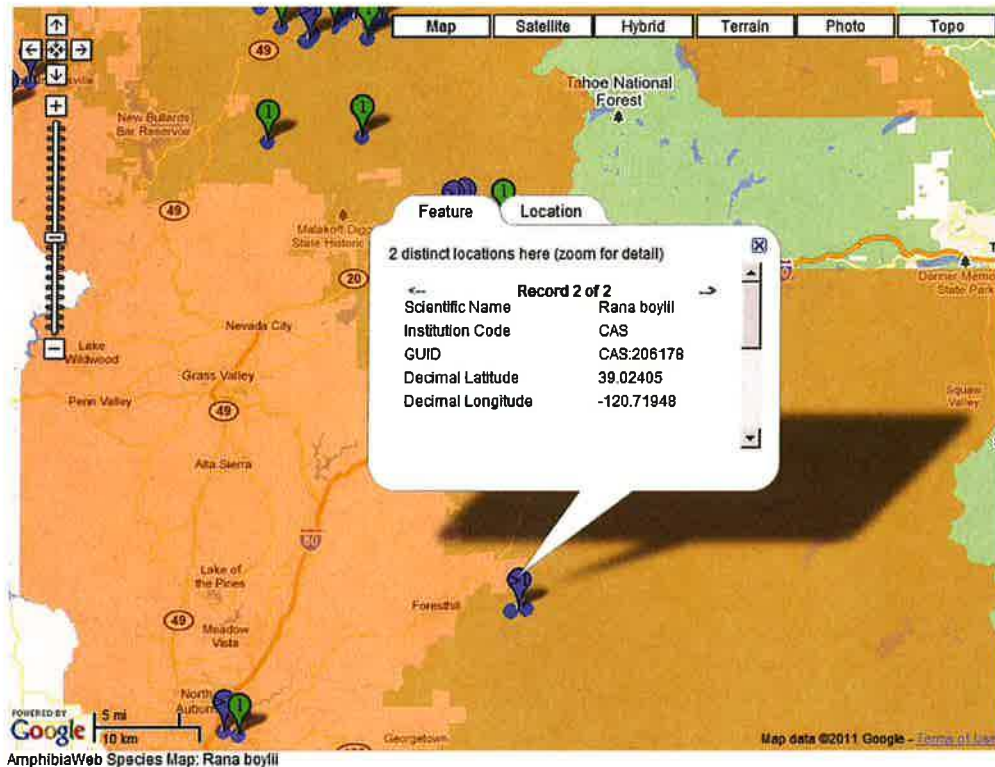


One item at this location

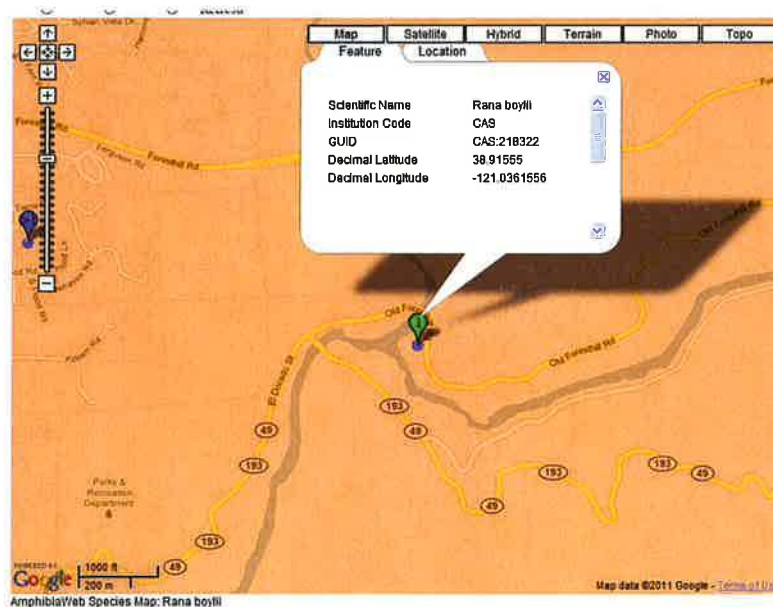


More than one item at this location

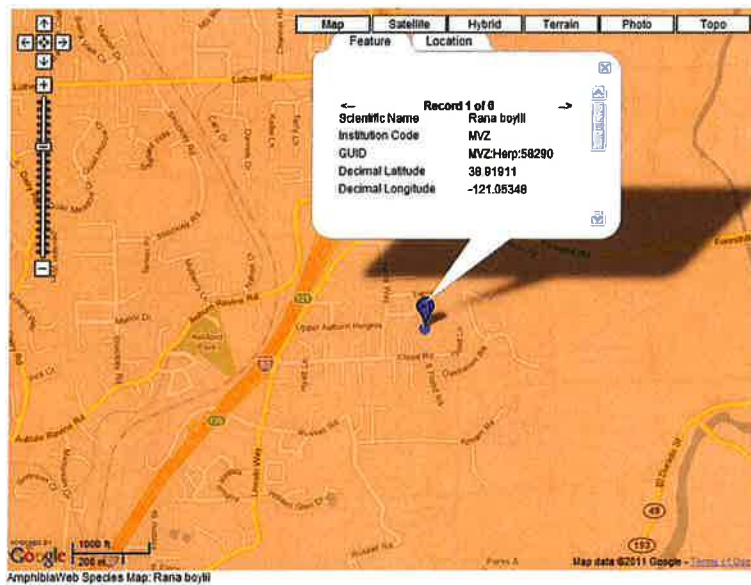
Zooming in to show more of Placer County:



Drawing a rectangle within the area of interest (on paper) using the scale on the map measuring 7 7/8" E and W by 6 3/4' N and S. Calculating this out it's 42 squares, each square being 25 square this give an area of 1050 square miles. Next I added up all of the recorded specimens, a grand total of 27 Yellow Legged Frogs. So we get a 1 frog/38.89 square miles. Not a particularly high density. Specifically looking at the frogs collected in the North Fork of the American River Water (Downstream from Lake Clementine to below the Colfax Iowa Hill Bridge) we find:

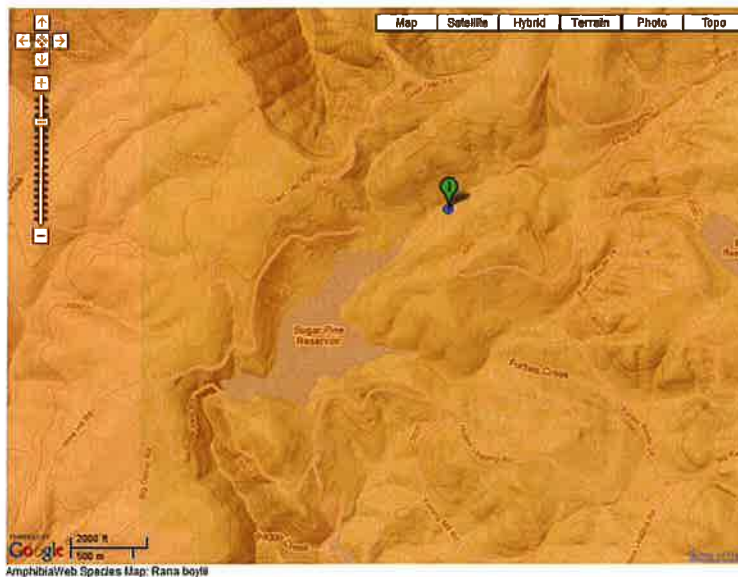


One (1) specimen at the North and Middle Fork confluence and:



And six (6) specimens in downtown Auburn ~1.5 miles NE of the City Hall.

Above the Colfax Iowa Hill Bridge Road in ALL of the North Fork drainage we find one (1) recorded specimen in 1998 of *R. boylei* above the Sugar Pine Reservoir barrier.



From

http://water.usgs.gov/GIS/huc_name.html#Region18

The HUC is 18020128 - The North Fork American, California has an area = 998 sq.mi. Discounting the residential dwelling frogs in Auburn this calculate to 1 frog/ 499 sq.mi. Hardly a very high population density.

Also from Amphibiaweb.org the following information: written by Gary M. Fellers¹
In the Lannoo section:

"Since 1993, my field crews and I have conducted extensive surveys for foothill yellow-legged frogs in California, visiting 804 sites (in 40 counties) that had suitable habitat

within the historical range. We found at least one foothill yellow-legged frog at 213 of these sites (26.5% of sites), representing 28 counties.

Extant populations of foothill yellow-legged frogs are not evenly distributed in California. In the Pacific northwest, 40% of the streams support populations of foothill yellow-legged frogs, while that number drops to 30% in the Cascade Mountains (north of the Sierra Nevada), 30% in the south coast range (south of San Francisco), and 12% in the Sierra Nevada foothills.”

So only ¼ of the sites his team visited had frogs! Which streams? Which tributaries? Which counties? And only 12% found in the Sierra Nevada! In an e-mail from Dr. Fellers dated March 30, 2011, he stated,

” The work on *Rana boylei* is an ongoing project, and hence the data are not yet published or publically (sic) available.”

There is NO additional data to support assigning *R. boylei* as an action species. He also blames recreational dredging:

“The situation for foothill yellow-legged frogs in the Sierra Nevada is bleak; there are no populations in the southern Sierra Nevada foothills that are likely to remain viable for more than a decade. Populations in the northern Sierra are more numerous and generally larger, but they may be in decline as well. Additionally, many of the foothill streams to the northern Sierra Nevada have recreational gold mining activities, which alter the streambed and are likely having a serious, negative impact on the frog fauna.”

Again an assumption, “likely”.

He goes on to state:

“Adult Habitat. Foothill yellow-legged frogs are primarily stream dwelling. Stebbins (1985) describes foothill yellow-legged frogs as stream or river frogs found mostly near water with rocky substrate, as found in riffles, and on open, sunny banks. Other authors have expanded this description, and/or offer variations. Critical habitat (i.e., habitat suitable for egg laying) is defined by Jennings and Hayes (1994a) as a stream with riffles containing cobble-sized (7.5 cm diameter) or larger rocks as substrate, which can be used as egg laying sites. These streams are generally small to mid sized with some shallow, flowing water (Jennings, 1988). Fuller and Lind (1992) observed sub-adults on partly shaded (20%) pebble/cobble river bars near riffles and pools.”

This water from the Lake Clementine Dam to the Colfax Iowa Hill Road Bridge is neither small nor mid-sized.

“There is concern that dams along many river drainages negatively impact foothill yellow-legged frogs. Dams not only interfere with normal dispersal and movements, but also provide refugia for nonnative species that are likely affecting foothill yellow-legged frogs. Unfortunately, there is little research on the role of dams and how they relate to native amphibians.”

¹Gary M. Fellers
Western Ecological Research Center, USGS
Point Reyes National Seashore
Point Reyes, California 94956
gary_fellers@usgs.gov

The DFG plants Rainbow trout in Sugar Pine Reservoir from DFG website:

<http://www.dfg.ca.gov/fish/Hatcheries/FishPlanting/Evaluation.asp>

Department of Fish and Game Catchable Trout (1/2 lb fish) Release Waters as of March 21, 2010

Region 2 - North Central Region

Placer

Sugar Pine Reservoir

No documented FYLF's from above dam at Lake Clementine throughout the whole basin except above the dam at Sugar Pine Reservoir and DFG plants a predatory fish that historically had not been found at this elevation, which can prey on *R. boylei*.

In addition, there are non-migratory Rainbow trout and non-native smallmouth bass present in Lake Clementine, which also will affect any potential amphibian populations.

The above evidence supports removing the Foothill Yellow Legged Frog *Rana boylei* as an action species in this stretch of Water:

Lake Clementine to the Colfax Iowa Hill Road Bridge

Sierra Nevada Mining & Industry Council

P.O. Box 1567, Grass Valley, Ca. 95945

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

April 19, 2011

Dear Sir,

The proposed regulations for California Suction Dredging in the Draft Supplemental Environmental Impact Report are completely unacceptable.

Slanted judgement towards extreme environmental untruths are obvious by the DFG. Regarding the mercury in the waterways and its effects,(unproven) plus the destruction of fish habitats and where to put the blame looks to be co-opted by the DFG.

And YET the FACT that gold dredgers remove mercury from the stream beds and contribute to the environment seems to be overlooked.

To reduce the number of permits allowed and limit those to 14 days and the additional operational requirement and restrictions is a travesty to the individual miner and this particular aspect of the mining industry. Also requiring the time and place a miner will be dredging is an infringement on their personal rights.

In conclusion we can only relate if these new proposals pass in this report, DFG can look forward to further suits.

Sincerely,



C. K. Marshall, President

April 19, 2011

Mr. Mark Stopher
California Department of Fish & Game
601 Locust Street
Redding, California 96001

Re: Suction Dredge Mining Regulations

Dear Mr. Stopher,

Firstly, sir, I don't know your rank or I would address you more appropriately. My apologies.

