

May 5, 2011

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

Dear Mr. Stopher,

Dredgers do not kill fish!

To the contrary, we dredgers do much to enhance the river environment to the good health of river wild life. We extract mercury, lead and other trash from the river. Limiting us in numbers is wrong. The more of us in there cleaning the river, the better it is for river wildlife.

I have never, in my ten years of dredging in the Klamath River, seen a fish, or any other wildlife, harmed by my dredge. To suggest that we are the cause of any damage to the river is without merit and ridiculous. I tell you the fish seem to thrive with what I do dredging. Please hear me. The fish actually swarm around me when I start my engines. I create a sandy spawning ground for the fish. Also, the stacked rocks become a habitat for the fingerlings.

Site inspections are not necessary if no violation is occurring. Why are you picking on people without a reason? If your guys should see some gross violation, then maybe an inspection is warranted. You propose we are guilty 'til proven innocent. I think it is supposed to be the other way around. I also question the experience of your inspectors. People, who have not walked a mile in another man's shoes, should have no say on a matter. I don't see where you have done any experimenting with a dredge. How can you know anything about it, if you haven't done it? Two years ago in Washington State there was an incident where two inspectors came down to inspect a man's dredge and they did not even know which end of the dredge did the sucking. So, who will you appoint as inspectors? Will they know anything about dredging?

I think we have more practical knowledge on these matters than your "desk jockies"! If you really wanted to study the fish, why not come under water with me and have a look? Maybe, if you had some real experience in the matter, you could formulate better rules. Your rules sometimes reflect little knowledge as to what is going on down there.

The Klamath River IS like a junk yard. There are lots of cars and all kinds of junk buried in that overburden. It is not the pristine little universe people think it is. The government should be paying people like me to haul all that stuff out of the river. I, personally, have uncovered two pickups, a jeep, a dead cow, and numerous iron objects from car parts to everything you can think of. We could be doing more to facilitate cleaning the river. Maybe you could set up a program to haul the junk off after we uncovered and located such items? I know of one claim where there are three 50's Chevrolets sticking out of the bank.

The “three foot rule” from the bank is bogus also. The 1997 flood wiped out every grass clump and tree on the banks. All that you see growing there now has appeared since then. It bounces back very fast. Limiting us further in the matter will cause beginners to try things they are not capable of and they may drown. Besides that, some of the “best” dredging spots are found near the edges.

Where is the bank anyway? In the early part of the year the water is quite a bit higher. The banks change. When the water goes down, the hole that appears is now on the bank and your inspectors try to blame us for this. I think everything below the road should be open. Only if it should threaten a landslide, which may affect the road or other structures, should scrutiny be applied.

You have already restricted our nozzle sizes so much that it is tough to make “beans” dredging. Any more and I won’t be able to pay the bills. I can see that the old 20, 30, and 40 inch nozzles did quite a bit of change to river. You can see where they worked to this day, but that was in the older days. An eight inch nozzle is a “toy” compared to them. We could never have that kind of impact. Anymore restricting would kill it for me. You have hurt us enough!

I think the real reason, for these government restrictions, is the rising price of gold. I think there is a hierarchy in government that seems to want to keep people as slaves to the economy. If everyone could get their wealth out of the wilderness, who would work for anyone anymore? We, however, are not getting rich doing this, but some of can make a decent income. It is extremely difficult physically. Dredging is hard work! I lose 35-40 pounds every summer when I come out to dredge. Unfortunately, I gain it all back when I go back to “city life” in the winter. I tell everyone how tough dredging is. There are a lot of people that run smaller dredges for that reason. The eight-inch is a lot of work. Not many can handle it.

In all of the places I have used my “eight-inch dredge”, the next year you cannot even tell where I was in the river. The high winter water levels everything out. It is hard to even find a good “spot” to dredge. You have to dig around until you find where someone else has not been. The rule is, if it comes apart easily, somebody has already dug there. The point is, you can’t tell, from one year to the next, where someone had dredged.

So why do you inspectors want to restrict things further? It is clear to me that you are lacking in understanding what we do. If you really wanted to study dredging, then you should do some dredging yourselves. I don’t see where you have done your homework!

