Joseph A. Albrecht

PO Box 1674, Helendale, CA 92342…. phone: hm 760-952-1057 cell 760-985-5213

May 4, 2011

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

Subject: Public Comments to Proposed Changes in Suction Dredge Permitting Program.

Dear Mr. Stopher,

This document contains recommendations for changes to the Proposed Regulations in the Suction Dredge Permitting Program. In as much as our common goal should be the 'protection of the various aquatic species', I hope that you will give due consideration to these ideas on how to best accomplish this goal.

The evidence presented herein will support my recommended changes in the following Proposed Regulations.

CCR, Title 14, Division 1, Subdivision 1, Chapter 8
Fish &Game Code sections:

228(g) Number of annual permits – 4000 maximum.
228(j)(1) Nozzle size maximum 4" under standard permit.
228(k) No motorized winching under standard permit.
228(k)(3) No dredging within 3 feet of the bank.
228(k)(15) Level tailing piles and fill in holes in streambed.

Background –

Over many centuries the fisheries of CA have thrived and survived. Yet there is one major factor in their demise in the last century. That factor is Man, and Man's interference with the natural processes that sustained CA's fisheries over the thousands of years preceding Modern Man's arrival in CA. It was Man's meddling that changed the processes that nature had so well established and which created hardy fish species that could withstand all the natural calamities that the environment could throw their way.

So Man arrives and decides to build dams to create energy and lakes for flood control and water distribution. Man also plants non-native species that compete with native species for habitat and eat the native species and their young in a natural struggle just to survive.

Now, here we are in the 21st century. People are wondering why our salmon and other native fish species are declining so rapidly. They are willing to blame almost anyone, but not willing to take responsibility for what they have done to the fisheries with all their unnatural changes to the environment. In many cases, they have caused the decline of a species simply by making a 'short sighted critical error in judgment' about how to bring back our fisheries. So, let's explore the latest scientific trend in saving salmon and other species by creating man-made spawning beds.

One of many such CA projects is known as:
"The American River Salmonid Spawning Gravel Augmentation Project"

Here is a link to the US Bureau of Reclamation website explaining the project:
http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=4340

The overall goal is to create new spawning gravel habitat in several locations on CA rivers to improve the success of salmon spawns.

Why is this necessary below the Nimbus dam?

"Because a popular spawning site along a two-mile stretch of river below the Nimbus Dam had become too shallow to allow the fish to properly reproduce", according to a 2010 Sacramento Bee newspaper article which then goes on to quote a professional biologist.

"Space was limited. Eggs were laid on top of other eggs. Survival was not what it could be," said Bureau of Reclamation Fisheries Biologist John Hannon.

"With the Nimbus Dam blocking downstream flow," Hannon said "the good spawning gravel was being carried away by the current without being replenished." (emphasis added)

So why wasn't it being replenished?

The USBR website above states that one of the goals of the 'Central Valley Project Improvement Act' (section 3408(b)(13)) was to:

"Develop and implement a continuing program for restoring and replenishing spawning gravels lost due to the construction and operation of Central Valley Project dams, bank protection projects, and other actions that have reduced the availability of spawning gravel and rearing habitat in the Upper Sacramento River, American River and Stranislaus." (emphasis added)

Let us analyze this statement as it applies to gold suction dredging.

What they are trying to achieve –

Restoring and replenishing gravels lost due to construction and operation of dams, bank protection projects, and other actions that have reduced the availability of spawning gravels and rearing habitat.

What dredging does –

Dredging restores and replenishes gravels lost due to dams and their operation, bank protection projects (like those big cement-over-rock bank covers that you see along rivers where a river would naturally erode the bank and take out a road, structure or town) and other actions that reduce the availability of spawning gravels and rearing projects.

How dredging accomplishes all these important goals –

Dredging loosens and restacks deep compacted gravels to the surface where it does not take an actual flood to redistribute it on the streambed for use downstream as new spawning beds. These gravels and cobbles move downstream until they find a low pressure area to fall out of the current and become new "naturally" formed spawning beds.

Dredgers are often criticized for causing bank erosion by virtue of their dredge holes or tailing piles. Yet here we see that the 'Central Valley Project Improvement Act' (section 3408(b)(13)) is actually blaming the process of 'protecting stream banks' for reducing the availability of natural spawning gravel replenishment.

It seems ironic that while DFG wants to prevent bank erosion to protect various species, they are simultaneously doing exactly the wrong thing. Bank erosion replenishes stream gravels that are continuously washed by nature, or by man with controlled water releases from dams, to create new natural spawning beds. Beds that are created in the natural locations where they would be created by nature, and thereby where fish would be most accustomed to seeking them and spawning.

This being the case, why would an Agency concerned about the survival of any fish species not be encouraging activities that cause the natural replenishment of spawning gravels in streams and rivers? Especially those that 'exactly recreate' a natural spawning bed by water flow re-distribution versus those where heavy machinery is creating only simulated spawning environments. (See Appendix A – Nimbus Dam Project)

By not putting additional unnecessary restrictions on dredging, DFG has the opportunity to have 3500 or more annual dredge permit holders operating in a safe time period for fish spawning, doing for free what is already costing tax payers millions of dollars. Let us not forget also, that dredgers do it better by creating a more "natural" spawning bed!

Recommendations:

For all the above reasons DFG needs to seriously consider the following changes to the Proposed Regulations:

F&G Code sections:

228(g) Number of annual permits – 4000 maximum.

- **Omit this section and sell as many dredge permits as possible.**

228(j)(1) Nozzle size maximum 4" under standard permit.

- **Omit this section and increase the amount of gravels produced per dredge for creating "natural" spawning beds downstream, exactly the way nature does it.**

228(k) No motorized winching under standard permit.

- **Omit this section and allow rocks to be placed or stacked anywhere in a stream thereby causing random, slow, natural bank erosion and more spawning bed gravels downstream.**

228(k)(3) No dredging within 3 feet of the bank.

- **Omit this section and cause favorable, slow and natural bank erosion and more spawning gravels downstream.**

228(k)(15) Level tailing piles and fill in holes in streambed.

- **Omit this section and allow these loose gravels and cobbles to migrate downstream where they can form spawning beds in a natural way in a natural location, and thereby improve the fisheries chances at reproductive success.**

If DFG's true goal is to 'protect and improve all fish habitat', the above suggestions would go a long way toward accomplishing that goal, and would follow the current direction being pioneered by biologists across the country. The only difference is, dredges can do it more economically and more naturally… than scientists.

Respectfully submitted for your consideration,

Joseph A Albrecht

APPENDIX – A - Nimbus Dam Project

Here's what they had at Nimbus Dam –

Medium/small gravels were flushed downriver from below the dam, (yellow outlined areas) by planned discharges and storm event overflows, with no way for the river to naturally replenish the medium/small gravels by natural erosion upstream.
(Dam is on far right side. Water flows left.)

(continued)

A river bed full of large cobbles and rocks with very few intermediate and small gravels for spawning.

Why did this happen? It happened because after the dam was constructed it restricted natural flooding events along this stretch of river. This in turn meant no new gravels from upstream erosion would be replenishing the smaller gravels that were being pushed downstream out of this spawning bed during floods and controlled releases from the dam.

Here's what they created –

After digging out the channel, they added a lower layer of medium to small rocks, covered by a layer of small gravels.

What is here? Small grvels on top of large gravels, just like nature classifies gravels in a stream by weight and size.

How Nature creates spawning beds –

Nature erodes the banks and bottom of a streambed during high flow events after storms or a rapid snowmelt. This material is then carried downstream where it finds a new home in a low pressure area, where it stops and creates a new spawning bed. The gravels stop at various specific hydrologic places after being separated naturally by size and weight. Heavier larger gravels always near the bottom. This is not done in just one place. But it is done everywhere along the stream course where erosion occurs for whatever reason upstream.

How dredging creates spawning beds –

By using a suction device, dredges suck up medium to small rocks and small gravels from the useless compacted streambed sediments, and place them on the surface of the streambed. Then when a slightly stronger water flow occurs (not necessarily a flood), these gravels are moved downstream to find a new home in a low pressure area where they stop and create a new naturally formed spawning bed. This is a great advantage in dammed watercourses which seldom see extreme flow events which create this natural erosion and re-distribution process.

Sounds remarkably simple doesn't it? Yet Mother Nature has been doing this for the entire existence of the planet, and it only got all messed up when Man started damming rivers.