Secondly, regarding the touchy but vital review of river care vis-à-vis dredgers, I would like to make the following comments:

- 1) The drastic reductions and extinctions of fish populations in our streams and rivers is undeniable. The impact of dredging now and historically has contributed mightily to this disaster. I have observed this, personally, over 50 years of fly fishing state waters and anecdotally in 40 years with Cal Trout.
- 2) Damage to river bank habitat and its environs is just as dramatic as in-stream destruction at many local sites. Ad hoc camping, indiscriminant recruitment (poaching) of indigenous flora and fauna, littering, vandalism and vehicle damage are profligate.
- 3) There is a serious issue with historic mercury poisoning being revisited on river populations both living in the water and recreating in them. Let "sleeping dogs" remain sequestered as well as the turbidity created.
- 4) These miners behave, on the streams, as if they have an exclusive franchise and sole proprietary rights to any area they inhabit at the time. Some areas are usurped for weeks and months at a time, to the detriment of all other users. No one can say they leave the area as they found it and no one can say they respect spawning activity in any way.

Lastly, I urge the powers that be to look at the big picture, long term. What precious little natural resources that remain should be permanently protected above all else, fresh water resources being the most critical. Let's govern from the top down, not through the courts.

Thank you for the job you do.

Sincerely,



Phil Norton

Subject: who will you protect?

Date: Tuesday, April 19, 2011 7:31:18 PM PT

From: Stephen Rovno

To: dfgsuctiondredge@dfg.ca.gov

I speak for the fish, who can not talk.. Ii speak for the river who does not want to have its bottom dredged. I speak for the small fish and critters who need to have oxygen that is in the water. Here it is earth day 41 years after i joined the environmental movement. I do it for my children and the earth that is being raped. You can stop this why not? maybe you are getting some payback from the 4000 miners? I am a grandmom now and my government does not do a good job. I feel like firing all of the regulatory agencies that don't protect us. joanne b rovno

Subject: RE: Comments regarding SEIR & Proposed Regulations for suction dredge mining in California
Date: Tuesday, April 19, 2011 3:59:30 PM PT
From: Craig Sherlund
To: dfgsuctiondredge@dfg.ca.gov
CC: Dave Mack

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

From: Craig & Martie Sherlund
7632 Deer Valley Rd.
Newport, WA 99156
509.671.1576

Date: 04.19.2011

Dear Mr. Stopher,

I am writing you in regard to the California Dept. of Fish & Games Subsequent Environmental Impact Report and Mr. Dave McCrackens letter, President of The New 49's, to you dated 04.10.2011.

While my wife and I are new to the suction dredging community, we have been following the events of the SEIR Proposed Regulations with great interest and concern. Due to the current ban on suction dredging in California we will be spending our time and money in Oregon this mining season.

After spending a great deal of time reading the reports from CDFG and the responses from Mr. McCracken, I feel compelled to share my thoughts with you and your department.

The first thing that comes to mind is the "Potential" harm to the Essential Salmon Habit and the "Potential" release of hazardous material, namely Mercury. While I am quoting words such as "Potential", "Perhaps", "Possibly", "May", and "Might". Throughout my education and life I have learned that these words are **NOT DEFINITIVE AND THEREFORE UNFOUNDED AND SHOULD BE DISMISSED AS SUCH!** When words or terms such as these are used it opens a whole world of "Possibilities", that may or may not be proven. Can you imagine if our laws were written with this type of terminology? I can't. Mr. McCracken, a highly intelligent and well respected expert suction dredger addresses each of the SEIR's report on a one by one basis. His expertise as well as those he works with have **"FOUND", THROUGH RESEARCH THAT SUCTION DREDGING DOESN'T HARM ESH, IN FACT HE HAS FOUND THAT BY BREAKING UP STREAMBED MATERIAL AND LEAVING SAMPLE HOLES, THAT IT HAS PROVEN BENEFICIAL TO THE SALMON AND THEIR OFFSPRING BY GIVING THEM NUTRIENTS RELEASED FROM DREDGING AND PROVIDING THEM WITH MORE SHELTERED HABITAT TO SPAWN AND REAR THEIR YOUNG.** The next point is the "Potential" or "Possible" release of Mercury back into the waterways. One could argue that Mercury being dredged up could "Potentially", create a hazardous waste scenario. However, there's that word again, "Potential". **THERE IS NO SOLID PROOF, THAT I CAN FIND, THAT SUCTION DREDGING RELEASES TOXIC MERCURY INTO THE WATERWAYS, THEREBY HARMING THE ESH. TO THE CONTRARY IT HAS**

ACTUALLY CLEANED UP THESE WATERWAYS BY REMOVING THOUSANDS OF OUNCES OF MERCURY FROM THEM WITH NO DETECTABLE MERCURY TOXINS BEING FOUND IN THE WATERWAYS OR IN THE FISH THAT ARE CAUGHT AND EATEN BY HUMANS.

Mr. McCracken speaks to the issue of LIBERTY AND PROSPERITY, and how the Moratorium on suction dredging is having huge impacts on people who have purchased properties, used this form of mining as a means of supporting their families and as such, pour funds back into the communities where they live and work thus sustaining more families and businesses. SOUNDS LIKE GOOD, SOUND ECONOMIC SENSE TO ME! WITHOUT IT WE ALREADY KNOW WHAT HAPPENS. NO MONEY, NO BUSINESS, COMMUNITIES DRY UP, CLOSE UP AND MOVE TO OTHER AREAS OR STATES WHERE THEY CAN MAKE A LIVING. WOULDN'T IT BE GREAT TO HELP THESE SMALL COMMUNITIES THRIVE AND BRING MORE BASE POPULATION AND TOURIST MONIES INTO THESE COMMUNITIES SO THEY COULD THRIVE AND THEREBY HELP THE STATES OVERALL DEBT RATIO TO DECREASE? JUST SOUNDS LIKE GOOD COMMON SENSE TO ME. I have owned my own businesses in the past and I know what it takes to keep them going.

I am attaching a portion of Mr. McCrackens letter so you can review his findings without having to spend time looking for it.

I believe he has some very GOOD, SOUND, RESPONSIBLE PROPOSALS BASED ON FACTS, that would work well for everyone concerned. It is my feeling that, IF REGULATIONS/LAWS BETWEEN MINERS, CDFG, USFS AND BLM ARE WRITTEN IN PLAIN EASY TO UNDERSTAND TERMS, SUCH AS MR. McCRACKEN HAS PROPOSED, IT WILL CREATE A MUCH MORE HARMONIOUS AND RESPECTED REALTIONSHIP WITH ALL INDIVIDUALS AND ENTITIES INVOLVED.

Thank you for your time and consideration of our thoughts and comments,

Warm Regards,

Craig & Martie Sherlund

The New 49'ers

27 Davis Road, Happy Camp, CA 96039
(530) 493-2012 www.goldgold.com

Mark Stopher

California Department of Fish and Game
601 Locust Street
Redding, CA 96001 dfgsuctiondredge@dfg.ca.gov

10 April 2011

RE: Comments regarding SEIR and Proposed Regulations for suction dredge mining in California

Dear Sir:

Thank you for allowing us the opportunity to comment on the California Department of Fish & Game's (DFG) Suction Dredge Permitting Program Subsequent Environmental Impact Report (SEIR) and Proposed Regulations.

My name is Dave McCracken. I personally have been operating dredges in California, mostly for financial gain, since 1980. I publish four books on the subject, along with three how-to video productions. My company maintains the most extensive and informative web site in the world on the subject of suction gold dredging. In addition to my work in California, I have consulted on dredge projects all over the world, and I have trained hundreds of people, perhaps over a thousand, on how to do serious underwater mining for the purpose of finding and developing high-grade (economically viable) gold deposits. The California courts have allowed me to testify as an expert in suction dredging. My experience over the past 25 years in helping thousands of New 49'er members become more successful provides me with a unique viewpoint. This is because I have likely devoted more time on more dredging programs than any other person alive. I was intimately involved with the development of the 1994 EIR that supported suction dredge regulations in California until the recent moratorium was imposed. I was also involved with the litigation in Alameda Superior Court which led to the Court's Order for DFG to update your analysis of the environmental consequences of the existing (1994) regulations. Therefore, I am very qualified to provide comments to help this Administrative Process along.

I am the founder and General Manager of The New 49'er Prospecting Association. Our organization has been operating along the gold bearing waterways of Siskiyou County since 1986. While I am the author, these comments are the result of the collaborative efforts of our staff and numerous responsible members that also have substantial experience in dredging matters. We presently have more than 2,000 active members that

depend upon our Association to provide the best small-scale mining opportunities available today, and to defend them against unreasonable regulation. More than half of our members were dredging in California before the recent moratorium was imposed. Therefore, our Association represents about one third of the people who possessed suction dredging permits in California during 2008 & 2009.

We have taken considerable time to review your SEIR, along with the appropriate sections of the California Fish & Game Code, the Resources Code and the Government Code; and I hope you will give careful consideration to my following comments.

The reason these comments are a bit long is that I have copied relevant portions of your SEIR and Code Sections in order to make my points. This is to save you from having to look up your own language. It is also for the benefit of others who have not reviewed the SEIR as closely as we have.

Congratulations are in order!

Before we get into the SEIR and Proposed Regulations, we would like to take a moment and congratulate the Department upon a job well done by coming up with such a workable EIR and productive set of regulations which supported our industry so well during the 14 mining seasons which between 1994 and 2009 when we were stopped by the moratorium. The Department's own survey results project that our suction dredging (small business) industry recovered over 7 tons of gold and removed more than 4 tons of mercury from California's waterways during that time period, all without creating a deleterious impact upon California's fishery resources; or for that matter, harming a single fish!

Having been present as the 1994 regulations were developed, I am not sure anyone involved at the time was convinced that we found a reasonable balance between resource protection and regulation which was not too burdensome upon our industry. Now that the initial 14-year project is behind us, I believe most people can look back with admiration for how we all made an effort to come up with something that worked for everyone.

Having acknowledged the past, we can only hope to achieve the same results this time around:

This SEIR has Adopted Too Narrow of a View Concerning Perceived Environmental Impacts, and has not Balanced those to the Actual Economic & Social Impacts

We find it disturbing that this SEIR has gone to such extensive lengths to address the potential negative impacts of suction dredging upon California's historical resources (which you consider "significant and unavoidable") in some part because suction dredging has the potential to disturb sites which may be present as a result of historical gold mining operations, or could perhaps disturb a small boat which may have been left

behind at the bottom of some “confidential” waterway by some unnamed ancient tribe. You have considered the potential negative disturbances upon others which the sound of our dredge motors might impose upon others. You have considered the feelings which other river-users might have when suction dredgers might occupy some of the limited parking along river roads. You even included a substantial discussion about the aesthetic viewpoints which might be affected when a passerby sees a suction dredge along the river.

But what is entirely missing from your SEIR is a discussion about the sociological impact that your proposed regulations are going to have upon suction dredgers, American property owners and other Americans as the California Department of Fish & Game grinds forward with the intent to disenfranchise them/us of the opportunity to make a living (liberty) and continue to have some control over their/our own private property.

The SEIR defined its objective as follows:

6.2.1 Program Objectives

The Program was developed to achieve the following objectives:

- ☐ *Comply with the December 2006 Court Order;*
- ☐ *Promulgate amendments to CDFG’s previous regulations as necessary to effectively implement Fish and Game Code sections 5653 and 5653.9 and other applicable legal authorities to ensure that suction dredge mining will not be deleterious to fish;*
- ☐ *Develop a Program that is implementable within the existing fee structure established by statute for the California Department of Fish and Game’s suction dredge permitting program, as well as the existing fee structure established by the CDFG pursuant to Fish and Game Code section 1600 et seq.;*
- ☐ *Fulfill the CDFG’s mission of managing California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public; and*
- ☐ *Ensure that the development of the regulations consider economic costs, practical considerations for implementation, and technological capabilities existing at the time of implementation.*
- ☐ *Fulfill the CDFG’s obligation to conserve, protect, and manage fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species and as a trustee agency for fish and wildlife resources pursuant to Fish and Game Code section 1802.*

Please recognize that there is no objective stated within the SEIR to also balance real concerns for environmental protection with the rights of property owners and existing business opportunities (especially small business) which exist within the areas that would be affected by the proposed regulatory changes.

Having read the entire SEIR, along with the appropriate Code Sections, we are convinced that DFG is attempting to complete the Administrative Process with too narrow of a view. Your approach appears to be to remove any and all risk to fish, no matter how

insubstantial or theoretical, **regardless of the costs which the affected small businesses and property owners will have to pay.**

The SEIR claims that the “...purpose of promulgating the draft proposed regulations is to ensure that suction dredge mining consistent with the Proposed Program is not “deleterious to fish” (Fish & G. Code § 5653). **(2.1.2 Program Objectives)**

But F&G Section 5653’s mandate must also be interpreted in light of all the other mandates the California Legislature has placed upon State agencies. For example, under the endangered species act you are to develop measures that protect species “while at the same time maintaining the project purpose [here suction dredging] **to the maximum extent possible**” (Fish and Game Code § 2053; emphasis added). As a general matter, mitigation “*measures or alternatives required shall be roughly proportional in extent to any impact on those [listed] species caused . . .*”. (Id. § 2052.1). This legislation refutes the notion that you can restrict dredging operations because of mere “**potential**” for adverse impacts on fish. To be lawful, any restrictions must make tangible improvements in the community or species-level survival of fish. The SEIR does not present a record to support the restrictions you that you are proposing.