Another crazy thing is – those mussel beds. They are all over the river and extremely plentiful. What is the problem? If I can’t dredge around mussel beds, well that’s the whole river! I met some of your people who came out to do the study of the mussels one year. It was the most ridiculous thing I have ever seen. Do you pay these people?? There were several of them standing around doing nothing, while one or two were actually in the river. And, the way they were counting the mussels was so crazy that I can’t believe

answered, "one little trout." I told him to cast into the wake of my dredge once I started the engines. He looked at me like I was crazy. However, he immediately caught two big steelheads before I even went under water!

Another interesting fact is whenever a shadow goes overhead, like a raft going by or somebody standing on the bank, the fish all vanish. They hide. That's how I know someone is "up-top" when I am diving. My little buddies all disappear. So anybody rafting the river or standing on the shore is rarely ever going to see a fish. And, I must also tell you they seem to think my dredge is some kind of roller coaster ride. I have seen the same fish shoot up my nozzle and come around and shoot up thru again! This one fish kept bothering me much of the day after he found this out. I learned that when I am not running material up the nozzle to stick the nozzle to a rock. Otherwise the fish seem to want to keep going up the nozzle. Once again, our dredges Do Not Kill Fish!

I think the old regulations were just fine. All these changes are just killing our industry. This country needs true wealth. Gold, out of the river, directly affects the state economy and the debt in a positive manner. You should encourage what we do, not restrict it! Dredging for gold is "light industry" and, in California, it should be encouraged. With all of the financial difficulty in the state and business leaving, this could be the state's new "Gold Rush" in the Klamath valley and in other state rivers.

I think we could actually clean the rivers with the hard working dredgers. We should work together rather than against each other. I have extra air lines if ever you want to see for yourselves. I think we can make things better.

More dredging restrictions and limitations are not the answer. Leave the rules as you had them. That was fair enough. I don't think your new restrictions are warranted in any rational train of thought. The rules were, as practical and protective, as they needed to be.

Governments have been restricting everything in this country so much, that they have become the cause of our trouble and the not the cure.

Sincerely,



JOHN F. WILLIAMS, JR.

4922 Viejo Ct .

Granbury TX. 76049

817-559-3640

**From:** [mojavejoe@verizon.net](mailto:mojavejoe@verizon.net)  
**To:** [DFG <dfgsuctiondredge@dfg.ca.gov>](mailto:DFG <dfgsuctiondredge@dfg.ca.gov>)  
**CC:**  
**Date:** 05/06/2011 1:07:06 PM  
**Subject:** Suction Dredging Comments

Public Comment Letter attached. (5 pages)

Please include this in the Public Comments on the Proposed Suction Dredge Regulations  
Thank you  
Joseph Albrecht

# *Joseph A. Albrecht*

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

May 6, 2011

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

RE: The Minimal Effects of Suction Dredging

Mr. Stopher,

The DSEIR contains numerous conclusions that most of the impacts of suction dredging are Significant, and need regulating. This comment letter will show how this is Incorrect, why the below listed New Regulations are unnecessary, and why the DSEIR Conclusions need to be changed.

F&G Code:

Section 228(g) 4000 maximum annual permits.  
Section 228(j)(1) Maximum nozzle size 4 inch.  
Section 228(k)(3) No dredging within 3 feet of the bank.

And.....

DSEIR Chapter/Section 6.2.3 – Significant and Unavoidable Impacts

USGS and EPA Research

Since there is so much literature review in the DSEIR about the severe negative impacts of dredging, perhaps we should do some literature review of our own, and see how it compares to the DSEIR findings.

## **(EPA 1999)**

Let us first analyze the impacts of suction dredging on the riverine environment in Alaska.

(Below excerpts from the 1999 US EPA and University of Idaho Study, with applicable parts underlined.)

Here is what the EPA study findings were for an 8 inch and 10 inch dredge :

### **Macroinvertebrates**

“Based on density, taxa richness, and EPT richness, there was no difference in the macroinvertebrate community between the mined area and the locations downstream.”

“In general, other studies on the effects of recreational suction dredging have reported only localized reductions in macroinvertebrate abundance (Sommer and Hassler 1992, Harvey 1986, Thomas 1985). Studies that examined temporal recovery have found that macroinvertebrates return to pre-dredging densities within 30-45 days (Harvey 1986, Thomas 1985). Our sampling occurred approximately 35 days after suction dredging had ended in Resurrection Creek for the year. Thus, it is not surprising that the abundance and diversity of macroinvertebrates was not significantly different between the mining area and the locations downstream.”