Conclusions -

DFG should be paying people to take out dredge permits and go out with their own equipment and create new spawning beds all over CA for trout, salmon and all other egg laying species. Instead, they spend millions of tax dollars trying to simulate this process in one confined location with limited effectiveness and capacity.

What will happen next at Nimbus dam? One need only look at how all the small spawning gravels disappeared after the dam was built to know what will happen. Dam releases flushed all the smaller gravels away. Thus, during the next flood event, while the dam is releasing large volumes of water, nature will carry all those small gravels, that were put there by scientist, and flush them down river to form natural spawning beds in low pressure zones. That's the way Nature causes it to happen , and the same way Dredges cause it to happen…. Naturally !

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

Please take notice that I am the owner of the Big Bum claim, located on Indian Creek in Siskiyou County (Bureau of Land Management CAMC # 293814). I have reviewed your proposed regulations for suction dredging, which appear to forbid any and all suction dredge mining on my claim. Because suction dredging is the only practical method of mining the valuable underwater gold deposits on this claim, you are proposing to forbid all mining on my claim.

This is a violation of federal law forbidding material interference with my federally-protected mineral rights, and also constitutes an unconstitutional taking of my private property without just compensation.

I urge you to reconsider your proposed regulations. This area had strong fish runs for decades during and after hydraulic and other large scale mining, and there is no credible case whatsoever for harm to fish from small-scale suction dredging operations. A single fisherman with a good day on the river causes more damage to fish than all the suction dredge miners put together, and you allow the fishing. Focusing environmental regulation on an activity like suction dredging, which actually improves fish habitat, discredits your regulatory role generally.

If you do not reconsider, and allow me to mine my claim, you may rest assured that I and other miners will hold you accountable in the courts for your outrageously unlawful and arbitrary decisions.

Sincerely,

[signature]

831 234 5090

Subject: To Mark Stopher/ Comment on dredging

Date: Wednesday, May 4, 2011 7:03:49 AM PT

From: Scott Baker

To: dfgsuctiondredge@dfg.ca.gov

Apparently the green side has been hacking web-sites to prevent e-mails from getting to you. I tempted to turn this over to the FBI Cyber Crimes Div.
So im resending this, I would like to see 10 and 12 inch dredges to be allowed in the deep water areas to reach bedrock through deep overburden. This would allow a paystreak to be developed much more quickly. Also the 1994 regulations where fine there is no need to change anything.

Scott Baker
19409 East Brown Drive
Aurora Colo 80013 720-202-7093

Subject: PLEASE Protect California Waterways
Date: Wednesday, May 4, 2011 10:35:57 AM PT
From: Matthew Brookens (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

I believe that time will show that these species and our water ways are far more valuable than the minerals found in the riverbeds that we are destroying them for.

As a California resident and a supporter of Defenders of Wildlife, I am concerned about the California Department of Fish and Game's regulations on surface dredge gold mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home.

Another grave concern about this type of mining is that potential to release mercury into our water. The mercury that can be released once the dredged material is put back into the waterways could harm animals, fisheries and our drinking water.

I support stronger regulations that can actually be monitored by the Department of Fish and Game, but your current proposal does not adequately do this.

Animals that call our waterways home could be in big trouble, along with current and future recovery projects.

Please protect our river ecosystems and our water quality and amend the dredging regulations to ensure adequate protection of our wildlife and the sources of our drinking water.

Sincerely,

Mr. Matthew Brookens
2141 N Cahuenga Blvd Apt 7
Los Angeles, CA 90068-2779
(213) 309-5336

Subject: Recyling Mercury into Rivers Is Not Acceptable
Date: Wednesday, May 4, 2011 1:05:09 PM PT
From: Eva Butler (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

As a California resident and water quality specialist, I am concerned about the California Department of Fish and Game's regulations related to surface dredge gold mining in our streams and rivers. I spent several years monitoring the American and Sacramento Rivers for mercury and I am fully aware how traces of mercury bioaccumulate in wildlife.

At the same time that wastewater treatment facilities are faced with regulations to remove trace amounts of mercury from their discharges, the Department of Fish and Game is proposing to increase the amount of available mercury in those receiving waters by much higher levels. Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals by bringing long-buried mercury to the surface. The mobilized mercury from dredging ultimately bioaccumulates in the tissues of fish and other animals in this ecosystem, increasing human exposures as well.

Our state and my County of Sacramento have paid a huge price for the impacts of gold mining a century ago. One legacy of that mining is the mercury cached below stream sediments. Although it is less bioavailable when trapped below the surface, dredging does and will continue dredge it up. I personally recall being in a meeting back around 1999, which was attended by some dredger miners. They told their personal accounts of accumulating gallon jugs of mercury from their dredgers, with no way to dispose of it but to put it back in the river. Even they thought it was insane that we water quality professionals would be so focused on trace levels of mercury when they were regularly putting many pounds of mercury back into the water from their dredges.

I support stronger regulations that can actually be monitored by the Department of Fish and Game, but your current proposal does not adequately do this. Please protect our river ecosystems and our water quality and amend the dredging regulations to ensure adequate protection of our wildlife and the sources of our drinking water.

Sincerely,

Ms. Eva Butler
1940 Markham Way
Sacramento, CA 95818-3019

050411_CCCFC

From:	"Mitch Avalon"
To:	mstopher@dfg.ca.gov
CC:	"Linda Zimmerman" <lzimm@pw.cccounty.us> "Rich Lierly" <rlier@pw.cccounty.us> "Tom Dalziel" <tdalz@pw.cccounty.us> "Cece Sellgren" <csell@pw.cccounty.us>
Date:	05/04/2011 4:20:42 PM
Subject:	comment letter on suction dredging

Mark Stopher,

Attached is a comment letter on the proposed reinstatement of the suction dredge permit program. Thank you for the opportunity to comment on your environmental document for reinstating this program.

Mitch Avalon
Deputy Public Works Director
Contra Costa County Public Works Department
255 Glacier Drive, Martinez, CA 94553
925-313-2203
maval@pw.cccounty.us

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

May 4, 2011

Mr. Mark Stopher
California Department of Fish and Game
601 Locust Street
Redding, California 96001

RE: Proposed SEIR on Suction Dredging

Dear Mr. Stopher:

The Contra Costa County Flood Control and Water Conservation District is opposed to reinstating the Suction Dredge Permit Program. The California Department of Fish and Game is currently reviewing a Draft Subsequent Environmental Impact Report and regulations to reinstate the Suction Dredge Program. Reinstating this program would have a negative impact on the environment.

During California's gold rush era, virtually every stream and river in California was explored and prospected for gold. At that time gold processing included the use of mercury to separate the gold from mined particles. This mining process resulted in mercury disbursed throughout California's watershed. Much of it currently resides in the bottom of California's rivers and streams. Suction dredge mining will bring up these elemental and methyl mercury particles and suspend them in the water column to be transported downstream. Once these interred mercury particles are exhumed, they will enter the food web. Methyl mercury can enter the food web immediately upon suspension, and elemental mercury will have the opportunity to become methylated and then enter the food web. Not too long after entering the food web, this mercury, which is a bio-accumulator, will be ingested by fish and reside in their flesh.

The eastern part of Contra Costa County fronts on the Delta. The Central Valley Regional Water Quality Control Board is currently finalizing a Total Maximum Daily Load (TMDL) for elemental and methyl mercury. We will be required to comply with the mercury loadings instituted by the TMDL. We are currently implementing programs to remove mercury from our waste stream and water bodies, and will need to ramp up our programs to meet the mercury TMDL requirements. Reinstating the Suction Dredge Permit program would result in the release of additional mercury into the Delta. It would seem, therefore, that reinstating the program would be a poor public policy

decision in light of the State's efforts to reduce mercury through the adoption of TMDL's.

Thank you for the opportunity to comment on your SEIR for Suction Dredging. If you have any questions, please contact me at (925) 313-2203.

Sincerely,

Mitch Avalon
Deputy Chief Engineer

RMA:lz
G:\Admin\Mitch\DFG\Suction Dredging Ltr 5-4-11.doc

c: Julie Bueren, Chief Engineer
Mike Carlson, Flood Control
Rich Lierly, Flood Control
Tom Dalziel, Clean Water Program

Subject: Reject Harmful Suction Dredge Mining- Protect California Waterways
Date: Wednesday, May 4, 2011 11:05:28 AM PT
From: Jonathan Evans (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

As a California resident I oppose suction dredge mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home.