We ask you to recognize that the legislature has also acknowledged the importance of maintaining and encouraging a viable minerals industry:

Public Resources Code 2650: (a) It is the continuing policy of the State of California, in the interest of the needs of society for the wise use of mineral resources and for other sound conservation practices, to foster and encourage private enterprise in all of the following activities:

(1) The development within the state of economically sound and beneficial mineral industries and metal and mineral product reclamation industries.

(2) The orderly and economic exploration, development, and utilization of the state's mineral resources and reclamation of metal and mineral products (emphasis added).

Public Resources Code 2711: (a) **The Legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society**, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety (emphasis added).

These Code Sections mandate respect for mining as an activity that cannot lawfully be singled out for significant restrictions. If mere “**potential**” for adverse interactions were the criterion for regulation, you should be forbidding all swimming, rafting, kayaking and fishing in the river -- and even camping near the river, all of which pose as much “**potential**” to injure fish as mining—and certainly more so in the case of fishing.

In going through the SEIR, it appears that DFG decided from the beginning to overlook the important negative economic and social benefits which your proposed regulations

will certainly have upon the gold mining community. One reason we say this is that while DFG has loaded the SEIR with scientific justification in an attempt to support its proposed regulatory changes, there little-to-no explanation about how the changes (from the 1994 regulations) are going to seriously harm the small businesses and property owners that will be negatively impacted.

Public Resources Code 21001: The Legislature further finds and declares that it is the policy of the state to:

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations (emphasis added).

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

Public Resources Code 21002: The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. **The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof** (emphasis added).

We suggest that DFG is deliberately attempting to dismiss the real impacts the proposed regulations will have upon the social and economic wellbeing of the most-affected stakeholders (gold dredgers and property owners) because of the arbitrary baseline which DFG has adopted. Even though the SEIR has acknowledged multiple times that suction dredging has been active within California since the 1960's, DFG decided to compare impacts from the proposed regulations to the existing situation whereby the Alameda Superior Court has imposed a no dredging moratorium until DFG completes this CEQA process. Yet, the purpose of the CEQA process from the beginning was to determine if existing (1994) dredge regulations were creating a **deleterious** impact upon fish.

DFG submitted Declarations within the Alameda litigation stating that you had doubts that existing regulations were providing enough protection for fish. Therefore, you began this process with it in mind that you were going to impose more restrictive regulations over suction dredgers. Therefore, we are assuming that DFG is making an economic comparison to **"no dredging"** under the existing moratorium so you can avoid the required balancing act of also taking into consideration how the proposed regulations will burden the thousands of dredger miners and the thousands of property owners who have invested into the existing (1994) regulatory framework. Here is the way you positioned the SEIR:

Impact MIN - 1: Availability of, or Access to, Placer Gold Deposits

(Beneficial): ...Implementation of CDFG's Program would lift an existing ban on suction dredging **and would increase the potential access to placer gold deposits using this mining method** (emphasis added).

*By permitting the use of suction dredges, the Program would provide another means for recovery of gold from placer deposits. **Adoption of the Proposed Program would result in a beneficial impact by allowing an additional method for extracting mineral resources (i.e., increasing the availability of such resources).** The Proposed Program may also include measures to permanently or seasonally restrict suction dredging activities in certain areas of the State. However, these restrictions on suction dredging activities would not preclude other methods of mineral extraction. **Therefore, the Proposed Program would not result in a loss of availability from the existing baseline conditions (i.e., prohibition of suction dredging)** and would only change the allowable methods of mineral recovery. Therefore, the Proposed Program would have a beneficial impact on the availability and access to placer gold deposits (emphasis added).*

These statements are misleading, because they are not making a comparison to all of the business activity which has invested itself to the existing (1994) regulations. Your SEIR should make it more clear that the proposed regulations would eliminate suction dredging across the state in most places where existing regulations allow it to occur. In addition, your SEIR should make it more clear that in the places where dredging would be allowed under the proposed regulations, effective mining capacity would be reduced to one quarter because suction nozzles would be reduced to 4-inches from 6-inches¹. In addition, California's most productive rivers would be reduced to 1/8th of existing capacity because allowable nozzles would be reduced from 8-inches to 4-inches.

While DFG states that dredgers may be allowed under the proposed regulations to increase capacity by entering into a Section 1600 Agreement, nothing is said about how lengthy and expensive the process is, ultimately which would make it impossible for many or most dredgers to gain approval during the same mining season that the dredger is pursuing the mining project.

¹ The standard rule of thumb in suction dredging is that in experienced hands, a 5-inch dredge will process twice the volume over a 4-inch dredge and efficiently excavate a hole one foot deeper into the streambed; that a 6-inch dredge will process twice the volume over a 5-inch dredge and efficiently excavate a hole one foot deeper into the streambed; that a 6-inch dredge will process twice the volume over a 5-inch dredge and efficiently excavate a hole two feet deeper into the streambed; and that an 8-inch dredge will process twice the volume over a 6-inch dredge and efficiently excavate a hole two feet deeper into the streambed. This formula has to do with the area-opening of the suction nozzle (rather than the diameter) and the percentage of larger-sized rocks within an average streambed that can be sucked up the nozzle rather than be packed by hand out of the excavation. The formula is the result of countless excavations which I have made over the many, many years. It is not something I just made up. You will find it in the books and articles which I and others have published long before this CEQA process was started.

DFG's has also understated the economic opportunities which were possessed by suction dredgers under the existing (1994) regulations in the way the dredger survey results have been interpreted:

Chapter 4.8: *Of the in-state permit holders, approximately 82% of those surveyed identified themselves as "recreational" miners, while approximately 74% of out - of - state permit holders identified themselves as such;*

This statement is a mischaracterization, perhaps because DFG really does not understand the mining process. The Survey identifies **"Recreational Dredgers"** as follows:

"Recreational Dredger (Not significant source of income)"

Just because someone does not realize a significant source of income from dredge mining does not mean that they are not serious about the amount of gold they are recovering. There is a learning curve; so it would be unreasonable for a dredge miner to have high expectations of gold recovery until some experience is obtained. Locating a valuable discovery normally requires a period of prospecting (sampling) during which time not very much gold is being recovered. Finding a valuable discovery normally requires some time. Therefore it takes longer for part time prospectors.

Even a person who believes he or she is ***"only dredge mining for fun"*** will become deadly serious about recovering the gold (because it is extremely valuable) once a valuable deposit has been located.

It is incorrect for DFG to characterize dredging as just another form of recreation on the grounds that it can also be an enjoyable activity in the outdoors. The thing that makes suction dredging different than other outdoor activities is that a very valuable substance is being pursued, gold; which when found, immediately turns the activity into a small business program. I have devoted countless hours with many, many suction dredgers; and I can tell you with absolute certainty that every dredger becomes very serious about gold recovery once a valuable deposit is located. The SEIR does not provide enough emphasis that, by its nature, dredge mining becomes a small business concern once a valuable gold deposit is discovered.

Out of all the people surveyed, the average dredger used a 4-inch dredge and recovered around 3.4 ounces of gold, working about 5.25 hours per day for approximately 31 days of work. These are average numbers. Approximately 25% said they recover gold as a source of income. It is reasonable to assume more gold was recovered by more-serious operators who were using larger-sized dredges than 4-inches. But if we just take the average amount of gold that dredgers were recovering during 2008 under the existing (1994) regulations, at today's value of \$1,475 per ounce, the gold adds up to \$5,300. Divide that amount by the 31 days which the average dredger had been working, and you have \$171 per day. This comes to more than \$32.62 per hour, **which is a good wage!** This is especially true in view of California's existing unemployment figures. You might rework the numbers a bit and come up with a different amount. But it will still come out to real money and important business!

Furthermore, there is no acknowledgement in the SEIR that all of this gold is a source of true wealth coming into California. This is not paper money that is coming off the government's printing presses, or credit created by the fractional banking schemes used by banks or the perception of value that is created by the financial markets as capital ebbs and flows to different kinds of investments. Gold is real wealth that will still exist long after today's markets and currencies are a thing of the past. Every additional ounce of gold brought into the market through dredge mining makes California just that much more valuable. According to your survey, suction dredgers recovered 12,410 ounces of gold in California during 2008; or more importantly, 173,750 ounces of gold during the 14-year period which the 1994 regulations have served us -- and your SEIR has not presented a single example where any fish was harmed!

It is reasonable to assume that dredge miners who depend upon the gold they recover as a source of income are taking on the activity as a small business enterprise. If 25% of dredgers during 2008 were pursuing the activity for financial gain as your survey suggests, that amounts to 900 small businesses across the state that were operating under existing regulations, all or most who would be negatively-impacted by the proposed regulations. **There is not enough emphasis in the SEIR about this.**

There is also nothing within the SEIR's economic discussions which project future gold prices based upon the existing growth curve; not even a mention! Financial experts uniformly expect the value of gold to go up. Some suggest the price is nearly certain to reach \$2,000 per ounce even before our updated suction dredging regulations will take affect in 2012. That would place the average value in gold recovered by dredgers under the 1994 regulations at more than \$200 per day; more than \$36 per hour! This creates a very substantial small business opportunity in California for the thousands of suction dredge miners that will be directly and negatively impacted by your proposed regulations. This cannot be ignored or overlooked!

The SEIR must consider the value of gold at the time the EIR is finalized.

There is also the matter of how the proposed regulations will undermine California's competitiveness with other states. California's existing (1994) regulations are about the same as Alaska's suction dredge regulations. However, California has a distinct dry season which Alaska does not enjoy. The summer season is also longer in California, providing California dredgers a competitive edge over Alaska under the 1994 regulations. However, the proposed regulations would eliminate dredging in most places across California, reduce nozzle sizes to 1/8th the effective capacities of dredges being allowed in Alaska, and shorten dredging seasons so drastically that Alaska will actually have a longer dredging season than California!

While Oregon provides a statewide permit (the permit only costs \$25 per year even for nonresidents) which allows dredge mining (with no limit on the number of permits issued) in most parts of the state, their Department of Environmental Quality (DEQ) also allows dredgers to apply for a special dredging permit to operate larger sized dredges.

Since DFG's proposed regulations would impose a limit on the number of permits and close suction dredging across most of California, if enacted, they would also provide Oregon with a competitive advantage. None of this is addressed within the SEIR, as it is supposed to be:

Government Code 11346.3: (a) State agencies proposing to adopt, amend, or repeal any administrative regulation **shall assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations** or reporting, recordkeeping, or compliance requirements. For purposes of this subdivision, assessing the potential for adverse economic impact shall require agencies, when proposing to adopt, amend, or repeal a regulation, to adhere to the following requirements, to the extent that these requirements do not conflict with other state or federal laws:

(2) The state agency, prior to submitting a proposal to adopt, amend, or repeal a regulation to the office, **shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states.** For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties (emphasis added).

The SEIR also does nothing to assess the social and economic impact the proposed regulations will have upon all of the people who have moved their residences to gold country in California so they can be closer to suction dredging opportunities which have been allowed under the 1994 regulations, but disallowed under the proposed regulations. There are dozens of families belonging to The New 49'ers who have completely pulled up their roots and moved to Happy Camp or other places within closer reach of our mining properties. We are certain that this is true along all of the productive gold dredging areas of the state. Many have bought property. I am aware some have taken early retirement or quit their jobs so they could relocate closer to the productive dredge mining areas. What about the social impact upon them under the proposed regulations?

Another very important negative economic and social factor which DFG has overlooked in the SEIR are the millions upon millions of dollars in lost property value which Americans would lose as a direct result of the proposed regulations. This is about the many thousands of federal mining claims and parcels of private property which exist along the gold bearing streams and rivers within the state. Thousands of miles of property along these waterways would be completely closed to suction dredging under your proposed regulations. Those areas which would remain open to dredge mining under the proposed regulations would be reduced to a quarter or a mere eighth of the productive capacity which exists under the 1994 regulations (reduction of allowable dredge sizes from 6 or 8-inches down to 4-inches). This would dramatically undermine existing property values! The EIR waves off this reality as follows:

2 6.3.1: In relation to mineral resources, the No Program Alternative would not result in any discernable change from the Proposed Program. Though this alternative would no longer permit the use of a particular device to conduct gold

*mining, it does not entirely prohibit gold or other mineral extraction. **This is similar to the Proposed Program in that methods other than suction dredging would still be allowed in the streams subject to seasonal or permanent closures under the proposed regulations** (emphasis added).*

Impact MIN - 2: Compliance with Applicable Federal and State Mining Regulations (No Impact): Implementation of the Proposed Program would not affect the ability of placer miners using other mining techniques to comply with the applicable federal and state mining regulations because the Proposed Program would only apply to suction dredging miners (emphasis added).