“The results from Resurrection Creek indicated that there was no difference in the macroinvertebrate community between the mining area and the locations downstream of the mining area, in terms of macroinvertebrate density, taxa richness, and EPT richness. In general, our results are in agreement with other studies that have found only localized reductions in macroinvertebrate abundance in relation to recreational suction mining.”

“Based on density, taxa richness, and EPT richness, there was no difference in the macroinvertebrate community between the mined area and the locations downstream.”

“One year after dredging with a 10 inch dredge at Site 2a, macroinvertebrate density, richness, and number of EPT taxa also had recovered to pre-mining conditions (Fig. 23).”  
(This quote refers to the findings after 1 year, when the study team returned to AK, which had obviously been frozen most of the preceding year.)

### **Trace metals**

“Wanty et al. (1997) examined dissolved metal concentrations 60.8 m (200 ft) downstream of a 10-inch and an 8-inch dredge and found no difference between the sides and center of the dredge plume. . . . . . As the metal-laden sediments were transported downstream and deposited on the riverbed, total copper and zinc concentrations declined. By 80 m downstream of the dredge, copper and zinc concentrations were similar to those measured upstream of the dredge.”

### **Turbidity, Total Suspended Solids and Trace Metals**

“Of the factors we measured, the primary effects of suction dredging on water chemistry of the Fortymile River were increased turbidity, total filterable solids, and copper and zinc concentrations downstream of the dredge. These variables returned to upstream levels within 80-160 m downstream of the dredge. The results from this sampling revealed a relatively intense, but localized, decline in water clarity during the time the dredge was operating.”

## **(USGS 1997)**

Next we will analyze the impacts of suction dredging on the riverine environment, again in the pristine waters of Alaska, from a joint Federal/State ongoing study.

(Below excerpts from the October 1997 USGS AK Study Fact Sheet, An ongoing joint study by the Alaska Department of Natural Resources (AKDNR) and the USGS. Applicable parts underlined.)

Here is what the USGS study findings were for another pair of **8” and 10”** dredges:

### **Trace Metals**

#### CHEMICAL SURVEYS

“Water-quality samples were collected at three points 200 feet behind each of the two operating suction dredges. One sample was collected on either side of the plume, and one in the center of the plume. The samples were passed through a filter with a nominal pore size of 0.45 micrometers and acidified to a pH less than about 2. Results are shown in the

table below. Samples 1A, 1C, 2A, and 2C are from either side of the plume behind dredges 1 and 2, respectively. Samples 1B and 2B are from the center of each plume. All concentrations given are in micrograms per liter, except pH, which is expressed in standard units.”