Another grave concern about this type of mining is that potential to release mercury into our water. The mercury that can be released once the dredged material is put back into the waterways could harm animals, fisheries and our drinking water.

Imperiled wildlife, songbirds, and numerous aquatic wildlife species would be gravely impacted, along with current and future recovery projects for that wildlife.

Please reject suction dredge mining to protect of our wildlife and the sources of our drinking water.

Sincerely,

Mr. Jonathan Evans
3800 Bayo St
Oakland, CA 94619-2014

Friends of the ESTUARY

PROTECTING • RESTORING • ENHANCING
THE SAN FRANCISCO BAY-DELTA ESTUARY

May 4, 2011

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

Dear Mr. Stopher:

Friends of the San Francisco Estuary appreciates your consideration of our comments on the Draft Supplemental Environmental Impact Report (SEIR) for Suction Dredging. We also have included comments on the merits of the project. Friends was established in 1992 to support protection of the San Francisco Estuary which drains most of the state. Below we discuss inadequacies of the SEIR and convey our strong opposition to re-establishing a suction dredging program. We urge that the No Program Alternative be chosen.

Friends positions are based on actions and objectives contained in the Comprehensive Conservation and Management Plan (CCMP) originally adopted by the Estuary Project In 1993. Among the CCMP actions that apply to this project are:
"Identify and control sources …of contaminants that may affect fish populations or ecosystem health." (AR 2.7) "Riparian areas should be protected...in recognition of value that they have in protecting hydrology, water quality, fish and wildlife habitats, and ecosystem functions." (WT 1.5) Identify and control sources…of mercury …." (PO 2.3)

Background
Many streams and rivers designated in the DSEIR as acceptable for dredging flow directly into San Francisco Bay. The San Francisco Estuary is still suffering from the catastrophic impacts of gold mining. Mercury levels remain high in sediments and fish. Introduction of even small amounts of mercury from upstream sources is potentially significant.

The SEIR identifies significant unavoidable and unmitigatable adverse impacts to water and sediment quality in the state's streams and impacts on riparian related bird species. These impacts are: resuspension and discharge of trace metals primarily because all all locations where contaminants exist are not known; impacts to special status passerine species from noise, lights, alteration of their prey base, and direct disturbance of nests; and cumulative water quality effects from turbidity, mercury resuspension and discharge.

Impacts Determined to be Less-than-Significant/Mitigations Ineffective
The DSEIR evaluates many potential impacts to fish as less than significant, Including impacts from dredging in sensitive spawning locations, removing streambank vegetation and woody debris, destabilizing banks, smothering invertebrates, destroying instream habitat such as pools, riffles, dewatering and water diversions. The DSEIR asses each of these impacts in isolation and determines they are less than significant largely based on Proposed Program Regulations. These Regulations would require reporting locations where dredging would occur and prohibit activities that would result in the impacts to invertebrates, fish, including special status species and stream habitats.

P.O. Box 791
Oakland, CA 94604
(510) 622-2337
fax (510) 622-2501
http://sfep.abag.ca.gov

These impacts are evaluated as being less than significant apparently based the assumption of dredger compliance with the Proposed Program Regulations. Yet, the effectiveness of these measures to reduce potential impacts of this program would depend almost completely on monitoring and enforcement because dredger compliance cannot be guaranteed. Considering that DFG has little to no budget for monitoring and enforcement, there is no assurance that adequate oversight or enforcement would be conducted. This is complicated by the fact that many of the dredgers would be in remote areas that would be difficult to monitor.

Furthermore, one of the Program objectives stated in the SEIR is to "develop a program that is implementable within the existing fee structure established by state for the DFG's suction dredge permitting program." The suction dredge program, apparently, is intended to be self supporting. There is no discussion of the adequacy of the fees to sustain the program, except for a statement on page 6-15 that DFG believes it would be unable to implement site-specific analyses within the current fee structure and they are not authorized to raise fees. Although economics are not usually addressed in EIRs, we believe it is critical to the maintenance of the state's aquatic resources that information on the cost of managing the program, and the adequacy of the funds anticipated to be available to support the program, be addressed. The potential for increasing fees to cover all costs of the program should specifically be discussed.

Because of the above uncertainties, the proposed mitigation measures cannot be considered adequate to reduce impacts to invertebrates, fish and other aquatic resources to less-than significant levels.

Conclusion

While the Reduced Project Alternative lowers the number of permits to be issued from 4,000 to 1,500 annually, this number would still result in significant damage due to unmitigated significant impacts identified in the DSEIR. Due to lack of funding and enforcement inadequacies, the state's aquatic resources would be subject to additional significant impacts from additional habitat, species and water quality impacts currently misidentified as less-than-significant discussed above. These impacts are of particular concern because there is insufficient data on the location of streams that are high in mercury and trace elements.

To ensuring the state's waters and natural resources are protected in interest of all of the public, not just the recreational interests of a few, the No Project alternative should be chosen as the preferred alternative.

Thank you for the opportunity to comment.

Sincerely,

Barbara Salzman
Chairperson

050411_Harris

From:	"Katie Harris"
To:	dfgsuctiondredge@dfg.ca.gov
CC:	
Date:	05/04/2011 1:05:14 PM
Subject:	Protect California Waterways

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

There must be a better way of mining. Stop killing and hurting helpless life!!!!!!

Sincerely,

Ms. Katie Harris
544 W 10th St
Claremont, CA 91711-3714

From:	"David Hingston"
To:	dfgsuctiondredge@dfg.ca.gov
CC:	
Date:	05/04/2011 1:06:37 PM
Subject:	Proposal re River Dredging

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

Please protect life -- wildlife and drinking water.

Your current proposal concerning dredging regulations does not adequately address concerns about surface dredge mining, which can destroy riparian ecosystems and release mercury into our water.

Please enact regulations that can actually be monitored by the Department of Fish and Game.

Sincerely,

Mr. David Hingston
47 Eastwood Dr
San Francisco, CA 94112-1225

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

Regarding: Comments on Suction Dredge Program Draft SEIR

Dear Mr. Stopher ~

This is an official comment letter on the draft SEIR prepared for the draft amended regulations that have been circulated.

We would urge the CDFG to reconsider your new proposed regulations on Suction Dredge Mining. It's appalling to think you are proposing a 'one size fits all' regulation for all California rivers without consideration to the needs of individual water ways. We particularly have grave concerns about your inclusion of the Wild and Scenic North Fork American River. We don't want to see the Wild and Scenic experience compromised! California has 23 Wild and Scenic Rivers, which should be exempt from any and all suction dredge mining permits.

Hiking down to the Wild and Scenic North Fork of the American River is truly awesome and not an easy feat, as you must descend about 1,800 feet. My husband and I have hiked down to, and along, the North Fork for over forty years. It has been a protected Federal and State Wild & Scenic River and a Wild Trout Stream since 1978.

We've been told suction dredge mining was prohibited in the North Fork American River under previous regulations ~ well, it occurred anyway. Which begs the questions ~ Who will enforce your new regulations? What kind of responsible oversight has been built into these new regulations? With the issuance of 4,000 permits, how will you enforce the 14 day camping limit? Or ensure that the suction dredge miners have packed out their garbage? Do you have the needed funding for your "on-site inspections" and for the enforcement of your regulations? It would be unconscionable and irresponsible to assume that the suction dredge miners would be self-regulating. It would be irresponsible and disappointing to assume other agencies will "pick-up" where you left off...

Have you witnessed the impact of suction dredge mining or been on site when suction dredge miners are working? The deleterious effects are shocking! It's disturbing on several levels. The obnoxious noise impacts you first. It's so loud and out of place on the peaceful North Fork American. How can this not have an effect on wildlife, let alone on hikers, swimmers or anglers seeking a quiet day on the river?

The territorial behavior of most miners is another disturbing layer to suction dredge mining. In our experience, a hiker or angler is about as welcome to a dredge miner as they would be to an illegal marijuana grower… .

What suction dredge mining does to the fish, I can only assume, as I've not read the studies on the 'deleterious effects' to fish. But I just can't imagine that sucking up the gravel bottom isn't going to harm fish habitat, and destroy the clarity of the water, let alone change the river flow with some of the damning and gravel bar build-up and changes we've seen.

The California Fish and Game Commission has "recognized the importance of high quality habitat for the maintenance of wild trout populations" and their Policy states: "All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated Wild Trout Waters." The phrases "high quality habitat…" and "prevent adverse impact…" does not jibe with the suction dredge mining operations purposed in the North Fork American, a California designated Wild Trout Stream!