DFG is ignoring information which experienced suction dredgers provided during the PAC meetings when they explained that suction dredging is the only viable method of recovering valuable gold deposits which rest at the bottom of California's active waterways. It would be near-to-impossible, under the state and federal environmental protection reality of the day, for any reasonable person to believe we could obtain the required permits to use heavy earth-moving equipment to extract gold from active waterways in California; especially within the waterways which DFG is proposing to close to suction dredging!

High-grade gold deposits at the bottom of most waterways are buried under too much streambed material to excavate with hand tools. Anyone who has ever tried to excavate with hand tools underwater has already discovered how slow and difficult it is. "Slow and difficult" relates to a non-viable mining program!

The EIR does not place an appropriate amount of emphasis on the reality that the proposed regulations would eliminate the only effective method of gold extraction upon thousands of miles of California's waterways, therefore reducing the value of property which Americans own there, in some cases, eliminating the value altogether. Millions upon millions of dollars have been invested in mining properties which derive most of their value because suction dredges have been allowed to operate there under the 1994 regulatory framework.

While the SEIR goes to great lengths to justify the reasons why DFG wants to impose more restrictive regulation upon suction dredge miners, it has made zero effort to study how many thousands of existing properties along California's waterways would lose some or all of their value. We have not seen that DFG has many any attempt to contact or notify property owners who will be negatively impacted by the proposed regulations. This suggests that DFG is not really making a serious effort to balance the real costs of the proposed regulations to the American people, small business and property interests, something you are supposed to do in this Process.

To place some perspective on this, several years ago our Association decided to sell a number of mining properties (less than 10 mining claims) which were located along the main stem of the Salmon River in Siskiyou County. Several of these properties included some gravel bars along the side where hand-mining could take place; but the true value of

the properties, and the reason people wanted to buy them, was because our organization had managed several group dredge-sampling projects along that portion of the Salmon River and had established a steady high-grade line of gold under an average of 7-feet of streambed. The properties were sold at auction so we could establish their actual value. In all, we realized more than \$350,000 for the group of properties, more than \$70,000 for the claim which sold at the highest price. The entire reason why Americans bought those mining properties was so they could develop the economically-viable gold deposits which we had established at the bottom of the river under the regulatory scheme (1994) which was in affect at the time. When people pay tens of thousands of dollars for a mining claim, they are mostly doing it for business reasons. The main stem Salmon was allowing 6-inch dredges under those regulations. Your proposed regulations of a 4-inch limit would place those very same high-grade gold deposits effectively out of reach.

Some of the mining claims we sold along the Salmon River were located in canyons where bedrock walls dropped directly into the river. Therefore, gold dredging is the only effective method of mineral extraction there. We had also done some sampling along the surface where gravel bars existed on some of the claims. And while gold existed there, we could not find any deposit rich enough to pay wages for gold panning or other types of high-banking activity. The real value was in the original underwater high-grade deposits which had never been mined in the past.

You make statements in the SEIR that even with dredging eliminated or reduced because of the proposed regulations, prospectors would still have the option of pursuing other types of mining activity on the same properties. This viewpoint shows that you really do not understand mining. **Viable gold deposits are not evenly disbursed everywhere.** They exist where you find them. These deposits are always contained within very-defined boundaries. Dredge miners have to locate and develop the deposits where they exist.

Under the federal mining law, an exclusive right (mining claim) can only be established as a matter of law once a viable gold discovery has been made. By “*viable*,” this means a small business opportunity exists. If the discovery can only be viably-developed with the use of a 6-inch or 8-inch dredge (under the 1994 regulations), and you impose a 4-inch reduction in the mining capacity (or disallow dredging altogether), you have eliminated the viable discovery which creates the mining claim in the first place as a matter of law. Saying that the person can still pan gold on the property is like apples and oranges. If you prohibit use of the very equipment which makes it economically viable to work the property, you have undermined the legal foundation which allows the person an exclusive right to develop the property. This means you have taken the person’s ownership interest away.

Furthermore, the restricted nozzle size which is proposed in the SEIR would eliminate viable sampling and productive capacity in most of the areas which would remain open to dredging, namely the larger waterways within the state. As just one example, the Klamath River streambed runs an average of 8-to-10 feet thick (sometimes more than 20 feet thick). But the efficient depth-capacity of a 4-inch dredge in experienced hands is only 4 feet. Therefore, DFG is proposing to make nearly all of the areas which remain

open along the Klamath River off limits to **effective sampling** for viable gold deposits! This terrible reality will exist along all of the waterways which you propose to leave open to dredge mining. Therefore, the proposed regulations would reduce or eliminate the property values in the areas remaining open to suction dredging.

The SEIR repeats over and over that dredge miners would have the option to pursue a Section 1600 Agreement to operate larger suction dredges. But there is no guarantee of approval, and there is zero discussion inside the SEIR of how lengthy and difficult that process has become.

I have written very extensively on the subject of using dredges to sample for high-grade gold deposits. And I can tell you with certainty that there is no way that a person **in the business** of dredge mining can afford to stop and apply for another Section 1600 Agreement every time he or she wants to move to the next sample location. The process of sampling must be more fluid than that; because the prospector is tracing the path of gold in the waterway, along with the layer which it rests upon, as he or she is able to follow it through more and more sampling. Each sample requires another test hole; sometimes a distance up or down the waterway; sometimes to one side or the other. The process of finding high-grade is already challenging. Adding the requirement of a Section 1600 Agreement each time the dredger wants to test a new location would render the sampling process impossible.

The SEIR fails to acknowledge that the proposed regulations would effectively undermine most suction dredgers' ability to sample for valuable gold deposits within those places in California which would remain open. This would create economic losses in two ways:

- (1) Dredgers would recover less gold, consequently undermining the business of small-scale mining across the state.
- (2) If dredgers cannot find viable gold deposits along the state's waterways (which could otherwise be found if dredging under the 1994 regulations), then the value of those properties would be undermined. This is a discussion about what others would be willing to pay for the properties.

We are all reminded about the property rights which Americans possess under the federal mining law in **USA V SHUMWAY, Ninth Circuit, 22/28/99:**

"The miners' custom, that the finder of valuable minerals on government land is entitled to exclusive possession of the land for purposes of mining and to all the minerals he extracts, has been a powerful engine driving exploration and extraction of valuable minerals, and has been the law of the United States since 1866."

"The Supreme Court has established that a mining "claim" is not a claim in the ordinary sense of the word--a mere assertion of a right--**but rather is a property**

interest, which is itself real property in every sense, and not merely an assertion of a right to property (emphasis added)."

"[W]hen the location of a mining claim is perfected under the law, it has the effect of a grant by the United States of the right of present and exclusive possession. **The claim is property in the fullest sense of that term** (emphasis added)."

I encourage DFG to consult with your legal staff concerning **CALIFORNIA COASTAL COMM'N v. GRANITE ROCK CO., 480 U.S. 572 (1987)**. My own read of this important Supreme Court Decision brings me to the conclusion that while a State Agency may have some limited authority to regulate a mining activity on the public lands, there is **no authority to prohibit mining, or to impose unreasonable regulations** or to override the clear intent of Congress.

DFG does not have the authority to declare that suction dredgers are nothing more than "recreationalists," to be managed just like any other outdoor activity on the public lands (like fishing or hunting). If you have any authority at all to regulate dredge mining on the public lands, it is only within the language of F&G Code Section 5600, namely to work in cooperation with miners to find reasonable ways to prevent a deleterious impact upon fish. DFG's interpretation of "deleterious" in **Section 2.2.2** of the SEIR is as follows: ***"an effect which is deleterious to Fish, for purposes of section 5653, is one which manifests at the community or population level and persists for longer than one reproductive or migration cycle."***

Under GRANITE ROCK, we do not believe you have any authority to impose some kind of state "recreational status" or other regulatory scheme upon dredgers that does not align with the federal management of our program. Therefore, it would appear that all the work which you devoted to addressing how suction dredgers would affect the aesthetics of scenic vistas, noise levels and parking was a complete waste of time. Here is how the U.S. Forest Service defines us:

DEPARTMENT OF AGRICULTURE, Forest Service, 36 CFR Part 228 RIN 0596-AC17; ACTION: Final rule: "Neither the United States mining laws or 36 CFR part 228, subpart A, recognize any distinction between "recreational" versus "commercial" miners, or provide any exceptions for operations conducted by "recreational" miners. **The same rules apply to all miners.** Thus, to the extent that individuals or members of mining clubs are prospecting for or mining valuable deposits of locatable minerals, and making use of or occupying NFS surface resources for functions, work or activities which are reasonably incidental to such prospecting and mining, **it does not matter whether those operations are described as "recreational" or "commercial** (emphasis added).

The clear intent of Congress concerning how the federal agencies are directed to oversee mining on the public lands was confirmed in the controlling case of **USA V SHUMWAY, Ninth Circuit, 22/28/99:**

"A mineral claim is a parcel of land containing precious metal in its soil or rock."

“Mining claims located after the effective date of the 1955 Act are subject, prior to issuance of patent, **to a right of the United States to manage surface resources** and for the government and whomever it permits to do so to use the surface, **so long as they do not endanger or materially interfere with prospecting, mining, or processing** (emphasis added).”

“As required by the Forest Service’s organic act, **the Secretary of Agriculture was delegated the authority to promulgate regulations for the protection of the forests:**

“The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public and national forests which may have been set aside . . . ; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereupon from destruction.”

That same organic legislation limited that power, **requiring that no such rule or regulation "prohibit any person from entering upon the national forests for all proper and lawful purposes, including that of prospecting, locating and developing the mineral resources thereof."** "Such persons must comply with the rules and regulations covering such national forests." **Interpreting these statutes in United States v. Weiss, we held that the Secretary may adopt reasonable rules and regulations which do not impermissibly encroach upon the right to use and enjoyment of . . . claims for mining purposes."** Thus, under Weiss, the Forest Service may regulate use of National Forest lands by holders of unpatented mining claims, like the Shumways, **but only to the extent that the regulations are "reasonable" and do not impermissibly encroach on legitimate uses incident to mining and mill site claims** (emphasis added).”

“Congress has refused to repeal the Mining Law of 1872. **Administrative agencies lack authority effectively to repeal the statute by regulations** (emphasis added).”

The California legislature also has mandated that state regulatory agencies should be careful about imposing unreasonable regulations which conflict with federal regulations:

Government Code 11346.2: Every agency subject to this chapter shall prepare, submit to the office with the notice of the proposed action as described in Section 11346.5, and make available to the public upon request, all of the following:

(5) A department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal shall describe its efforts, in connection with a proposed rulemaking action, **to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues...**(emphasis added)

There are also requirements for “necessity” and “non-duplication” pursuant to Government Code Sections 11349 and 11349.1 that are implicated here. In the Alameda litigation, we have painstakingly described a comprehensive scheme of federal oversight concerning suction dredge mining on federal lands, which constitute most of the areas addressed in your SEIR. In particular, we explained how federal law has created a statutory right to use the waters within the boundaries of national forests for mining (16 U.S.C. § 481) consistent with comprehensive federal regulations addressing and reviewing the environmental impacts of such mining (the 36 C.F.R. Part 228 regulations). Federal forest rangers receive individual “*Notices of Intent*” for suction dredge mining operations and make individualized determinations as to whether such operations may create a “*significant impact upon surface resources*” (which include the bottom of waterways). *See generally Karuk Tribe v. U.S. Forest Service*, No. 05-16801 (9th Cir. April 7, 2011). The SEIR and proposed regulations completely fail to take account of this system by attempting to impose additional (unreasonable) burdens under California law.

DFG’s proposed regulations unreasonably prohibit the use of suction dredges across most of the public lands in California along gold bearing waterways where the only viable method of location and development of high-grade gold deposits is with the use of suction dredges. In those remaining areas where the proposed regulations allow suction dredging (larger waterways), a reduced nozzle size will amount to a “prohibition” in most areas because smaller-sized dredges cannot effectively reach the viable gold deposits which exist under deeper streambeds. All of this, without the SEIR presenting any evidence that dredging under the existing (1994) regulations has ever created any deleterious impact upon a single fish, much less the Department’s definition of deleterious within the SEIR:

2.2.2 Definition of “Deleterious to Fish: *Generally, CDFG concludes that an effect which is deleterious to Fish, for purposes of section 5653, is one which manifests at the community or population level and persists for longer than one reproductive or migration cycle. The approach is also consistent with the legislative history of section 5653. The history establishes that, in enacting section 5653, the Legislature was focused principally on protecting specific fish species from suction dredging during particularly vulnerable times of those species’ spawning life cycle (emphasis added)*

We see no emphasis within the SEIR about the important cultural and economic impacts which small-scale miners have played in the history of California, especially to the smaller, rural communities near to where gold mining has taken place. **The entrepreneurial spirit embodied through small-scale mining in California predates California Statehood!** This is not about “*recreational mining*,” as the SEIR has attempted to define the heart of our industry. It is about the legacy of small-scale entrepreneurs who risk everything and work our guts out in hopes of striking it rich, or at least making a discovery which will provide enough income to keep a prudent person hopeful.