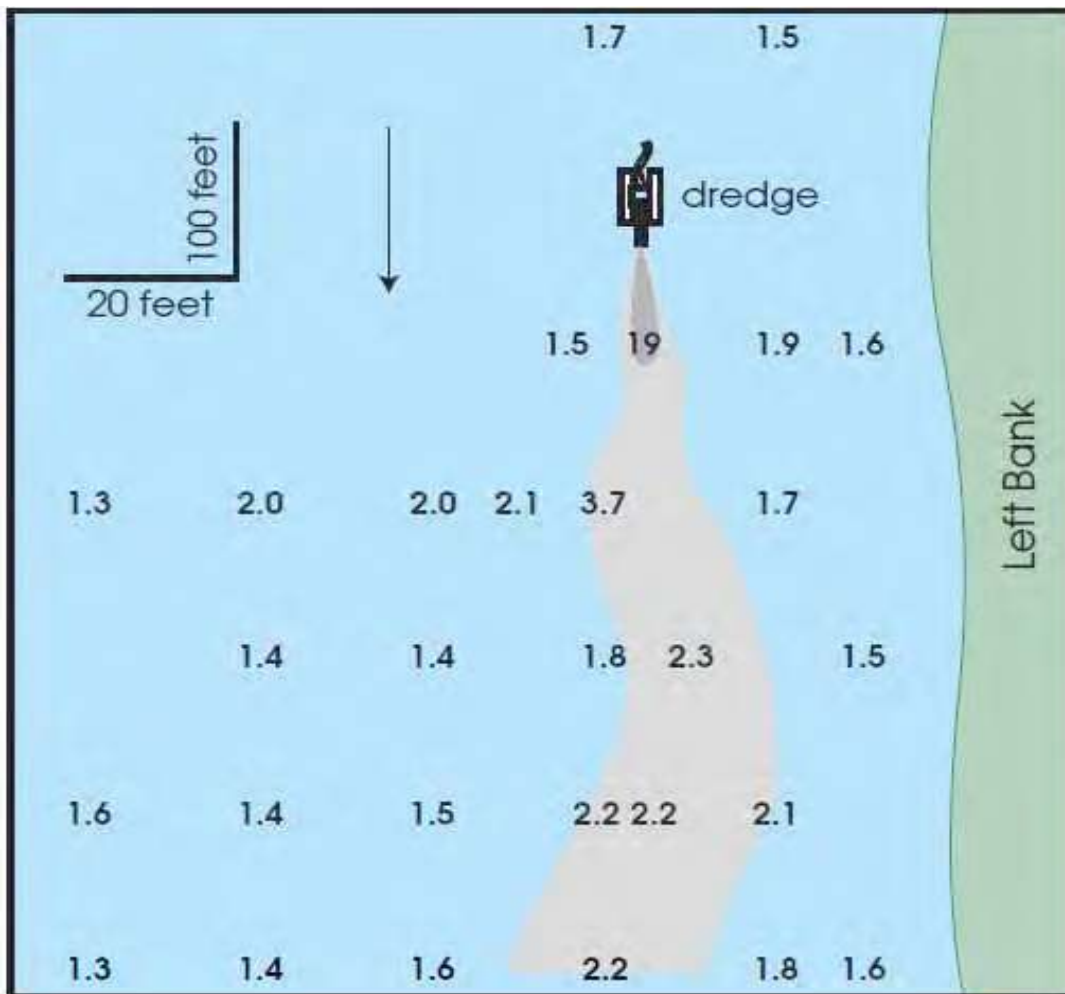
	Dredge 1			Dredge 2		
	1A	1B	1C	2A	2B	2C
pH	7.7	7.6	7.8	7.0	7.5	7.5
Arsenic	0.3	0.3	0.3	0.3	0.3	0.3
Iron	110.	110.	110.	100	97	100
Chromium	2	2	3	3	3	3
Cadmium	all less than 0.02 micrograms per liter					
Cobalt	0.07	0.07	0.06	0.06	0.05	0.05
Zinc	0.8	0.6	0.8	1.0	1.0	1.0
Lead	all less than 0.05 micrograms per liter					

“The data show similar water quality values for samples collected within and on either side of the dredge plumes. Further, the values shown in the table are roughly equal to or lower than the regional average concentrations for each dissolved metal, based on the analyses of 25 samples collected throughout the area. Therefore, suction dredging appears to have no measurable effect on the chemistry of the Fortymile River within this study area. We have observed greater variations in the natural stream chemistry in the region than in the dredge areas.”



**Turbidity and Total Suspended Solids –**

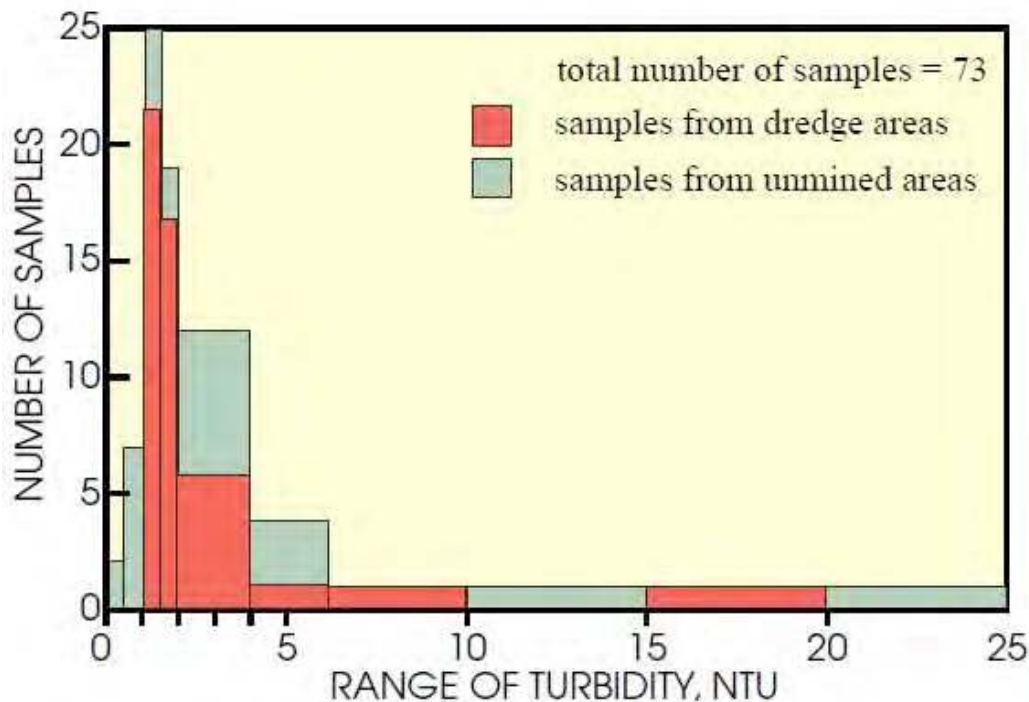
“State [AK] regulations require that suction dredges may not increase the turbidity of the river by more than 5 nephelometric turbidity units (NTU), 500 feet (»150 m) downstream. In both cases, the dredges were well within compliance with this regulation. The results of the turbidity survey for the 10-inch dredge are shown on figure 2. Turbidity values behind the 8-inch dredge were lower, because the smaller intake was moving less sediment material, and because the coarser sediments being worked by the 8-inch dredge settled more rapidly.”