Any economic contribution that suction dredge mining activities may make to the regional and local economies in California will be off set by the very high cost to the very resources California Department of Fish and Game is entrusted to manage. It might be useful to revisit your mission statement, as I believe some in the CDFG have lost site of its meaning. "… to manage 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."

Suction Dredge Mining is completely incompatible in the Wild and Scenic North Fork American River! We would urge the California Department of Fish and Game to keep it, and other Wild and Scenic California Rivers, except!

Sincerely,

Heidi and James Johnson
Board Members-at-large, North Fork American River Alliance
PO Box 925
Alta, CA 95701
530 389-8144

Subject: Protect California Waterways not private industry..
Date: Wednesday, May 4, 2011 2:04:57 PM PT
From: Melanie Kaye (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

You guys are part of the department of fish and game, not the department of gold and pollution..act like you know. Your jobs are to protect the water ways, fish and wildlife not a bunch of private corporations. They have done their part to destroy the fish and game already. Stop it now and do your JOBS!
As a California resident and a supporter of Defenders of Wildlife, I am concerned about the California Department of Fish and Game's regulations on surface dredge gold mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home.

Another grave concern about this type of mining is that potential to release mercury into our water. The mercury that can be released once the dredged material is put back into the waterways could harm animals, fisheries and our drinking water.

I support stronger regulations that can actually be monitored by the Department of Fish and Game, but your current proposal does not adequately do this.

Animals that call our waterways home could be in big trouble, along with current and future recovery projects.

Please protect our river ecosystems and our water quality and amend the dredging regulations to ensure adequate protection of our wildlife and the sources of our drinking water.

Sincerely,

Miss Melanie Kaye
PO Box 1272
Davis, CA 95617-1272

Subject: The Suction Dredging DSEIR - Who Decides It's Final Implementation?

Date: Wednesday, May 4, 2011 2:54:49 PM PT

From: craig.lindsay@comcast.net

To: Mark Stopher

CC: director@dfg.ca.gov, CSP Admin, Jim Hutchings, Lee, Scott Harn, Pat Keene

Dear Mark,
As the final public comment meeting approaches I have several questions that require a response from the department. Since the May 10th meeting is the public's last opportunity for input into the DSEIR I would appreciate your response before that date.

#1 Who will be reviewing and responding to all of the public comments that have been submitted, the CDFG or its contractor, Horizon Water and Environment?

#2 Did the consultant Horizon use sub-contractors for the various portions of the DSEIR?

#3 Who will incorporate any needed changes and how will the changes be made to the DSEIR?

#4 Will this process and final results be made open to the public or by executive fiat?

Regards.....Craig

Craig A. Lindsay
President, North Fork Dredgers Association
cell 916-813-0104

Subject: Placer Mining: Next Gen
Date: Wednesday, May 4, 2011 11:07:35 AM PT
From: Riley McIntire (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

California outlawed Placer Mining years ago. This is similar and should not be allowed.

As a California resident and a supporter of Defenders of Wildlife, I am concerned about the California Department of Fish and Game's regulations on surface dredge gold mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home.

Another grave concern about this type of mining is that potential to release mercury into our water. The mercury that can be released once the dredged material is put back into the waterways could harm animals, fisheries and our drinking water.

I support stronger regulations that can actually be monitored by the Department of Fish and Game, but your current proposal does not adequately do this.

Animals that call our waterways home could be in big trouble, along with current and future recovery projects.

Please protect our river ecosystems and our water quality and amend the dredging regulations to ensure adequate protection of our wildlife and the sources of our drinking water.

Sincerely,

Mr. Riley McIntire
1870 Phillips Way
Los Angeles, CA 90042-1039
(323) 259-9359

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

Please take notice that I am the owner of the Doolittle Vapor claim, located on Horse Creek in Siskiyou County (Bureau of Land Management CAMC # 297722). I have reviewed your proposed regulations for suction dredging, which appear to forbid any and all suction dredge mining on my claim. Because suction dredging is the only practical method of mining the valuable underwater gold deposits on this claim, you are proposing to forbid all mining on my claim.

This is a violation of federal law forbidding material interference with my federally-protected mineral rights, and also constitutes an unconstitutional taking of my private property without just compensation.

I urge you to reconsider your proposed regulations. This area had strong fish runs for decades during and after hydraulic and other large scale mining, and there is no credible case whatsoever for harm to fish from small-scale suction dredging operations. A single fisherman with a good day on the river causes more damage to fish than all the suction dredge miners put together, and you allow the fishing. Focusing environmental regulation on an activity like suction dredging, which actually improves fish habitat, discredits your regulatory role generally.

If you do not reconsider, and allow me to mine my claim, you may rest assured that I and other miners will hold you accountable in the courts for your outrageously unlawful and arbitrary decisions.

Sincerely,

William A. Parker
PO Box 26
Scott Bar, CA 96085

Subject: No surface dredge mining
Date: Wednesday, May 4, 2011 4:04:40 PM PT
From: Anahata Pomeroy (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

I do not support surface dredge gold mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home. It can release poisonous levels of mercury into our water and ecosystem that supports food supplies.
long with current and future recovery projects.

Please amend the dredging regulations to ensure adequate protection of our wildlife and sources of our drinking water.

Sincerely,

Ms. Anahata Pomeroy
PO Box 5084
Novato, CA 94948-5084
(415) 578-8496

Subject: suction dredge DEIR comment letter (with photos)
Date: Wednesday, May 4, 2011 8:39:08 AM PT
From: Jacob Pounds
To: mstopher@dfg.ca.gov

Greetings DFG Representative Mark Stopher,

Attached is a comment letter to guide the update to suction dredging regulations in our California waterways. I have included some photos of poor dredging practices I have witnessed on the main stem Klamath River, and tributaries. Please give my letter careful consideration. Thank you for your work, and if you have any questions, do not hesitate to contact me.

Warm regards,
Jacob Pounds
707.442.6664
Eureka, CA

DFG Representative Mark Stopher,

My name is Jacob Pounds, and I have experience in the streams of the middle Klamath River basin. In 2006, I worked with the Happy Camp Ranger District as an AmeriCorps Watershed Stewards Project Member. My daily work and personal activities had me everywhere from the ridge tops to riparian areas from Beaver Creek (a tributary of the Klamath River near Yreka) to Red Cap Creek, (a tributary of the Klamath near Orleans) and every large watershed in-between. Much of the data I collected with a team of other qualified personnel and AmeriCorps Members took place in-stream, and measured in-stream flows, sediment accumulation, bank and substrate stability, and population counts of Spring-run Chinook Salmon, Summer steelhead, and Fall-run Chinook Salmon, steelhead, and Coho salmon.

Throughout my time there, and as I return to reconnect and recreate in the ancestral territory of the Karuk Tribe (now known as the Klamath National Forest) I have had many interactions with both locals and folks vacationing from far off states who choose to spend their time scouring and in some instances completely reshaping the stream and/or the stream banks to “recreationally search for gold”. In any other instance of recreation (hiking, kayaking, fishing, swimming, etc.), any type of destructive behavior is completely inappropriate. There is no sound reason to allow willful and negligent destruction of valuable public resources like our rivers, streams, and waterways. I want the moratorium on suction dredging to continue in California, indefinitely. Millions, if not billions of taxpayer dollars have been spent on fisheries habitat restoration and the improvement of ambient water quality, as well as cleaning up impacts of historic and contemporary mining practices. It makes no sense to issue people a permit to nosily destroy and undermine stream habitats at the expense of taxpayers.

Public health and safety is at risk because of suction dredging. One watershed with multiple mining claims in particular, Elk Creek, a tributary of the Klamath that drains the northern portion of the Marble Mountain Wilderness area, and confluences with the Klamath just below Happy Camp, CA, serves as the community water source. Dredging in this stream carries the significant risk potential to re-suspend and ‘flour’ mercury downstream and contaminate the water supply with other trace metals used in historic mining practices. This floured mercury has a high potential to bioaccumulate in fish populations and /or become methylmercury and spread throughout the water column and into the air as well. Mercury and methylmercury exposure have been linked to human health impacts, including: muscular atrophy, change in nerve responses, performance deficits on tests of cognitive function, respiratory failure, and death. (http://www.epa.gov/mercury/effects.htm) Knowing these facts, it makes no sense to permit an activity that can contribute to the dispersal of a known toxic substance.