With only an occasional exception, the only reasonable hope of striking it rich or making real money for a small-scale miner today exists with the use of suction dredges. This reality was made abundantly clear to DFG during the PAC meetings. It is the modern suction dredgers who carry forward the 150-year-old legacy of viable small-scale miners in California. For the reasons we have outlined above, the proposed regulations would be nothing short of cultural genocide upon the viable small-scale mining community. All that would remain are those who have no hope of making real money from the activity. Pursuing the American dream through small-scale gold mining with the use of suction dredges would be a thing of the past. Yet, federal policy on the public lands is to encourage viable mineral development, not recreation; so that it remains a ***“powerful engine driving exploration and extraction of valuable minerals.”*** There is nothing explained within the SEIR that the proposed regulations will substantially ***“encroach on legitimate uses incident to”*** viable mining business opportunities which have been available under the 1994 regulations.

Because the proposed regulations attempt to impose such a heavy burden upon our industry, we took special time to carefully review all of the biological considerations which are contained within the SEIR; and we are very surprised, that with the exception of DFG’s concerns over mercury (which we will address elsewhere), ***your biological concerns are the very same ones that were substantially addressed within the Final EIR that was published in 1994!*** Your SEIR addresses the very same tired arguments that have already been looked at and dismissed (in relation to DFG’s definition of “deleterious”) in numerous studies, and also within the 1994 EIR.

Completely missing from the SEIR is a single example of any fish ever having been harmed as a result of 14 years of suction dredging activity under the 1994 regulations!

Rather than adopt a balanced approach in considering the real impacts from 14 years of activity, DFG has chosen in this SEIR to compare ***“possible impacts”*** (which were compared in 1994 to ***“ongoing dredging activity”***) to a ***“no existing dredging activity”*** baseline because of the existing moratorium. Here is the way the SEIR attempts to dance around this:

1.3.1: A state or local lead agency prepares an SEIR when, after having prepared and certified an earlier EIR for the same project, new information, changed circumstances, or project changes are proposed that involve new significant or substantially more severe environmental effects not previously addressed in the earlier EIR (emphasis added).

Finally, it bears noting that this SEIR extends beyond the scope of a typical SEIR, in that it presents a comprehensive evaluation of the full range of potential environmental impacts, including topics which were previously addressed in the 1994 EIR. The 1994 EIR, in general, utilized a fairly broad and qualitative approach in evaluating impacts. To bring additional specificity and clarity to the impact discussion and conclusions, this SEIR revisits many of these topics, even where there is not information to suggest that there may be new

significant or substantially more severe environmental effects than were evaluated in the 1994 EIR. In large part, the change in existing environmental conditions at the time of preparation of these planning documents lends to the increased scope of this report compared to a typical SEIR. As explained in more detail below, the Hillman injunction and the passage of SB 670 prohibiting CDFG from issuing new suction dredge permits necessitate a change in baseline conditions from which to assess potential effects, as compared to an environmental baseline that includes ongoing suction dredging activities consistent with the existing regulations in Title 14 as analyzed in the 1994 EIR (emphasis added).

1.3.2 Baseline Conditions: Under CEQA, the environmental setting or “baseline” serves as a gauge to assess changes to existing physical conditions that will occur as a result of a proposed project. Per CEQA Guidelines (Cal. Code Regs., tit. 14, §15125), **for purposes of an EIR, the environmental setting is normally the existing physical conditions in and around the vicinity of the proposed project as those conditions exist** at the time the Notice of Preparation (NOP) is published. As underscored by appellate case law, however, the appropriate environmental baseline for a given project may be different in certain circumstances in order to provide meaningful review and disclosure of the environmental impacts that will actually occur with the proposed project (emphasis added).

In the present case, CDFG has determined that a conservative approach to identifying the environmental baseline is appropriate. As described above, instream suction dredge mining is currently prohibited in California pursuant to a state law enacted shortly before the publication of the NOP for this SEIR. (Fish & G. Code, 5653.1, added by Stats. 2009, ch. 62, § 1 (SB 670 (Wiggins).) The same law and a related court order also prohibit CDFG from issuing new suction dredge permits. **CDFG has determined that the appropriate environmental baseline for purposes of CEQA and the analysis set forth below is one that assumes no suction dredging in California, because that was (and remains) the state of the regulatory and physical environment at the time the NOP was published. The SEIR provides a “fresh look” at the impacts of suction dredge mining on the environment generally** (emphasis added).

4.0.2 Significance of Environmental Impacts: According to CEQA, an EIR should define the threshold of significance and explain the criteria used to determine whether an impact is above or below that threshold. Significance criteria are identified for each environmental category to determine whether implementation of a **project would result in a significant environmental impact when evaluated against the environmental setting/baseline conditions** (emphasis added).

Please allow us to review: During the ongoing litigation in Alameda Superior Court, DFG has made several formal Declarations that it possesses “**new information**” which suggests there may be a deleterious impact upon fish **as a result of dredging activity under the 1994 regulations.** Therefore, the Court issued a moratorium upon suction dredging and Ordered DFG to review the impacts. And rather than come forward with any new biological information that would support its concerns, you have seized upon the

opportunity of the “*no dredging*” baseline to completely reevaluate the biological impacts which were previously considered during 1994, which were then measured against ongoing dredging activity!

Adoption of a “*no dredging*” baseline is extremely arbitrary. The CEQA baseline is a set of physical conditions in the affected area; which in the context of an SEIR, as opposed to an initial EIR, plainly includes such conditions that exist as a result of the ongoing “project” of issuing permits (Fish and Game Code § 5653.1(a)). A temporary moratorium enacted because of your failure to update the CEQA analysis in a timely fashion is precisely the sort of “temporary lull or spike in operations that happens to occur at the time environmental review . . . begins [and] and should not depress or elevate the baseline”. *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 328.

Moreover, your focus on a no-mining baseline, if adopted, would have to be consistent as to all the effects. It is well known, for example, that salmon redd counts increased substantially along the Salmon River after significant dredging activity loosened compacted river beds and made them more attractive spawning habitat. A true no-mining baseline would have to assume the absence of such spawning habitat and summer refugia holes created by mining, and a return to generally compacted and poor conditions in many of the affected areas. In reality, the benefits of mining persist for some time, and so the proper baseline is one that is associated with the ongoing mining activity.

Conversely, the SEIR says in the Introduction of the EXECUTIVE SUMMARY: “*This SEIR and related review under CEQA analyzes the new significant and substantially more severe environmental impacts that may be occurring under the 1994 permitting program that were not previously addressed by CDFG in the 1994 EIR.*” Only people working for a government agency could believe that you can have it both ways! The only reason the impacts have become “*significant and substantially more severe*” is because you are now measuring them against an unreasonable and arbitrary baseline! **In other words, the only important new factor is the baseline which you are measuring against!**

ARBITRARY AND CAPRICIOUS: Absence of a rational connection between the facts found and the choice made. *Natural Resources. v. U.S.*, 966 F.2d 1292, 97, (9th Cir.'92). A clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law or if it was taken without observance of procedure required by law. 5 USC. 706(2)(A) (1988).

DFG’s decision to proceed on this tact is fundamentally dishonest, extremely arbitrary and very unreasonable. Here is the way you are mandated by the legislature to perform the CEQA Process:

CEQA Guidelines 15002. GENERAL CONCEPTS: (g) A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See:

Section 15382.) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: Section 15091.) (Emphasis added)

CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553) (Emphasis added)

While the impacts from suction dredging have not changed since the 1994 EIR was completed, this SEIR has largely focused upon the fact that more species have been added to the list which require special protection. And from that, DFG has apparently decided that these species deserve special protection from suction dredgers across the entire state of California through the proposed regulations, even though there has been zero evidence presented in the SEIR that any harm has ever occurred to any of these species as a result of the existing (1994) regulations. All this, while there are no meaningful restrictions being imposed upon hikers, swimmers, boaters, rafters, bird-watchers, camping enthusiasts, hunters or other nature lovers or actual recreationists that do not enjoy a mandate from Congress with a right to be present on the public lands! While the SEIR does not present any real evidence of harm from the 1994 regulations, it makes an unreasonable proposal to prohibit suction dredging anywhere that suitable habitat exists for these special species:

2.2.3 Development of Regulations: *For certain species, CDFG determined that any level of dredging activity in suitable or occupied habitat would have the potential to result in a deleterious effect to the species. For these species, occupied or suitable habitat is proposed to be closed to dredging (i.e., Class A).*

Please read the Code references which I have quoted above and below. Our conclusion is that DFG does not have the authority to prohibit mining on the public lands without at least being able to provide a specific demonstration of substantial harm. The statute does not direct you to decline to issue permits based upon the “*potential to result in a deleterious effect.*” More specifically, you can find an absence of deleterious effect even if there is “*a potential deleterious effect,*” and you should do so.

As a general matter, the legislature has made it clear that although EIRs can appropriately consider potential effects, which should be disclosed and considered, regulatory prohibitions require actual effects. Dredge mining in occupied habitat under the 1994 regulations do not have any actual deleterious impact.

It is especially unreasonable for you to prohibit dredging based upon “*potential*” effects when healthy fish populations persisted through decades of extremely invasive hydraulic mining with orders of magnitude more impact upon the environment than modern suction dredge mining.

You have suggested, in part, that regulation of potential impacts may be based upon a ***“precautionary approach”***. This approach is unreasonable in the context of an activity which has impacts that are both potentially positive and potentially negative. As we demonstrated in the Alameda litigation, suction dredge activity provides some of the only available summer habitat in many areas; suction dredging improves the quality of spawning beds, and operates to feed juvenile fish. These concrete positive effects cannot be imagined away by the potential that juvenile fish may react adversely to the mere presence of operators (especially given evidence that they cluster about the dredge output looking for food), or that the body heat of dredgers might somehow interfere with “cold water refugia.”

Indeed, we would argue that the ***“precautionary principle,”*** as a general principle, is itself unreasonable, because it presumes, contrary to fact, that any change is bad. The very purpose of preparing an EIR is to substitute balanced consideration of actual impacts for subjective presumptions in favor of or against particular activities.

Finally, the “precautionary approach is unreasonable to enforce upon Americans who have a statutory right to develop viable gold deposits, especially while using the only effective method available along the bottom of California’s waterways, in this case, suction dredging. Rather, here is what the California legislature has to say about balancing environmental protection with existing social and economic needs:

CEQA GUIDELINES 15021: DUTY TO MINIMIZE ENVIRONMENTAL DAMAGE AND BALANCE COMPETING PUBLIC OBJECTIVES: (d) **CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian** (Emphasis added).

CEQA GUIDELINES 15043: AUTHORITY TO APPROVE PROJECTS DESPITE SIGNIFICANT EFFECTS: A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that: (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and (b) **Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project** (Emphasis added).

CEQA GUIDELINES 15093: STATEMENT OF OVERRIDING CONSIDERATIONS: (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. **If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”** (Emphasis added).

Conclusion

The SEIR is attempting to balance the economic and social impacts from the proposed regulations by comparing their value to a **“no dredging”** scenario which is the result of the existing moratorium. In addition to this being an exercise in bad faith, this is all a waste of time; because DFG does not have the authority to decide the value of mining which takes place on the public lands. Congress has already established the value by clearly informing federal management agencies that **mining is the most valuable use of public lands** once a valuable discovery has been made – and even while a prospector is actively pursuing a mineral discovery. **It is well established that suction dredging is by far the most effective method today of locating and developing gold deposits along the bottom of a waterway, and the only practical way to do so.** Therefore, the SEIR should be balancing the impacts of proposed regulations to well-established federal values, rather than arbitrary social and economic values in a deliberate by DFG to marginalize suction dredgers.

It also appears, that rather than come forward with substantial evidence that dredging activity under existing (1994) regulations is **“deleterious”** to fish (under DFG’s definition), the SEIR has unreasonably changed the baseline that was used in 1994 to a **“no dredging”** scenario. This, even though the SEIR admits that the average number of suction dredge permits has been 3,650 per year since the 1994 regulations were adopted. The existing moratorium is a direct result of DFG’s Declarations that it had evidence in its possession which suggested a deleterious impact from ongoing suction dredging activity. Still, the SEIR does not contain evidence of a single **“take”** of any fish, much less that of a fish that has been granted special protection. There especially is no evidence of a deleterious impact upon an entire species!