“Figure 2. Results of turbidity survey behind an operating 10-inch suction dredge (site #1 on fig. 1). All numbers shown are in NTU, or nephelometric turbidity units; the standard unit of turbidity. The right bank of the river is off the edge of the figure. The approximate shape of the plume is shown in gray. Note that the figure is exaggerated 5x horizontally, so the plume is actually much narrower than it appears in the figure. To comply with State regulations, dredges may not increase the turbidity of the river by more than 5 NTU, 500 feet behind the dredge.”

### Comparison of Dredge Turbidity to Regional Values

“The turbidity values found in the dredge studies fall within the range of turbidity values found for currently mined areas of the Fortymile River and many of its unmined tributaries. Figure 3 shows the ranges of turbidity values observed along the horizontal axis, and the number of samples which fall within each of those ranges. For example, 25 samples had turbidity between 1.0 and 1.5 NTU, 22 of which were in a dredged area. The highest turbidity value was from an unmined tributary to Uhler Creek; the lowest from a number of different tributaries to the North Fork. As seen on the figure, there is no appreciable difference in the distribution of turbidity values between mined and unmined areas.”



“Figure 3. A comparison of turbidity values between mined and unmined areas shows that the suction dredge mining does not affect the turbidity of the Fortymile River system under the conditions studied. The highest turbidity values from the dredge areas are within 200 feet (60 m) of the back of the two operating dredges which were studied.”

(NOTE – The only place the 10” dredge had turbidity levels higher than the AK limits, of not greater than 5 ntu above background levels past 500ft, was the narrow silt plume going less than 200 feet downstream. The 10” dredge was also working finer sediments than the 8” dredge, which had even lower turbidity numbers. These dredges were even working in a ‘Wild and Scenic Corridor’ designated by the Alaska National Interest Lands Conservation Act)

**USGS Summary**

“As seen in the chemical and turbidity data any variations in water quality due to the suction dredging activity fall within the natural variations in water quality. This conclusion is further supported by the other water-quality data collected throughout the region....”

**CONCLUSIONS**

It would appear that the DSEIR missed a couple studies, or found the information in these two Federal Studies would be of no use in determining the significance of dredging impacts.

That apparently being the case, I would like to quote CEQA Section 15384(a), which requires DFG to consider the “whole record” before it, including this letter and the cited studies.

*“Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency”.*

Due to all the above USGS and EPA study findings, it should be obvious that the impacts of dredging (with even a **10** inch or **8** inch dredge) does not rise to any Significant level that needs to be regulated further, especially for smaller dredge sizes.

**RECOMMENDATIONS**

Drop the following Proposed Regulations:

Sec 228(g) Maximum of 4000 dredge permits.

Sec 228(j)(1) Maximum nozzle size 4”.

Sec 228(k)(3) No dredging 3 feet from a bank.

And.....