I have firsthand experience witnessing severe and widespread impacts to streams and riparian habitat from suction dredge mining in locations throughout the Klamath basin. I have seen streams dewatered and re-routed to provide water for high-banking sluices, stream-wide holes dug to the bedrock in inappropriate places, which created unstable substrate piles that were a hazard

to recreationalists, fish, and aquatic macroinvertebrate populations, long plumes of fine sediment mobilized in stream courses, and unsafe storage of cancer-causing chemicals and fuels, in some cases floating on a dredge in the Klamath River or significant tributaries. (see attached photos) Additionally, the particulate matter and noise emissions from suction dredges produce a hazardous and distracting experience for other recreationalists, locals, tourists, and other solace seekers. I understand your mission as, "The Department of Fish and Game maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses." (http://www.dfg.ca.gov/about/) Please, uphold the values of the DFG and support the habitats that give life to anadromous species like Coho salmon, Chinook salmon, steelhead trout, pacific lamprey, and every other species that relies on clean water, including humans.

I understand that a compromise needs to be struck in the matter of redrawing the suction dredging rules, and therefore if a complete moratorium on suction dredging cannot be implemented, then I support the No Program alternative, as outlined in the DFG proposal, with one caveat – suction dredge mining should be limited to the mainstem river corridor, in small numbers with low densities (less than 10 dredges per stream mile), limited hours of operation (between 10am-4pm only), and be outside of cold water refugia (at least 500 feet away from any source of cold water), in addition to the limit of a 4"nozzle. If people are not allowed to fish in the tributary streams because of concerns for fish populations, it is not wise to allow suction dredging on any tributaries of the Klamath-Trinity River system, or any river system that supports anadromous fish. Additionally, any 'high banking' mining activity, which requires a water diversion and introduces sediment from the riparian corridor, flood plain, or stream bank to the bank full stream corridor, should be banned.

For what it's worth, I work with the Blue Lake Rancheria Tribal Government as an Environmental Assistant. Primarily, I work to collect and manage water and air quality data throughout the lower Mad River watershed. Although much of my experience with water and air quality issues stems from my work with the Tribe, the opinions expressed within this letter are my own, and should not be taken as speaking for anyone or entity other than myself as a private, interested citizen of Eureka, California, USA. Thank you for your time, and please contact me if you have any questions.

Warm regards,

Jacob Pounds – j.l.pounds@gmail.com
898 10th st, Eureka, CA 95501
707.442.6664


HONDA


MERCURY

Don Robinson
Mother Lode Goldhounds
P.O. Box 149
Foresthill, CA 95631

May 4, 2011

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

Hello Mark,

I'm Don Robinson, President of the Mother Lode Goldhounds, and the following summary represents our response to the DSEIR concerning Suction Dredging. In the Public Hearing meeting on Tuesday March 9th you requested that our responses to the DSEIR try to reference the appropriate page and line numbers of the Fish and Game documents. I'll do that whenever I can. For this identification, I'll use the following lettering to represent the specific location:

Executive Summary – ES, with the page and line number. Example ES-12, line 19
Title 14. Proposed Amendments – PA, with the page and line number. Example PA-1, line 29
DSEIR – DSEIR, with Chapter, page and line number. Example DSEIR, 6-1, line 21

There are sometimes multiple references to various subjects. This response will list just one of them to help in your organizational process.

- Permit limitation of 4000 permits. ES-6, line 26.
  There should not be a limit on the number of permits. Even if there is a limit set, it should be above 13,200, which is the approximate high number in the statistical average that the report specifies. Why is there a limit set when the number of fishing licenses sold is unlimited? The largest kill of fish in the country occurs by Fisherman. One good Fisherman kills more fish in one year than the entire dredging community is accused of.
  In addition, Governor Jerry Brown is seeking funds for the State of California. This is an opportunity for F&G to secure income to help their own budget needs. Why is F&G ignoring this fact?
  A concern for the dredging community is that with a specified limit of dredge permits high-financed left wing environmental extremist groups will perform bulk buying. They will do this 'individually' and then just hold the permits, greatly restricting those who want make a living from doing so.
  Last, but not least, if a final decision is made to set a specific number, California residents should have first priority on securing the permits. Within that classification, we also raise the question of mining claim and private landowner rights.
- Three-foot limit from the bank. ES-7, line 10.
  There should not be a limitation set here for multiple reasons. First, the distance to the edge of the stream varies based upon the time of year and the water flow even for a specific hour. Streams vary

up and down, and several feet of variance can occur simply by night and day melt of the snow pack. This causes the distance to vary within a given day.
Second, some small streams that will be open to dredging are less that 6 feet in width. Under this three-foot limitation every stream less than six feet in width would be closed. This rule doesn't make sense. It's best to simply revert to the 1994 regulations and leave this parameter of three feet out of the EIR.

- Specification of six dredging locations. PA-4, line 25.
  This proposed requirement should be eliminated. The dredger should not have to specify locations. This requirement is discriminatory. Does a hunter have to specify what valley and ravine he'll be hunting? Does a fisherman in securing his license have to specify the six places to be fished during the fishing season? Of course not. So why force the dredger to do this? This is simply an effort to place regimental control when it's uncalled for.
  If for any reason, some limitation is set in the final ruling, then the dredger should simply submit a certified letter in writing to Fish and Game specifying addition locations. No review is required and a response is not necessary to proceed.
- Reduced Intensity Alternative. DSEIR 6-12, line 13.
  This alternative should be completely eliminated. The requirements in this option specified 1,500 permits annually, a distance of 500 feet between every dredge, a maximum nozzle size of four inches, and limits of 14 days dredging per year with dredging hours of 10:00 AM to 4:00 PM. None of these requirements are acceptable and don't even make any sense. Our conclusions are this alternative is a 'bait and switch' option put in the SDEIR in order to get miners to see the extremes of this proposal and to therefore accept the Executive Summary position which is less restrictive. The 500-feet limitation isn't even workable under any circumstances. Dredgers work side by side very effectively, and this restriction severely impacts the recreational industry where the most number of dredge permit are sold. In some cases we've seen five or six dredgers work together in a 400-foot section and not have an environmental siltation problem at all. It depends on the stream velocity flow, it's width, depth, and the material being dredged. The distance between dredges is not a criterion. Common sense is. If there has to be a rule, write 'common sense should be used between dredges and one should not smoke out the other.'
- Eight Use Classifications. PA-17 through PA-70.
  There can be as many Use classifications as desired but the major problem is the application of these classifications within the DSEIR report. Time and again rivers and streams are cut off when they shouldn't be. Why? The elimination of many of the streams is based upon the Yellow Legged Frog's suggested habitat. Serious, detailed analysis work has already been submitted to Fish and Game on this issue, showing the SDEIR analysis work done to be arbitrary and grossly embellished in order to encompass territory in which the Frog is not even present. Assumptions are made by the SDEIR that because a Frog is at Point A and found again at Point B two miles away, that a line should be drawn between the two and that territory removed from dredging. There is insufficient data to support this conclusion and only where the Frog is found should decisions be made concerning the habitat and dredging.
  I will likely be submitting an additional letter on this subject.
  Some of these Use Classifications are not applicable in the high country where cold weather and snow prohibit access and dredging. Considerations should be made for dredging territory that falls within, for example, Class E that goes from September to January.
- Affixing numbers to dredges. PA-13, line 2.
  This requirement makes the dredger place his permit number on the dredge in 3-inch high letters. This requirement is discriminatory. Going back to other users, do hunters have to tag the rifle they use with their hunting license number? Does the fisherman have to tag his reel with his license

number? Do rafters have to put the license number on their rafts? The answer is NO to all of these so why does a dredger have to place a number on his equipment? This requirement should be eliminated. It's a control mechanism that is uncalled for.