Therefore, the Department’s **“precautionary approach”** which exists as the foundation of the proposed regulations is not supported by a properly-done CEQA Process. These regulations would prohibit suction dredging altogether across most of the public lands in California, and reduce dredge capacity so much in the remaining open areas that it would amount to a general prohibition of mining as a business. The proposed regulations would create very substantial losses to economic and longstanding social values in California while producing no demonstrable benefit to the public.

Mercury is not a problem!

Here is what the SEIR has to say about mercury:

Impact CUM - 7: Discharge from Suction Dredging (Significant and Unavoidable): As detailed in Chapter 4.2 Water 1 Quality and Toxicology, the discharge and transport of total Hg (THg) loads from suction dredging of areas containing sediments highly elevated in Hg and elemental Hg is substantial relative to background watershed loadings. Additionally, the flouring of elemental

Hg during the suction dredging process would result in an increased Hg surface area and increased potential for downstream transport of Hg to areas favorable to methylation (i.e., downstream reservoirs and wetlands). Therefore, suction dredging has the potential to contribute considerably to: (1) watershed Hg loading to downstream reaches within the same water body and to downstream water bodies, (2) MeHg formation in the downstream reaches/water bodies, and (3) bioaccumulation in aquatic organisms in these downstream reaches/water bodies.

This impact summary appears to assume an adverse impact from “**bioaccumulation;**” but the relevant question is whether any adverse effects occur to the aquatic organisms (e.g., are “deleterious to fish”), or humans who consume fish. As set forth below, there is essentially no evidence of any adverse effect from such bioaccumulation and, more importantly, no credible evidence that suction dredging will have any appreciable impact on watershed Hg loading—other than a long-term benefit.

As to the latter point, the SEIR relies mostly upon the conclusions of Charles Alpers of the USGS as a result of some work that he recently did near the confluence of Humbug Creek and the South Fork of the Yuba River in California. This was actually a BLM-funded project with the stated purpose of discovering if standard suction dredges can be used to effectively-recover mercury from submerged mercury hot spots. Apparently, thousands of pounds of mercury had been lost from the sluice boxes of one of California’s largest historic hydraulic mines last century. Most of the lost mercury is assumed to have been washed down Humbug Creek into the South Yuba River along with the tailings from the mine.

As suction dredgers reported to BLM that they were finding pools of mercury in the South Yuba River below the confluence of Humbug Creek, after some further investigation, BLM and the California Water Resources Control Board, along with other entities, designated the area as a hazardous waste, submerged mercury hot spot. Further suction dredging in that area of the river was prohibited until BLM could determine how effective mercury recovery was going to be. This was the purpose of the study which generated the report from Charles Alpers of the USGS.

I personally have substantial experience in heavy metal recovery with the use of suction dredges. Therefore, I was invited to participate in this study. Several other experienced dredgers were also involved. We supplied the excavation tools, and **we performed all of the dredging and digging for the Alpers project.** Therefore, I have an intimate knowledge of what took place; and I know exactly why the conclusions made by Charles Alpers cannot reasonably be relied upon in the SEIR. It is my intention to draft a more-detailed rebuttal of the Alpers conclusions in a separate set of comments. But for the moment, I will present some very important facts.

The purpose of the study was to determine how effectively an 8-inch dredge with a standard recovery system would capture mercury. The study was to take place over a 2-year period. The first year (2007) involved a trial run using a 3-inch dredge. The main purpose of the trial run was so the USGS scientists could establish the best way to capture

sediment and water samples off the back-end of the 8-inch dredge recovery system during the following year.

Dredging was performed using the 3-inch dredge during 2007. However, USGS did not establish any measurable increase in mercury in the captured sediments or water samples discharged from the dredge recovery system.

It did not occur to Charles Alpers and his team to measure the volume of excavated material so that these and future results could be quantified to the actual capacity of a suction dredge.

The following year, The California Water Resources Control Board informed BLM that they were prohibited from using any suction dredge within the South Yuba River. Since the 8-inch dredge could not be used, I suggested to BLM that I could provide a prototype, closed circuit suction devise (not a dredge under the definition of F&G Code 5653) that potentially could remove 100% of the mercury from a submerged mercury hot spot without any discharge back into the active waterway. Since we were not allowed to continue the study using a dredge, I switched gears into coming up with an alternative method of cleaning out the mercury from submerged hot spots.

Note: I made the mistake of assuming the ultimate purpose was to discover an effective way of removing mercury from California's waterways. That is probably too much to expect out of government today.

When we resumed the study during 2008, Charles Alpers relied upon me to choose the two places along the South Yuba River where we would excavate material. This was because Mr. Alpers was relying upon my considerable expertise to excavate samples where elevated levels of mercury (heavy metals) were most likely to be present in the gravel. I chose one location out on a gravel bar in the middle of the South Yuba River. This was directly out from the confluence of Humbug Creek. I chose this location mainly because it was an ideal place to operate my closed circuit prototype.

I chose the second location where there was some exposed bedrock immediately downstream from the confluence of Humbug Creek. While we were not able to set up my prototype in that particular location, the site was likely to turn up the highest levels of mercury in the entire area.

No other dredge was used during this study except the 3-incher during 2007.

After digging a hole on the gravel bar, we put my closed circuit prototype to work. **Mr. Alpers and his team made it clear this part of the program was not part of their study;** that it was being allowed only for R & D purposes. We used the prototype for about an hour. Nobody timed the work, and there was no accurate measurement taken of the material which we excavated. The device utilized a suction nozzle to excavate material and water from the hot spot directly into a large plastic water tank. Water from inside the tank was recirculated by a motorized pump to provide suction at the nozzle.

This created a closed circuit system whereby contaminated material and water could be sucked into the tank with zero discharge into the active waterway. There was no recovery system other than the water tank itself. **Importantly, there was no dredge recovery system present.** There was also no way to measure how many times the very same water in the tank was recirculated to excavate the contaminated material; perhaps hundreds or thousands of times. It would just be a guess. The purpose of this design was to capture 100% of the contaminated water and material within the closed circuit.

Improper Conclusion: In fact, the water from my closed system test appeared to be so contaminated, USGS staff ordered special stainless steel containers flown in so they could send the water out by helicopter and dispose of it properly! It was mainly from these water samples which Charles Alpers later formed his conclusion that suction dredges may discharge mercury into the active waterway. But the water from my tank had been continuously used over and over again to excavate and capture 100% of the mercury from highly-contaminated material. Therefore, it is unreasonable to take water from a closed circuit system like this and make any kind of scientific estimate what might come off the back of a dredge system using a recovery system which only uses water one time (in a completely different way) to excavate material. **This is atrocious science!**

Improper Conclusion: Then Charles Alpers concluded that the levels of mercury captured from our second excavation could be used as a baseline for how much mercury might exist throughout all of California's waterways. Charles Alpers makes some estimations of how much mercury suction dredgers could potentially re-suspend elsewhere in California, based upon the amount of mercury that we excavated off bedrock, just below the source of mercury, in one of California's worst mercury hot spots? **How scientific is that?**

Improper Conclusion: Furthermore, Alpers related the potential statewide impacts to the estimated production yardage figures which Keene Industries (dredge manufacturer) publishes in their promotional material. Even though the USGS team stood by and watched my team excavate using a 3-inch dredge, they did not take the opportunity during the study to measure the volume. **Therefore, Charles Alpers reached out to projected estimates from a promotional brochure?** There are so many variables in play while dredging (make up of the streambed, speed of the river water, depth of the excavation, type of power jet, experience of the operator, etc), that there is no way Charles Alpers could use unproven information from a promotional brochure to make reasonable statewide projections in a scientific conclusion! But he did it anyway.

Improper Conclusion: Mr. Alpers suggests in his report that most mercury contamination at the bottom of California's waterways is locked in place by armored streambeds and should be left in place until some better method of recovery is developed. However, any experienced dredge miner will tell you that annual flood events, especially the larger ones, naturally tear up armored streambeds and move the material further downstream. The fact that we find man-made objects underneath the armoring is testimony that streambeds are highly mobile:

4.1.2 California Hydrology and Climate: Typically, rain-on-snow events are of a higher magnitude and occur most frequently during the winter months, whereas the peak snowmelt - driven events are of a lower magnitude and occur in spring. This hydrologic setting creates a bimodal distribution of flood events i.e., there is a population of floods associated with snowmelt events, and a distinct population of floods generated from rain - on - snow events that occur, on average, once every 10 years.

Charles Alpers is very wrong in his belief that mercury is trapped forever beneath armored streambeds. How do you think the mercury and streambeds got there in the first place if they were not moved there by a storm event?

Charles Alpers' Conclusions are just one more example of a government employee who has allowed his personal political agenda get in the way of real science. We will be making a formal complaint about this to the USGS. Meanwhile, we insist that this SEIR should not rely upon the Alpers' Conclusions.

The SEIR is conspicuously silent on the peer-reviewed study data provided to DFG by the dredge mining community in the PAC meetings about how natural selenium within California's waterways prevents mercury from causing adverse impacts even if bioaccumulation does occur. **Specifically, bioaccumulation of mercury has no adverse impact whatsoever on fish or those who consume them when the accumulation of such mercury consists of mercury bonded to selenium.** This is because that bond isolates the mercury from further biological activity.

The leading study suggesting adverse effects on humans from mercury bioaccumulation was based on Faroe Islanders who consumed the mercury in whale flesh (not fish flesh) which contains lower levels of selenium.

While there is plenty of peer-reviewed study material which demonstrates that there is a **continuous migration of mercury flowing down some of California's waterways**, there is zero evidence suggesting that the levels have any relationship to suction dredge activity.

The SEIR also does not give enough weight to the Humphries Report (California Water Resources Control Board). Mr. Humphries used an older-model 4-inch suction dredge to recover 98% of the mercury from a confirmed mercury hot spot in California. The SEIR does not provide adequate acknowledgement that a 98% recovery rate is a positive impact; **because suction dredging is the only activity within existence that removes any mercury from California's waterways.**

Rather, the SEIR seizes upon Mr. Humphries' unproven assumption that the 2% of lost mercury was floured (broken down into particles too small for the dredge recovery system to catch) by the dredge. But Mr. Humphries has admitted that he performed no tests of the streambed material before it was sucked up to see if floured mercury pre-existed there! His report also suggests that floured mercury preexisted in the streambed in areas that had not been suction dredged. Having substantial experience in this given

area, I can tell you with certainty that it requires violence over an extended period of time to break mercury down to millions of microscopic particles. The 9-second ride through a suction dredge is not enough.

Therefore, the SEIR's conclusions that dredge flour some portion of the mercury, which then travels downstream to threaten the food chain is not based upon good science.

The SEIR does not acknowledge, based upon the survey results, that suction dredgers remove over 7,000 ounces of mercury (or more) every year from California's waterways. That amounts to 98,000 ounces during the 14 years we operated under the 1994 regulations!

Since California State agencies are doing nothing to remove mercury from California's active waterways, it is grossly irresponsible for your SEIR to point the finger at suction dredgers who are the only ones that are removing the mercury, at no cost to the taxpayers!

Adoption of the SEIR position would be fundamentally unreasonable in a context where the mercury is inevitably migrating downstream to areas where you believe it to be potentially harmful. There is no coherent analysis in the SEIR to suggest that, contrary to common sense, it is better to leave all the mercury moving downriver than to take action which removes at least 98% of it from the ecosystem!

Practical Suggestions

Government Code 11340.1(a): It is the intent of the Legislature that agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

CEQA Guidelines 15204: FOCUS OF REVIEW: (a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects.

In view of the comments we have made above, we submit the following practical suggestions in an effort to assist the Department to modify its SEIR and proposed regulations so that they adequately mitigate real environmental concerns while placing less burden upon the small businesses and property owners that are associated with our industry.

High-banking is not suction dredging: We agree with the following policy statement that you have acknowledged in several places within the SEIR:

6.2 Alternatives Considered and Dismissed: *In general, these provisions of the Fish and Game Code provide that CDFG's permitting authority is limited to in - stream use of vacuum or suction dredge equipment within any river, stream, or lake in California. As such, CDFG's regulatory authority under this Program does not extend to other methods of placer mining or other activities that may be associated with suction dredging which occur in upland areas.*

The following is a list of activities that are not considered suction dredging subject to CDFG's permitting authority under Fish and Game Code section 5653, subdivision (b)...

- ☐ *Use of a high banker or sluice box above the ordinary high water line and above the current water level, where aggregate is vacuumed into the highbanker or sluice box from a gravel deposit outside the current water level of a river, lake or stream but which may be wetted by a water pump. This method is often referred to as booming;*
- ☐ *Processing of materials collected using a suction dredge, in upland areas outside of the current water level of a river, stream or lake;*
- ☐ *Use of suction dredge equipment (e.g. pontoons, water pump or sluice box) on a river, stream or lake where the vacuum hose and nozzle have been removed;*
- ☐ *Sluicing or power sluicing for gold when no vacuum hose or nozzle is used to remove aggregate from the river, stream or lake; and*
- ☐ *Use of vacuums (e.g. shop - vacs) and hand tools above the current water level.*

Required identification in the permit application: The proposed regulations should allow for a foreign passport or driver's license be used to provide identification for visitors from other countries so they can apply for nonresident suction dredge permits. Otherwise, California will be discouraging the many visitors which we already receive that like to do their gold prospecting here.