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Remove the following two impact designations:

“Impact CUM 6: Turbidity/TSS Discharges from Suction Dredging” and  
“Impact WQ 5: Effects of Resuspension and Discharge of Other Trace Metals from  
Suction dredging” from the Significant and Unavoidable Impacts listed in  
Chapter/Section 6.2.3 of the DSEIR. Since DFG has failed to provide any specific  
dredge study evidence that shows a significant impact with regards to silt, trace metals, or  
macroinvertebrates, and in as much as two Federal Studies have shown such impacts to  
be ‘minimal as well as temporary and localized’, these SU conclusions are incorrect.

Thank you for this opportunity to be part of the process.

Respectfully submitted,

Joseph Albrecht

-Cited Research-

(USEPA 1999) - T. Royer, A. Prussian, G. Minshall. Department of Biological Sciences,  
Idaho State University. Final Report - April 1999. *Impact of suction dredging on water quality,  
benthic habitat, and biota in the Fortymile River and Resurrection Creek, Alaska*

(USGS 1997) – US Dept of Interior, US Geological Survey, Alaska Dept of Natural  
Resources. USGS Fact Sheet FS-154-97. October 1997.

# Joseph A. Albrecht

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

May 6, 2011

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

**RE: Comments on Proposed Regulations and DSEIR**

Dear Mr. Stopher,

The information presented herein will support my recommended changes in the following Proposed Regulations and the DSEIR.

Fish & Game Code sections:

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

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

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

And.....

DSEIR Chapter/Section 6.2.3 – Significant and Unavoidable Impacts

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The 2011 DSEIR attempts to show that the Turbidity and Total Suspended Solids (hereafter ‘silt’) caused by suction dredging is a Significant impact that needs to be restricted. But in Chapter 6.2.3 the DSEIR declares silt as a Significant and Unavoidable impact.

It also appears that some of changes in the Proposed Regulations (Section 228) are focused on reducing silt production by gold suction dredges. Further, the DSEIR attempts to show how silt from dredging can cause negative impacts to various species, and thus must be restricted even more than in the 1994 Regulations.

The problem with the DSEIR environmental impact analysis is that it fails to address the most obvious and logical question regarding silt in ‘any river or stream’ in CA. That question is:

“How does any river or stream survive the natural annual onslaught of silt that courses down its length for miles and miles, from bank to bank, for days on end?”

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The simple fact is, the DSEIR ignores the numerous annual rain and snow melt events in CA that regularly silt up entire waterways for many consecutive days in a row.

If one were to believe the conclusions of the DSEIR that silt has a Significant and Unavoidable negative impact on the various species that inhabit California's rivers and streams, one would also have to conclude that these same water courses should be completely devoid of all life forms after the multi-annual siltings of those same waters by natural events.

How does natural stream/river silting occur? And to what degree is it significant?

Below is an example of a tributary stream flowing into a small river the day after a light rain in the central CA mountains. (April 18, 2011)



The silt from this small tributary (top left corner) dumped into this small river 24/7 for days. This is how Nature suspends silt and puts it in a river.



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Notice the density of the red-brown silt dumping into the river. This silt dumping tributary has no mining, logging, dirt roads or residential areas upstream. Yet, what you are seeing here happened for a week or more as a result of light and scattered rain showers. Just one central CA storm front caused this mass silting event in this one tributary stream. Now multiply this times the thousands of tributary streams in CA and you get some idea of the scale of natural silting.

Unlike nature, a dredger occasionally creates a similar but far less dense kind of silt flow from the narrow 18" wide end of his dredge sluice for an hour or less each day, as he works his way through the less than 3% of silt that makes up a stream bed, and might suspend for 50-100 feet before dropping back to the bottom. The remainder of the 97% of material he moves is larger sands and gravels that do not suspend but fall back to the stream floor within feet. And, he would only be doing this silting during a time frame when no fish productive cycles were being impacted.

Compare that with Nature, which is under no such constraints and does not comply with Fish & Game Code dredging seasons.

All this natural silting happens across all of CA, for continuous days, 24/7, many times each year, but do all these rivers and their eco-systems die?

It is obvious to any common person that rivers and streams do not die after massive natural silting events. Instead, they survive and thrive from these natural occurrences. They use the new soil, minerals and bio-mass being offered and turn it into a thriving replenished eco-system. So, why has the DSEIR not explored this most basic and essential question?

Perhaps it is because it would logically lead to the conclusion that the "localized and temporary" impact of re-suspending the same exact material that was deposited by Nature would have a 'Less Than Significant' impact any time it occurred. Especially, when compared to the massive natural silt "Non-Impact" happening often every year, at random times, 24 hours a day non-stop for many sequential days.