- Application of Fish and Game regulations. New item.
  Rafting starting at Chile Bar on the South Fork of the American is an interesting issue that was brought up in the Sacramento meeting. The Chile Bar Dam holds backwater each night of the rafting season for the rafter runs the following day. When the rafters are ready to float downstream the dam is opened and the water raises as much as 10 feet. At the end of the day the dam is closed, the water drops back down, waiting for the same process the next day. The biological result of this rapid rise and fall each day is devastating and yet this goes on year after year. This same process goes on at the Oxbow Dam just below the confluence of the Middle Fork of the American and the Rubicon Rivers.
  Rafting is fine and we don't have a problem with that. We do have a problem with the fact that this SDEIR attempts to restrict dredging down to the single tadpole while permitting other river users broad discretionary use, without any concern for the biological affects of their actions. Our point of view is for you to apply equal rules to all. Don't discriminate against the dredger, as is the case here.
- Mental health. New issue for addition to the SDEIR.
  The closing down of dredging completely has had a serious affect on many Counties, and an even more destructive effect on the lives of many people. The taking away of income from citizens has brought about many struggles for survival in these present economic conditions. In the Public Hearings, it becomes evident of this economic effect. Ordinary people used the income from gold sales to help them meet their budget requirements and in many cases has been the saving grace for some who have been out of work, and for some it is their work. The mental anguish caused by the elimination of this income producing work has hurt many families and continues to do so today. It would be one thing if dredging was truly an environmental issue, but it's not, and the application of a closure on dredging has hurt many people. When we talk about Environment, we talk about all the critters and it's a fact that we the people of the United States are critters too. We are the biological environment as well. Why then is this SDEIR not addressing this issue? It belongs there and should be added.
- Wild and Scenic River Classifications. PA-16, line 21.
  Fish and Game should have no jurisdiction in the Federal Wild and Scenic River classification systems. Some references in this SDEIR include territory that has been withdrawn by these federal regulations. There should not be an overlap of these territories. This is in error.
- Nozzle diameter requirements. ES-6, line 30.
  Intake hose diameters greater than four inches and eight inches or less should not require special on-site inspections and written approval prior to dredging operations. Rivers and streams already have designations by nozzle size, why add additional paper work and time? Is this an effort by Fish and Game simply to gain additional income by charging dredgers additional fees for on-site inspections and likely additional EIR considerations, including lost dredging time waiting for approval?
- Listing of equipment serial numbers. PA-5, line 2.
  This legal requirement specifies the dredger in the permitting process must provide the engine manufacturer and the serial number, plus some additional specifications.
  Why is this when the same information is not requested from the hunter or fisherman? Does Fish and Game know the serial number of the rifle and handgun used by the hunter, and does the fisherman provide the manufacturer of the fishing reel? Of course not, so why is the SDEIR requiring similar information from the dredger? Again this is discrimination.

This concludes our analysis and comments about the SDEIR. It's possible I will be submitting an additional letter concerning these proposed regulations prior to May 10th. I'll end this with a direct quote from Abraham Lincoln:

Four score and seven years ago our fathers brought forth upon this continent
a great nation, conceived in liberty and dedicate to the proposition
That all men are created equal…

My charge to Fish and Game is to follow this stated concept given by one of our greatest presidents.

Sincerely,

Don Robinson

Don Robinson,
President, Mother Lode Goldhounds.

SAN FRANCISCO ESTUARY PARTNERSHIP

May 4, 2011

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

RE: Draft Subsequent Environmental Impact Report for a Suction Dredging Permit Program

Dear Mr. Stopher:

We write to strongly encourage the California Department of Fish and Game (DFG) to select the **No Program Alternative** as described in the *Draft Subsequent Environmental Impact Report and Draft Proposed Regulations* (DSEIR) concerning the Suction Dredge Permit Program currently in hiatus under court order. Our comments are in several topic groupings:

I. Misinterpretation of the California Environmental Quality Act's (CEQA's) requirement for Alternatives Analysis and Selection of the Preferred Alternative

II. Why the No Program Alternative should be selected

III. Unavoidable harm to fish

IV. Significant impacts to water quality; statewide environmental benefits of the No Program Alternative

V. Stress on state agency budgets and the impossibility of enforcing permit conditions

VI. Limited financial benefits of Program reinstatement when compared with statewide environmental benefits of continued moratorium

VII. Suggestions for improving the Proposed Program

I. Misinterpretation of CEQA's requirement for Alternatives Analysis and Selection of the Preferred Alternative

The CEQA Guidelines, section 15021(a), state that

> In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage; and (b) a public agency should not approve a project…if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

1515 Clay Street, Suite 1400 ◆ Oakland, CA 94612
510.622.2304
Fax: 510.622.5201
http://sfestuary.org

We believe that DFG incorrectly interprets the Guidelines when it states that "CEQA requires that when the No Program Alternative is selected as the environmentally superior alternative, another environmentally superior alternative must be **chosen** from one of the action alternatives." Instead, CEQA Guidelines section 15126.6(e)(2) states: "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also **identify** an environmentally superior alternative among the other alternatives." (emphasis added)

The DSEIR identifies at least two "action alternatives" that it describes as environmentally superior to the proposed program: the Water Quality Alternative, and the Reduced Intensity Alternative. DFG chooses neither, instead proposing a program with no justification in Chapter 6 (the discussion of alternatives under CEQA.)

This oversight must be remedied in any final EIR, so that the public can comment on DFG's rationale.

II. Why the No Program Alternative should be selected

As the DSEIR notes, the No Program Alternative is the most environmentally protective alternative. We urge selection of this alternative (i.e., making the moratorium permanent) based on grave concerns about the potential reinstatement of suction dredge operations in the waters of the state. Despite DFG's proposal to make many of the smaller Sierra tributary streams off limits or time-limited for suction dredge mining operations, dredging under all alternatives except the No Program Alternative will lead to:

- ***Deleterious impacts to fish and wildlife***, including populations of salmon and steelhead, and passerine and piscivorous bird species
- ***Diminished water quality*** in the waters of the state
- ***Reintroduction of a use that is incompatible*** with other public trust uses of the waters of the state, such as fishing, swimming, kayaking, and passive recreation
- ***Unjustified net loss of increasingly scarce state funds*** to permit, manage, and enforce this program
- ***Inability to adequately monitor on-site compliance to permit conditions*** due to:
    - Limited funds --the requirement that this program be fee-funded, with statutorily limited and extremely low permit fees
    - The dispersed nature of dredging activity in remote areas
    - Staffing challenges at DFG limit the agency's ability to either monitor or enforce compliance with permit conditions or impacts of reintroduced suction dredging on fish species and water quality.

III. Inevitable harm to fish

In an evaluation of suction dredging impacts along the Klamath River, noted fish biologist Dr. Peter Moyle finds:

The effects [of suction dredging] vary according to a variety of factors including size of stream, fish species present, season of dredging, and frequency and intensity of dredging. The key is that suction dredging represents a **chronic unnatural disturbance of natural** habitats that are already likely to be stressed by other factors and can therefore **have a negative impact on fishes that use the reach being dredged.** (emphasis added) Direct effects include entrainment of invertebrates and small fish in the

dredges, altering of the habitat that supports the food supply of fishes, and changing channel structure in ways that make it less favorable for fish (usually by making it less stable and complex). (Expert Opinion, Karuk Tribe vs California Department of Fish and Game [Superior Court of California, Alameda County, RG0521197])

Professor Moyle goes on to say,

> ...In my professional opinion, suction dredging should only be allowed in areas where it can be demonstrated there will no immediate or cumulative impact on the anadromous fishes. It should be assumed there is harm, unless it can be proven otherwise. (*ibid.*)

While the Initial Study identified potentially significant impacts on biological resources, including sensitive species and fish, the DSEIR implies in Chapter 4.3 that impacts on spawning, rearing, and migrating fish and their habitat would be "less than significant with mitigation incorporated" – where the mitigation is the regulatory regime in the Proposed Program. **However, CEQA only allows a lead agency to claim "less than significant with mitigation incorporated" if the lead agency is certain that the mitigation will be imposed consistently**. In the case of the fee-based Proposed Program, there is little likelihood that regulations will be enforced. In the DSEIR however, the finding relies on the assumption that permittees will comply with permit requirements that DFG will not have adequate staff to verify or enforce. We believe that lack of compliance in the absence of enforcement is "not speculative". We urge you, in the final SEIR, to **treat these impacts as potentially significant.**

As with other such findings, it is difficult to imagine a Statement of Overriding Considerations that could justify inevitable and unavoidable harm to such a valuable, and threatened, resource.

IV. Significant impacts to water quality; statewide environmental benefits of the No Program Alternative

As stated in Chapter 4.2, reissuance of Suction Dredging Permits under the proposed program or any of the evaluated alternatives except the No Action Alternative is certain to cause the release of fine-grain mercury from mercury-laden contaminated sediments, in the upper watershed of the San Francisco Estuary and throughout the state.