DFG should not limit the number of suction dredging permits: We do not see reasonable justification within the SEIR for the Department to limit the number of suction dredging permits in the final regulations. This is particularly because there is no evidence presented that 14 years of dredging activity under the 1994 regulations ever harmed a single fish, much less threatened the viability of an entire species. We also do not believe that a state agency has authority to impose a generalized prohibition to suction dredge mining on the public lands. As noted above, mining within national forest lands is already subject to individualized ranger scrutiny and there is no basis whatsoever

for limiting the number of permits for operations within national forest boundaries. Non-arbitrary limitations, based upon local conditions, may arise through the federal regulatory process and/or on site inspections by DFG staff.

Your proposed ***“precautionary measure”*** of limiting the number of permits would amount to a prohibition upon any person desiring to prospect for or develop viable gold deposits with the use of a suction dredge after the limit is reached, without providing a reasonable environmental justification to the person. What if he or she wants to operate the dredge in some part of the state where there would not be a deleterious impact? A limit on permits would prohibit the person from using a suction dredge without a viable reason.

Allowing additional dredge permits after site inspection: Having said that, in the event that the Department decides that you must place a limit on the number of permits issued under a **statewide blanket permitting program**; once the limit is met, rather than prohibit additional dredge-mining, the Department should issue additional permits as long as no deleterious impact (by DFG’s definition) can be determined through a site inspection. This would include consideration of permit applications to dredge with larger-sized dredges that are not allowed in a statewide permit, or in areas (or time periods) that are otherwise closed to dredging.

Said another way, in the event that DFG decides that there must be (reasonable) limits set in a blanket statewide permit program that will allow for most suction dredgers, we do not believe DFG has the authority to declare a wholesale prohibition to dredge mining in the other vast areas which exist on the public lands that would not be covered by the blanket permit. That would be an unreasonable closure. DFG has a site inspection mechanism which allows you to consider more individualized impacts in areas, and during time periods, when and where dredging would not be allowed in a statewide permit.

There needs to be a place on the permit where a site inspection can be signed off: There should not be some bureaucratic delay involved with signing off on a site inspection when the DFG official can identify no problem (deleterious impact). During my own past site inspections, the local DFG officers immediately signed off on my application and gave me the okay to proceed.

If there is some uncertainty, there must be a time limit in the regulations whereby the application should be allowed or disapproved. The regulations should include what due process is to be allowed the dredge miner if he or she decides to appeal a local denial.

Prior existing rights on permit acquisition: There must be an allowance for prior existing rights. This is mining, not recreational fishing or hunting; and it is in many cases conducted as a matter of right under federal statutes, on federally-protected mining properties. Since work was already active to eliminate (and therefore discourage) dredging during the 2009 season, prior existing rights should at least extend to the 2008 season. Some in our organization believe prior existing rights should extend back five

seasons. Otherwise, dredgers who have already invested in property, equipment and even mining claims could potentially lose their prior existing right to work their mine or other mining opportunity (mining club they paid to join so they would have access to mining property).

In this case, DFG would send out renewal notices and allow some kind of due process before a prior existing permit would be returned to the pool to be made available to someone else. We suggest, once prior existing rights are taken care of, it might be more equitable to make the remaining permits available in a drawing, rather than first come, first served.

Statewide permits, if limited, should be transferable: If there is going to be a limit placed on the number of permits allowed under a statewide blanket program, the permits should be transferable. This would allow a dredge miner to develop a mining property and then transfer it to someone else who could also acquire the right to suction dredge on the property. Otherwise, miners will make the substantial investment into developing a viable mine and then not be able to transfer ownership to someone new who will be able to dredge it, therefore losing some or most of the value.

The dredging permit could be signed over like the title on a vehicle. This would allow new generations of prospectors to purchase an existing permit from someone else in the event of a cap on permits.

DFG should not further-limit the size of dredges under the statewide permitting program: The only justification we can see in the SEIR for reducing dredge sizes in the proposed regulations is your “*precautionary approach.*” As we have explained above, there is no basis for using such an approach at all, much less in this context. It is patently illegal under the CEQA guidelines, which state, among other things, that “there must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest” and “the mitigation measure must be ‘roughly proportional’ to the impacts of the project”. 14 CCR 15126.4(a)(4). Obviously, “mitigation measures are not required for effects which are not found to be significant” (id. § 15126(a)(3)), and the SEIR presents no evidence that dredge sizes allowed under the 1994 regulations created a deleterious impact upon fish.

It is important to understand that you are proposing to undermine the effective capacity of gold mines all across California. As outlined in comments above, reducing capacity will effectively undermine the economic viability of many properties, and future economic activity all across the state.

It would be one thing if you could point to some evidence showing that dredge size limits under 1994 regulations have caused real problems. But you have not done that. The problem with your approach is that there is never any end to it. When I began dredging in California, it was easy to obtain a permit which would allow me to operate a 12-inch dredge along the Klamath River. Then the limit was reduced to an 8-inch dredge. Now you are proposing to reduce the limit to a 4-inch dredge. Yet, as many times as the

department performed site inspections on my 12-inch operation, **they never expressed any concerns about harmful impacts!** No concerns have been expressed about harmful impacts from the many 8-inch dredges that have operated along the Klamath River over the past 30 years. No concerns have been expressed about the 5 and 6-inch dredges operating in the smaller tributaries, either! So without providing any specific details of why existing capacities are harmful, you are proposing to reduce them 8-fold in many places. Why?

Using this same approach, you are likely to reduce us to mining with teaspoons in the next set of proposed regulations! You must try and understand that not everyone receives a check in the mail from the government. Some of us actually have to create more value than we consume. Since those of us who produce the wealth (which supports those of you in government service) must be allowed to get on with it, you should stop trying to slow us down or kill us off when there is no benefit to the public that you serve. Please try to look through your narrow view of protecting the world (from us), and stop trying to impose unreasonable restrictions upon us.

We suggest that DFG does not have the authority to step onto the public lands and impose a permit restriction upon active mines which would effectively reduce our productive capacity without also coming up with specific reasons why existing capacities are creating a deleterious impact upon fish. Therefore, we strongly encourage the Department to leave nozzle restriction sizes as they exist in the 1994 regulations.

Important note: To avoid unreasonable and unnecessary conflicts between dredgers and DFG field staff, the regulations must allow a wear tolerance factor on nozzle restrictor rings. The reason for this is that the standard material which is available to manufacture these rings can be found in 4-inch, 5-inch, and 6-inch inside diameters. If the statewide limit is a 6-inch ring (1994 regulations), a 6-inch ring is what will be used. Some reasonable allowance must be written into the regulations so that the dredgers and wardens are all on a level playing field. The ring begins wearing with the first rocks that are sucked up. At what point does it need to be replaced? We suggest 3/8 of an inch (diameter) is reasonable.

Allowing larger-sized nozzles after site inspection: If a dredger wants to operate a dredge having a larger nozzle than is allowed under a statewide permitting scheme, the Department should allow the activity as long as no deleterious impact (by DFG's definition) can be determined through a site inspection. We do not believe DFG has authority to make a wholesale prohibition upon the use of some particular type of mining equipment (suction dredge of any size) being used on the public lands. Dredge miners should be afforded due process, and should be allowed to proceed as long as no deleterious impact is determined by an on site inspection

DFG should not further-limit the places where dredging is allowed: We suggest that DFG does not have the authority to step onto the public lands and impose a prohibition upon suction dredging across vast areas. This is very discriminatory, since **any kind of mining or other activity** may submit an application to proceed, and would

be afforded reasonable due process in the very same areas where the proposed regulations would prohibit suction dredgers.

At the very least, in order to prohibit a suction dredge from being operated in any given location, DFG must be able to demonstrate a deleterious impact upon fish.

Therefore, we strongly encourage the Department to leave areas open to suction dredging as they exist within the 1994 regulations. Gold miners should be afforded due process, and should be allowed to proceed in areas which are not allowed under any statewide permit, as long as a site inspection cannot turn up evidence of a deleterious impact.

Reduction of our existing dredging seasons is unreasonable: Once again, we do not see that the SEIR contains evidence of a deleterious impact upon fish to impose a reduction of existing dredging seasons. This proposal is supported only by your ***“precautionary approach.”*** Just as one of many examples, I have been dredging along the Klamath River since 1983. Existing dredge regulations, and the regulations we were held to prior to 1994, have always allowed year-around dredging on this river. The colder off-season months and wet season already naturally-limit the amount of dredging activity between October and June. In all the time I have been involved with this river, there has never been a single example that dredging has ever harmed a single fish during the months which the proposed regulations want to close the river to suction dredging. Your desire to close the river to this productive economic activity (suction dredging) for 9 months out of the year is arbitrary and unreasonable!

Indian, Thompson and Elk Creeks (Siskiyou County) are another example. During 25 years of overseeing our extensive dredging properties on these creeks in cooperation with local U.S. Forest Service (USFS), DFG and Karuk fish biologists, there has never been a single instance brought to our attention of any harm to any fish or their habitat. So why do you want to completely eliminate productive economic activity by Americans in those areas?

Furthermore, the SEIR does not acknowledging that we have already worked out an agreement with USFS and Karuk fish biologists to keep dredges away from the refugias and limit the number of dredges to 3 per mile on the creeks and 10 per mile along the river. Your proposed regulations are attempting to reach out onto the public lands and prohibit the use of suction dredges altogether, or for substantial parts of the year, on these very same waterways without any resulting positive benefit to the people of California

We strongly suggest, except for those areas where you can demonstrate that a deleterious impact has been created under the existing regulations, that you leave our dredge seasons as they have been since 1994.

The proposed 3-foot rule is unreasonable: We view this as just another overreach of DFG upon the public lands based upon your ***“precautionary approach.”*** The SEIR has not presented any real evidence that dredging within three feet of the streambank has ever harmed a single fish.

There are also practical difficulties with this proposal. Why prevent someone from dredging within three feet if the side of the river is made up of bedrock? This prohibition would also prevent beginners, non-swimmers or children from starting closer to the shore where water is shallower and/or safer.

There are many places where viable gold deposits exist out in swift water that would not be accessible unless a dredger can begin an excavation closer to the shore to get beneath the strong current. If the proposed regulations would also prevent the dredge from floating or dropping tailings within three feet, it will be nearly impossible to tie off dredges along the shore either when they are operating or sitting idle. Prohibiting dredging within three feet of the edge of the river will eliminate a significant portion of the operational value (perhaps even all of it) on some dredging properties. And to what gain?

Rather than impose an unreasonable 3-foot prohibition, we suggest that DFG and the mining community would be better served with some expanded language describing what the **“bank”** is (in relation to dredge mining) that we are not allowed to dredge into or undermine within the existing regulations. With rising and lowering water flows (sometimes daily) in some waterways, there is a lot of confusion about this with dredgers and wardens alike. For example, is there a **“bank”** in relationship to a gravel bar out in the waterway that is partially out of the water? What about a bar alongside the waterway that is submerged during the spring, but emerges more and more out of the water as the dry season evolves?

Suction dredge regulations should not impose the requirement of Section 1600 Agreements: We do not believe DFG has the authority to impose a Section 1600 Agreement requirement upon a gold dredger unless the surface disturbance rises to the level which triggers Section 1600 of the Fish & Game Code.

F&G Code 1602: (a) An entity may not **substantially divert or obstruct** the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake... (emphasis added).

Section 5600 already allows a site inspection mechanism for the Department to determine if a dredging program is deleterious to fish. Therefore, also imposing a Section 1600 requirement upon dredgers who wish to operate a larger nozzle than is allowed under a statewide permit, when there is little or no chance the dredging program will create a substantial impact upon the bed or bank of the waterway, is arbitrary and discriminatory against suction dredgers. Nobody else in California is required to pursue a Section 1600 permit until their activity rises to the level of requiring one.

We have never heard of a case where local DFG officials expressed concern about a potential Section 1600 violation when the dredger was operating within the 1994 regulations.

We all know how long these Section 1600 Agreements can take to work out. They also cost real money! Why impose that upon a dredge miner whose activity has not created a substantial impact upon surface resources? This is bad policy. There is nothing in Section 5600 which allows DFG to place a Section 1600 Agreement requirement upon someone merely because the person applies to the Department to operate outside of a statewide dredge permitting process. Forcing dredgers to pursue a 1600 Agreement is terribly wasteful of creative resources and will stifle investment into productive economic activity.

Government Code 11813: The Legislature finds and declares the following:

(a) Waste and inefficiency in state government undermines the confidence of Californians in government and reduces the state government's ability to adequately address vital public needs.

(b) State government, in many instances, is a morass of bureaucratic red tape and regulations that ultimately stifle economic revitalization and further alienate the people the agencies were created to serve (Emphasis added).