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To illustrate this important point even further, here is a digital photograph taken of another central CA river, on April 8, 2011. It clearly shows a bank to bank silty river, flowing for as far as the eye can see. This was taken about 19 months after a statewide dredging ban. But a dozen dredgers working less than a mile upstream of this point could not have caused anything close to this kind of silt condition on this river, or any other river in CA. This was all done by nature.



Will this river and all its water born species die after this silting event?

Since this most basic question and it's answer have been ignored in the DSEIR, one is required to ask why?

Considering this serious deficiency in the DSEIR, and the obvious 'Less Than Significant' impact of dredging with regards to silt, it would appear DFG has insufficient grounds based on Turbidity/TSS (silting) for additional restrictions on dredging in CA, and thus must consider the following recommendations.



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Omit the following new sections:

Sec 228(g) Maximum of 4000 dredge permits.

Sec 228(j)(1) Maximum nozzle size 4”.

Sec 228(k)(3) No dredging 3 feet from a bank.

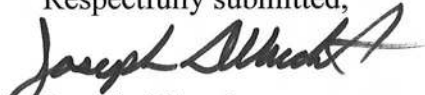
And.....

Remove the following category:

“Impact CUM 6: Turbidity/TSS Discharges from Suction Dredging”  
from the Significant and Unavoidable Impacts listed in Chapter/Section 6.2.3 of the  
DSEIR. In as much as DFG has failed to prove any significant impact by comparing  
extremely significant Natural silting to the very ‘temporary and localized minimal silting’  
of a suction dredging, this conclusion is incorrect.

Thank you for the opportunity to submit comments in this matter.

Respectfully submitted,

  
Joseph Albrecht

**Subject:** Dredging Comments  
**Date:** Friday, May 6, 2011 4:51:23 PM PT  
**From:** leo surfer  
**To:** dfgsuctiondredge@dfg.ca.gov

Dear Mark Stopher

Thank you for your time spent with my comments and concerns in this email :

I have to say that the report showed NO REAL damage done by dredgers. In fact it it's one of the most environmentally friendly way to prospect... then why are the rules changing so much... ? Just to please one group of people - regardless of facts... ?

**I don't get why there will be less times in the year to dredge (less class H)...**

**Why we have to stay so far from the edge of the river (3 feet) it will knock out most places to dredge...**

**Only able to dredge six locations a year - why is that...**

**Common sense says that we have to go to a river and then hunt around for the best spots...**

**I DON'T KNOW WHERE I'LL FIND THE SPOTS - UNTIL I GET THERE - LET ALONE AT THE BEGINNING OF THE YEAR - you can't sample pan ten feet under water !!!!**

It seems like the changes are just set up to make it seem like we can dredge - but really - it will be hard to dredge at all if it's set up to **most** of the new rules !!!

Once again please get us back to more of the 1994 regulations - **we've done nothing wrong**,  
Thank You again for your time and work,

Ostilio Cichowitz RT (R)  
American Independent Party

825 Santa Paula St

Mr. Mark Stopher

California Dept. Of Fish and Game

601 Locust Street

Redding, CA 96001

Regarding Questions and Issues for Suction Dredge Permitting Program (DSEIR)

Mr. Stopher,

My name is Robert Davies, I am a Recreational Gold Prospector. Our family has thoroughly enjoyed dredging, high banking, sluicing and panning for gold the last few years. We will spend on average 15 summer days a year at our claim. We set up camp for usually five days at a time on our claim, located on Plumas National Forest land. Our claim is located in Section 18, Township 25N, Range 8E, Mer. MDM, A.P. N1/2 S.E. ¼. The location is called Twelve Mile Bar, it is located on the East Branch of the North Fork of the Feather River.

During our time on the claim, our family has always left the claim, land and river, cleaner than when we arrived. Removing trash on land, as well as removing lead, buried junk, etc from water through dredging and/or high banking. This is just a little history about our family and recreational mining. Now here is my concern with the new proposed Dredging SEIR as it pertains to my claim area specifically.