The USGS study of suction dredge water quality impacts cited in Chapter 4.2 (USGS Open-File Report 2010-1325A) finds:

> Results of the field studies indicate that the fine-grained fraction (silt-clay, less than 0.063 millimeters) contains the greatest concentration of Hg in contaminated sediment. Because the fine-grained fraction is the most susceptible to long-range fluvial transport, disturbance of Hg-contaminated sediment is likely to increase the concentration and load of Hg in downstream waters. (p.2)

The DSEIR finds that release of mercury to the water column and downstream reaches; formation of highly bioavailable methyl mercury; and the associated health risks to humans and wildlife are unavoidable and potentially significant impacts of suction dredging in California. The question then becomes: **Do the benefits to California of reinstatement of a permit program outweigh the significance of those impacts?**

As noted in Chapter 6, 178 water bodies in California, including many reservoirs downstream of streams and tributaries where suction dredging would take place, are included on the 303(d) list as impaired by mercury or methylmercury. Sediment impairs 728 water bodies. Because of the vast amounts of mercury used in historic gold mining – in the very streams permit applicants wish to suction dredge – numerous other waters of the state are likely to be listed in the future. Total Maximum Daily Loads (TMDLs) for

mercury in listed waters and their watersheds are either planned, under review by the Water Boards, or now in effect, including TMDLs for San Francisco Bay and the Delta. The state and regional Water Boards have embarked on a statewide TMDL for mercury in lakes, reservoirs, and their tributaries. Should it be reinstated, suction dredging would likely be named as a source in these TMDLs and given an allocation, which is likely to be very low as this is an eminently controllable anthropogenic source.

Because mercury readily travels downstream to lakes, reservoirs, and receiving waters such as the Delta and San Francisco Bay, selecting the No Program alternative will continue the current statewide environmental benefits of avoiding reintroduction of mercury to these systems through a revived suction dredging permit program.

V. Stress on state agency budgets and the impossibility of enforcing permit conditions

The DSEIR's Proposed Program will lead to staffing requirements from both DFG and the Regional Water Quality Control Boards that agency budgets will not likely support in the foreseeable future.

Burdensome DFG program costs

One of the objectives of the Proposed Program is that it be "implementable within the existing fee structure." This argues for a severely restricted geographical and temporal scope of a suction dredging permit program if it is to be continued. Fees ($47 for state residents; $185.25 for nonresidents) are expected to yield less than $200,000 per year for the program. This amount must support permit application review and issuance, enforcement, and monitoring.

Significantly, Chapter 6 of the DSEIR eliminates one alternative to the Proposed Program, "**Tracking and Adaptively Managing Stream Use by Suction Dredgers,**" because "the time and expense involved in…**enforcement was determined to be infeasible**…within DFG's current fee structure." (emphasis added) This implies that under the Proposed Program, little or no enforcement of permit conditions is contemplated by DFG. However, when so much environmental degradation is foreseen as an unavoidable, unmitigable result of the Proposed Program, the clear inability of DFG to enforce its permit conditions and restrictions makes it impossible to then find that the impacts of the Proposed Program will be **"less than significant with mitigation incorporated".**

Similarly, "**Site Specific Evaluations for Every Permit**" is also rejected as an alternative due to resource constraints. Yet the DSEIR states,

> The option to conduct site-specific analysis is incorporated into the Proposed Program. Under the Program, on-site inspections are required for certain suction dredging operations deviating from the standard provisions of the permit regulations. Such deviations require notification under Fish and Game Code section 1602 and can include, but are not limited to, activities involving dredging in lakes or reservoirs, dredging with nozzle sizes greater than 4 inches, and employing motorized winching equipment. Additionally, the Program acknowledges the authority of DFG to monitor individual suction dredging operations for problems and to take enforcement action as may be necessary, as well as to modify the regulations in the future if persistent, significant problems arise. (p. 6-15)

Thus the Proposed Program essentially incorporates an alternative already rejected in the DSEIR because DFG believes it cannot be implemented within the statutory fee structure.

The DFG Wardens Association website states that California currently has fewer than 200 Game Wardens to patrol this vast state's 159,000 square miles, including 30,000 miles of rivers and streams, 4,800 lakes and reservoirs, and 80 major rivers. Although they may be dedicated and well trained, how can the DFG staff of wardens, already covering such a large range, be expected to adequately monitor up to 4,000 or even 1,500 suction dredge sites scattered along thousands of miles of waterways?

Water Board permitting

According to the California Water Quality Control Act (Porter Cologne), discharges resulting from suction dredging operations in waters of California – although permitted by Fish and Game – must also be permitted by the appropriate Regional Water Quality Control Boards, either through National Pollutant Discharge Elimination System (NPDES) Permits pursuant to Clean Water Act section 402, or through Waste Discharge Requirements(WDRs) or conditional waivers of WDRs under Porter Cologne. Individual permit applications/dredging operations applying for WDRs would require project-level CEQA review with the appropriate Water Board as lead agency.

VI. Limited financial benefits of Program reinstatement when compared with statewide environmental benefits of continued moratorium

The DSEIR states: "According to the 2008 survey of suction dredgers, the average amount of gold recovered by a dredging operation was about 3.4 ounces for both resident and nonresident dredgers, with about half of all dredgers recovering an **ounce or less of gold during 2008** [emphasis added]. Based even on a price of $1,500 per ounce, the average income produced by a suction dredging operation is unlikely to exceed $5,000, with about half of the operations earning $1,000 or less in income." (DSEIR Exhibit B, Socioeconomic Report, page 5)

Fees are associated with both section 402 NPDES permits, and with WDRs. [see http://www.waterboards.ca.gov/resources/fees/docs/fy10_11_fee_schedule.pdf]. Considering the low annual yield of gold to the average dredger, we believe that the water quality permit fees will further reduce the net financial benefit for many of these operations.

Costs of a reinstituted permit program, considered in terms of unavoidable harmful impacts to fish and wildlife, to water quality, to cultural resources, and to fishermen and others who recreate in our state's waters – as well as real costs to the state agencies that must oversee dredging sites – far outweigh the financial benefit of suction dredging to the people of the state.

VII. Improving the Proposed Program

Should DFG continue to reject the No Program alternative it should, at a minimum:

1) Revise the Project Purpose to emphasize resource protection in addition to compliance with the court orders; and

2) Strengthen the proposed program to include key elements of both the Water Quality Alternative and the Reduced Intensity alternative:

    - Add to Category A all waters of the state that are listed (under federal Clean Water Act section 303(d)) as impaired by mercury, methylmercury, or sediment, and streams (including headwater and ephemeral streams) that are tributary to listed waters; and

    - Reduce the maximum number of annual permits from 4,000 to 1,500

Finally, a Statement of Overriding Considerations must be formulated and adopted by the Fish and Game Commission pursuant to CEQA Guidelines Section 15093. We believe it would be extremely difficult to show how the deleterious effects on water quality and wildlife, including birds that will eat mercury-laden fish, are outweighed by the described benefits that would accrue to an extremely small number of private parties.

For all of these reasons, we strongly recommend that DFG adopt the No Program Alternative, or select a significantly strengthened Reduced Intensity Alternative.

We appreciate the opportunity to comment on the Draft Subsequent EIR.

Sincerely,

Judy A. Kelly,
Director

Thomas Mumley, Ph.D.
Chair, Implementation Committee

About the San Francisco Estuary Partnership (SFEP), and the Estuary

SFEP is one of 28 estuary programs in National Estuary Program (NEP) – Congress established the NEP, Section 320 in the reauthorized Clean Water Act (CWA) of 1987 to address the declining state of the nation's estuaries. California's Governor nominated the San Francisco Bay-Delta as an "estuary of national significance" and the EPA officially added the SFEP to the program in December 1987. The Governor's nomination of the SFEP began the local-state-federal partnership, which developed the Comprehensive Conservation and Management Plan (CCMP) for the Estuary. The CCMP includes many goals, objectives and recommended actions for protecting and enhancing the San Francisco Bay-Delta.

The San Francisco Bay-Delta Estuary is the largest estuary on the West Coast and a vital environmental asset for millions of Californians. The estuary's watershed encompasses roughly 1,600 square miles, drains over 40 percent of the state (60,000 square miles), provides drinking water to 23 million Californians (two-thirds of the state's population), and irrigates 4.5 million acres of farmland. The Estuary also hosts a rich diversity of flora and fauna – two-thirds of the state's salmon and nearly half of all the birds that migrate along the Pacific Flyway pass through the San Francisco Bay and Delta.