This also applies to the use of power winches. Gold miners can use a power winch anywhere on the public lands without the requirement of pursuing a 1600 Agreement, unless our program creates a substantial impact upon surface resources that are associated with a waterway. But the proposed regulations would prohibit the use of the same winch if a dredge is involved unless we also pursue an Agreement – even if there is not a substantial impact. **Why would you do this?**

This was already explained to you during the PAC meetings: In some dredge holes, a power winch provides the only safe and efficient means of progressing either when a rock is too heavy to move by hand, or when it cannot be rolled over other rocks that are in the way. We are discussing how heavy something is to move. Each person is different, but everyone has a limit. Some people are disabled. Some heavy rocks can exist up off the bedrock, and must be removed in order to avoid a very serious safety issue. All of this normally takes place down below the surface of the streambed where the result (of moving the rock 4-to-10 feet) will not have any impact upon the waterway above.

Furthermore, from looking at the surface of a streambed, there is no way for a dredge miner to determine in advance if boulders exist down below that will be impossible to move out of the way without some mechanical assistance. With a prohibition on winches, or the requirement to go through yet another time-consuming regulatory process, many dredgers will be forced to abandon dredge projects that otherwise would be productive. The prohibition on the use of power winches in your proposed regulations would result in stopping progress on some dredge programs, and also force operators to take unnecessary risks.

Please note that nearly all rocks of any size can be moved down beneath the surface of a streambed in dredging which will not cause any important impact upon the water flows or the surface of the bed. You guys are overreaching when you believe you must regulate the movement of every rock in the river! How can you believe that Americans can

possibly be productive if we have to ask the government for permission on so many unimportant things? Do you really want to tie up the Department's limited resources managing the rocks that need to be moved by dredge miners?

We do not believe DFG has authority to reach onto the public lands and impose a prohibition upon power winches anywhere, at least until the Department can demonstrate that a substantial impact is happening. The *“precautionary approach”* will not work here, either!

Imposition of the 3/32-inch intake requirement on pumps is

unreasonable: Do you really want your wardens out there measuring screen sizes on our pump intakes, when there is no deleterious impact on fish in the first place? In 30 years of dredging, having likely been present on more dredging operations across California than anyone else alive, I have never witnessed or heard of a single occurrence where these intakes did not adequately prevent fish from being sucked into the pump, or even trapped against the screen.

The 1994 regulations already prohibit operation at times when fish are too small to swim away from pump intakes as they are already being manufactured.

The two dredge manufactures who sell the most units in California are Pro Line and Keene Industries. Pro-Line manufactures a pump intake with 3/16th inch holes. Keene manufactures intakes using 15/64th inch holes. Therefore, the proposed regulations would place nearly every dredge in California out of compliance, and require dredge manufacturers to completely retool or resource their material, all for zero gain to the public benefit. The SEIR does not take account of the obvious adverse impacts arising from placing an entire category of mining capital stock out of regulatory compliance.

We suggest, if you want to make sure that fish are protected from dredge pump intakes, that you adopt a hole size that is bigger than larger of the two holes that are being used on most dredges in California.

Allowance of locations on permit applications must be more broad: Your proposed regulations, as presently written, require dredge miners to be very specific about where we intend to mine. This would be substantially burdensome to dredge miners wishing to sample multiple properties which belong to mining associations like ours. Our organization makes more than 60 miles of the Klamath River available to our members. Some of our properties extend three miles or longer along the river.

To save limited time, most members obtain their suction dredge permits before they arrive (especially if there is going to be a cap on the number of permits issued), **but they do not know where they will decide to dredge on the river until after they come and take a look at the many options.**

We already have an agreement with USFS to prevent more than 10 dredges per mile on the river or 3 per mile on the creeks. So any concern about over concentration is already

being managed. Therefore, the requirement that dredgers notify the Department of the exact place they intend to work is not reasonable.

Since the existing regulations already set the times and places where dredging is allowed, we do not see any practical reason to force dredge miners to inform DFG exactly where they are dredging – and then hold them to the location unless the permit is amended. This was never done in the past. **Where is the deleterious impact?**

In the event that DFG decides that locations are needed on the application, we strongly suggest you broaden the requirement to identification of the waterways which the person intends to work. This would at least allow dredge miners some flexibility to move around in search of gold without having to make an extended and expensive trip to the closest Department license sales office (which could be more than 100 miles away) each time they want to move around the next bend in the river.

The proposed dredge marking system is not workable: Suction dredges are not boats. The pontoons typically are of molded Marlex floatation which will not allow paint, tape or glue to adhere. If you screw something into the Marlex, then you may incur leaking or perhaps structural problems. If you place a sign on the dredge, it is either in the way or is likely to fall into the river and float away. By “in the way,” we mean blocking the dredger’s ability to remove plug-ups or manage the motor (especially fueling).

Since the average size of dredge during 2008 was less than 4-inches, and there are many dredges in existence larger than 4-inches, there must also be many dredges smaller in size than 4-inches. We challenge the Department to come up with any practical way of attaching a sign meeting your proposal to a 2-inch, 3-inch or one of the mini-4-inch dredges; it is totally impractical!

We also question how this proposed imposition has anything to do with the language of Section 5653, or has anything to do with preventing a deleterious impact upon fish? Do you really want your wardens out there measuring the size of numbers on suction dredges?

In the event that DFG decides it must have an identification number on the dredge, we strongly suggest you eliminate the 3-inch number requirement and allow the numbers to be marked on both sides of the dredge; either on the pontoons or on the sluice box, but only if it is possible to do so. This would allow for smaller numbers in the case of smaller dredges.

Fuel should be allowed within 100 feet of the waterway if kept within a water-tight container or a boat: California already has plenty of laws on the books that prevent us from spilling gasoline into the water. Now you want miners and wardens out measuring the distances between our fuel cans and the waterway? **When does the overregulation stop?**

Here is another place where we believe DFG is reaching out far beyond your authority to impose a prohibition on the public lands; specifically to prohibit the placement of a can of fuel within 100 feet of the waterway only if there is a suction dredge involved.

No other activities within California are held to this proposed 100 foot regulation! Millions of boaters all over California are allowed to keep fuel safely in their boats.

The truth is that the more you have a dredge miner tromping up and down the embankment (in wet-suit and bulky boots), the more you will have him disturbing all of the other values in the riparian zone that you believe are so important to protect elsewhere in the SEIR, and the more you increase the chances that the person will fall down and spill the fuel!

There are plenty of effective ways to prevent fuel from leaking into the waterway without making a dredge-miner walk 100 feet up the embankment. At the very least, fuel can be placed inside of a boat, or inside a sealed catch tub of some kind up on the embankment to prevent leakage. These catch tubs are already routinely part of a dredge program to assist with cleanup of concentrates.

We suggest, rather than attempt to impose a regulation that ultimately will have your wardens out in the field pacing the distance to fuel cans (even when they are placed in a safe place), that you make some helpful suggestions in your Better Practices handout.

Disturbance of mussel beds: This is an unreasonable proposal that is not consistent with preventing a deleterious impact to a species.

Some rivers are so inundated with muscles, that this imposition would amount to a suction dredge prohibition in a large part of the waterway.

Are you proposing that every dredge miner must now do a survey before dredging to make certain that there is no place within 30 feet downriver where more than 40 muscles per square yard exist? How unrealistic is this? Are you also going to have your own wardens out underwater counting mussels?

What about a dredge miner who makes a valuable discovery in the river, and is in the process of developing it when he comes up into a mussel bed containing 42 per square yard? What then? Is the State of California going impose a criminal citation for sucking up muscles? Or is the State of California prepared to buy his gold mine in order to save the muscles for the public benefit? Or is the State of California going to require an expensive and long-delayed study and perhaps require licensed experts to replant the muscles somewhere else? Where does all this nonsense stop?

What is to prevent you guys from issuing a regulation against killing ants if there are more than 40 per square yard? What's next?

We strongly advise DFG to withdraw from the notion that you should be prohibiting dredge mining to protect any species (from extinction as a result of the dredging) which is not afforded special protection. Because you are taking away the rights of Americans to be productive. There is a cost for this. You are also going to experience this when the State no longer has any money to meet your pension obligations.

Rather than impose a criminal penalty for sucking up or dropping tailings near mussels, we suggest you discuss them in your Better Practices handout.

Returning the site to the pre-mining grade to the greatest extent

possible: It is clear that whoever thought this up had zero experience in suction dredging!

Please allow us provide some insight: Sampling is the process of making multiple sample holes in an attempt to locate a high-grade gold deposit (business program). Sampling is a process, not a single hole. Sometimes a dredge miner makes a discovery, but wants to continue sampling to determine the length and width of the deposit, or to see if he deposit might provide better results that he can develop first. Your proposal would require him to fill each hole, even if he is not finished there.

Nearly always, once a discovery is made and defined, an experienced dredge miner drops further downstream doing more short tests in an attempt to find the lower-end of the gold deposit. Then he begins the development project there so tailings will not be dropped on top of the deposit and moved again.

Sample holes are not filled in, because the prospector may need to go back and take another look! **Your proposal on this seeks to manage the way a mining operation is done.** Even the federal agencies have no authority to manage a mining program! But you would have your wardens out there writing criminal citations to a serious dredger that is attempting to trace down a mineral deposit with several open excavations? This proposal proves that DFG does not understand the mining process that you are trying to regulate, and that you have not seriously considered the input from the mining community, especially during the PAC meetings.

Here is the reality: It is entirely impractical for you to believe we can somehow take our dredge tailings and refill the holes. There are water currents involved which prevent the material from being shoveled and carried 30 feet upstream, or even dredged upstream. Furthermore, according to the SEIR's extensive information in Chapter 4; no matter what we do, the light gravel (tailings) will remain unstable until the next storm event places them behind a natural obstacle in the waterway.

Ample evidence shows that salmon are less likely to place their redds in a heaped tailing pile than they are on a pre-mining grade which is unstable. So your proposal will actually create more harm than good! While it occasionally happens, there are very few cases on the record where salmon have spawned in a heaped tailing pile, because they

seem to have an instinct that the pile is unstable. So wouldn't it be better to leave it alone and allow the next storm event to settle things where they belong?

On this subject, the SEIR does not contain enough acknowledgment about the proven positive impacts that result from suction dredging. It is well established that these tailings eventually wash downstream to create ideal spawning habitat where it may not have existed before. In addition, it is well established that the holes we leave behind create cool water refuges where salmon and other fish hold up during the warm summer months. The piled cobbles create protected habitat where fingerlings are able to hide from predators. And you would have us destroy these improvements right at the time when the fish need them the most? **Why is that?**

It is well established that the river will overrule any reclamation efforts which dredgers attempt and return the waterway **exactly the way it is supposed to be** during the next flood event. It is perplexing why the Department would have us bury the holes which are helping fish in the meanwhile.

Furthermore, since it would be impossible to move tailings and rocks upstream in a swift current, where would you have us source the material to fill in our holes? The regulations already prevent us from importing material off the bank. The only other source would be from upstream in the waterway. But then we would be disturbing other habitat (and mussels) from another part of the river that the SEIR has expressed so much concern about.

We strongly suggest that you eliminate this whole idea from your regulatory proposal about managing the way that dredge miners prospect and mine. Because you are not being realistic. This would be a subject better suited to your Best Practices handout.

Dredge mining between one half hour after sunrise to sunset: You would attempt to prohibit mining on the public lands after sunset? **Your authority is limited to preventing a deleterious impact upon fish!**

We suggest you drop this from proposed regulations and leave it to local authorities where it belongs.

Thank you very much for giving careful consideration to our comments and suggestions!

Sincerely,

Dave McCracken, President
New 49'er Prospecting Association

Mark Stopher
California DFG
601 Locust Street
Redding, CA. 96001

19 April, 2011

Dear Sir,

The SEIR baseline should be based on existing knowledge and activities and not on a precautionary approach with no evidence. Time periods and locations open to dredging should remain as established in 1994, unless there is verifiable proof that dredging has a deleterious effect upon aquatic life.

More credence should be given to Rick Humphries Report of California Water Resources Control Board that dredging is effective in removing mercury. Additional no mention is made of the huge amount of lead from fishing weights and bullets that dredging removes.

There is no justifiable reason to limit the number of dredge permits issued.

Requiring location and time for dredging is unreasonable. Many times, they are not foreseeable. A better solution is to use the Oregon process of submitting an end-of-year report stating where and when dredging occurred. This is a more accurate database for determining usage.


3-foot rule is not based on evidence, but should be a best practice guideline if dredging causes the bank to cave into the waterway.

Gasoline storage should be the same for dredgers as it is for boat operators.

Returning the site to pre-mining condition is impossible. Holes created are cool spots for fish and rock piles establish habitat for small fish. Winter rains and subsequent fast water will erase all signs of dredging.

On-site inspections should sign off immediately if inspection cannot find a deleterious impact. Additional as sites are inspected, a data bank should be created such that new on-site inspections of that area are not required again.

Thank You,



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