Populations of many native species have dropped to record low levels, and over 150 species are designated as endangered, threatened, or of special concern, under the state/federal endangered species acts. In the past few years, of particular concern, has been the precipitous decline of pelagic organisms in the Delta and the continued decline of our native salmon populations throughout the watershed.

SHASTA COUNTY

Cathy Darling Allen, County Clerk / Registrar of Voters

Doug Patten, Assistant County Clerk / Registrar of Voters
1643 Market St. / PO Box 990880 / Redding, CA 96099-0880 / www.elections.co.shasta.ca.us
PHONE: 530-225-5730 * FAX: 530-225-5454 * CA RELAY SERVICE: 711 or 800-735-2922

May 4, 2011

Horizon Water & Environment
1330 Broadway Ave., Ste. 424
Oakland, CA 94612

NOTICE(S) OF DETERMINATION/EXEMPTION
NOTICE(S) OF INTENT
NOTICE(S) MISCELLANEOUS

Pursuant to Public Resources Code Section 21108 or 21152, I am returning the enclosed notice(s) you sent to our office.

These notices have been posted in our office for at least thirty days from the date indicated on the "received" stamp. It is my understanding that the notices will be retained in your office for at least twelve months.

Regards,

Judy Cameron
Deputy Clerk

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

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.

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.

From:	"Paula Shuhert"
To:	dfgsuctiondredge@dfg.ca.gov
CC:	
Date:	05/04/2011 1:05:50 PM
Subject:	Protect California Waterways

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

California's wonderful natural assets are being damaged by irresponsible gold mining practices. Please stop the dredging that is damaging habitat and jeopardizing our rivers and waterways.

Sincerely,

Ms. Paula Shuhert
1715 Brandee Ln
Santa Rosa, CA 95403-8674

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

Name: Louis D. Smith	May. 4-2011
Mailing Address: 213 Edan ave	
Stockton, ca. 95207	
Telephone No. (optional): 209-477-4686	
Email (optional):	

Comments/Issues: Delta Gold Diggers member
Please do not keep the suction dredging ban on. Dredging ~~about~~ aerates the gravel and the fish love it. I have been a prospector since the early 1950. Please don't ban our recreational pleasure ab a hobby or full time prospectors.

Thank you
Louis D. Smith
213 Edan ave
Stockton, ca. 95207

Ph. 209-477-4686

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

Subject: !!!!!!Protect California Waterways!!!!!!!!
Date: Wednesday, May 4, 2011 10:34:56 AM PT
From: andrew Friend of Defenders (sent by Defenders of Wildlife <ecommunications@defenders.org>)
To: dfgsuctiondredge@dfg.ca.gov

May 4, 2011

California Department of Fish and Game Section Dredge Program
CA

Dear Section Dredge Program,

As a California resident and a supporter of Defenders of Wildlife, I am concerned about the California Department of Fish and Game's regulations on surface dredge gold mining in our waterways.

Surface dredge mining can destroy river ecosystems, harming the frogs, salmon, trout and other animals that call it home.

This is ALL WRONG, and you know it.

Sincerely,

Mr. andrew Friend of Defenders
3274 Lynde St
Oakland, CA 94601-2732
(510) 533-8805

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

Name: Barbara Sutton

Mailing Address: 4306 County Road K 1/2
Orland, Ca

Telephone No. (optional):

Email (optional):

Comments/Issues:

I support suction dredging.
Dredging in our streams does not
do any damage to them.
Maybe you can stop the
damage mother nature does or the
thousands of fish fishermen destroy!
What a dredge does is so small in
comparison to nature & fishermen

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

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

Name: Mike Sutton

Mailing Address: 21870 Sacramento Ave
Red Bluff, Ca 96080

Telephone No. (optional):

Email (optional):

Comments/Issues:

I am a disabled California veteran & was wounded in Korea fighting for our freedom & you are keeping us from the freedom of being able to recreational mine with a suction dredge.
Give me back the freedom I was fighting for.

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

Subject: Dredging

Date: Wednesday, May 4, 2011 8:43:21 AM PT

From: Jerry Van Muyden

To: dfgsuctiondredge@dfg.ca.gov

Priority: High

Sirs,

I beleive the 1994 Seir should remain in place! The currant proposal is not clear and with many non scientific statements, no proof as detrimental to fish and enviorment beyond speculation and guess work. Leave things as they are!!
Thanks for your time,

Jerry Van Muyden
930 Lewis Court
Henderson, NV 89015

nothrow@cox.net

Subject: Please bring back our hobby, it's proven safe
Date: Wednesday, May 4, 2011 6:47:10 PM PT
From: dan vargas
To: dfgsuctiondredge@dfg.ca.gov

May 4th, 2011

Dear Senator,

Please take the **very important time** to take a look into this SB 657 bill to overhaul dredging in California.

Our 500 membership of The Prospectors Club of Southern California, Inc.(PCSC) (a non-profit California corporation) need your help in implementing these needed changes.

If you could kindly respond to this request, it would be immensly appreciated.

Arthur Morgan - Founder & Webmaster

The Prospectors Club of Southern California, Inc.

Website: www.prospectorsclub.org

Email: amcollects@socal.rr.com

Important Dredge News:

There have been two very important developments regarding dredging for gold in California. Here are the summaries and recommended action plans:

A. The Department of Fish & Game [DFG] announced that it has completed a "DRAFT" Environmental Impact Statement. Go to the DFG web site http://www.dfg.ca.gov/suctiondredge/ to review the draft and to e-mail comments. The next step of the lengthy EIR process is a public comment period of 60 days. Written comments may be submitted **no later than May 10th to Mark Stopher, DFG, 601 Locust Street, Redding, CA 96001, or by email: Mark Stopher, dfgsuctiondredge@dfg.ca.gov.** A public hearing will be conducted in Southern California on Wednesday, March 23rd beginning at 6:45 PM [after an introductory period beginning at 5 PM] at 25320 The Old Road in Santa Clarita [Residence Inn by Marriott]. These regulations are not expected to become final before 2012.

PCSC PLANS: Outlines of suggested written comments and oral statements will be presented at the March 18th PCSC meeting. Additional details will be forthcoming by way of a supplemental e-mailing to those members who have signed up for receiving the "Treasure News" electronically.

B. SB 657: Recently elected Senator Ted Gaines introduced this bill to allow suction dredging to resume in California during 2011. It also provides for the reimbursement of dredge fees to holders of 2010 dredge permits. Details of the bill may be viewed on-line [Google: 2011 California legislation, SB 657].

PCSC PLANS: It is important to contact your individual State Assembly Member and State Senator to signal support for this bill. To find out who your individual legislative representatives are, use the following web site: http://www.leginfo.ca.gov/yourleg.html. On this page you should enter your zipcode to be directed to a

page showing both your Senator & your Assembly member for California. By clicking on each of their names you will be directed to their individual websites.

There are 4 different methods of contact. 1.Telephone [easiest but least effective], 2. e-mail [a little more time consuming but better], 3. snail mail [takes a stamp but is even more effective] and 4. a personal visit to your local politician's office [by far the best impact is made this way]. YOU MAY EMPLOY ALL FOUR AND YOU MAY CONTINUE FOLLOWING UP!!! Since there are more legislators from urban areas, it is particularly important for supporters of this bill to contact their urban legislator.

Sincerely

Dan Vargas

Subject: P.S.

Date: Wednesday, May 4, 2011 6:58:28 PM PT

From: dan vargas

To: dfgsuctiondredge@dfg.ca.gov

I forgot to ad that, gold prospecting has helped me help youths stay out of gangs, etc - I used to take many of them from my church with our club to the river periodically to have fun as a team dredging for gold (before the ban took effect).

Also, we have science positively on our side proving that it not only does not harm the environment but helps the environment! (Every year we take out pound of mercury and lead out of the water way, create spawning grounds for the fish and cobbles for the fry to hide in, aerate the river, etc) Also, when big flash floods come through the canyons, it creates more mud silt and debris than any little dredger can ever dream of doing and the next year, you can't even see where we were at. The fish know how to survive in the 'slow zones' during a major flood and the little bit of silt that dredges make in no way harm fish. Also, there's not a 'blade' or anything like that in the dredge to harm fish, it's suction only.

Anyhow, there's more but I'll leave it at that.

Thanks for taking the time to read this and have a nice day!

God bless