In the past, my claim was a Class C Dredging area with dredging allowed from the 4<sup>th</sup> Saturday in May through Oct. 15<sup>th</sup>, the summer months when our family could enjoy an outing together, with school being out and vacation time for myself and my wife. During this time of year while we're there on claim, I can honestly say I never saw any signs of the Foothill Yellow Legged Frog, whether it was frogs, tadpoles or eggs. After dredging was halted in 2009, I contacted Dept. of Fish and Game with questions regarding high banking on my claim since I couldn't dredge. I was told by Bob Hosea, (916) 704-9156, from the Dept. of Fish and Game, I believe was his name that as long as I followed proper high banking procedure and if he checked for endangered species in that area and found none that I could indeed high bank. Well he informed me that no known species of endangered animals, plants, fish, amphibians, etc. were in that specific area of my claim. So I high banked for approximately 15 days in the summer of 2010 with no problems.

With the new proposed SEIR Dredging proposal my claim area falls under the New (Class E season) – Section 2.2.4 Draft Proposed Regulations page 2-44 or page 105 of page 827 on CD disk. Making dredging legal from September 1 through January 31, fall and winter months. This change reportedly was due to the Foothill Yellow Legged Frog, Table 4.3 -1 Action Species, page 342 of 827 on CD disk. Again I have seen no visible signs of this frog on my claim area. Was this change just applied to the whole region in general or are these frogs really on my claim?

I would appreciate a further look by biologist at my claim site for the presence of the Foothill Yellow Legged Frog. I would hope if the findings show that the Foothill Yellow Legged Frog isn't found on my

claim. East Branch of the North Fork Feather River – Section 18, Township 25N – Range 8E – Mer. MDM – A.P. N1/2 SE ¼ - Twelve Mile Bar that the Dredging Class could be moved earlier in the summer months, when my entire family can once again enjoy the great outdoors and be allowed to recreational dredging.

I am also very concerned with the new 3 foot rule, saying you can't dredge within 3 feet of the current river edge. The storage of the fuel 100 feet from the river is also troubling, since you still have to fuel your equipment on or near the water. I hope that DFG takes a serious look at these proposals.

I would hope that all my concerns are genuinely and seriously looked at. I hope that all questions that I have are seriously investigated and I get qualified answers to all my concerns? Thank you for your time. Please allow us honest, not always perfect, well intentioned, law abiding citizens of the State Of California to continue to prospect for gold by dredging and high banking as our ancestors did long ago.

Please concentrate your efforts on those few that don't care, don't abide by the laws concerning prospecting and the environment!

Thanks,

Robert Davies

P.O. Box 587

Burney, CA. 96013

A handwritten signature in blue ink that reads "Robert Davies". The signature is written in a cursive style with a long horizontal stroke extending to the right.

May 6, 2011

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

RE: Comments on Draft Suction Dredge Mining EIR  
May 10, 2011 at public hearing in Sacramento, California

Mr. Stopher,

Friends of Mariposa Creek, in Mariposa, California are here today to express our concern about the draft Supplemental Environmental Impact Review (EIR) of suction dredge mining that is currently being circulated by your department. We believe that the current EIR proposes draft regulations for mining are seriously flawed.

The draft EIR documents nine significant and unavoidable negative impacts of suction dredge mining including negative impacts of toxic mercury discharge, negative impacts to birds, water quality, historic and unique archaeological resources, unacceptable noise levels, the destruction of wildlife and riparian habitat, cumulative impacts of turbidity, and cumulative impacts of mercury resuspension and discharge.

Public records indicate that since the year 2000, the State Water Resources Control Board (SWRCB) has known, and stated publicly, that the operation of a suction dredge, on Waters of the United States anywhere within the state of California is illegal. The SWRCB knows that no Clean Water Act permit exists to support the issuance of such permits by any agency. Countless volumes of public records tell us SWRCB and DFG know that suction dredge operators and bank miners are poisoning our waters where legacy mercury already exists. Especially egregious, is the illegal transport, storing, handling and disposal of neurotoxic mercury, pervasive with suction dredge mining, and high bank mining activities.

Extensive legal memorandum demonstrates the State, and the SWRCB by extension, owes a duty under the Public Trust Doctrine, to protect the State's waterways for the use and enjoyment of *all* the people of the State, including an affirmative duty to protect the biological integrity of the aquatic environment of the State's waterways. (*National Audubon Society v. Superior Court* (1983); *Marks v. Whitney* (1971)). SWRCB's duty to protect California's waterways supercedes any claim of "rights to mine" under the 1872 General Mining Law, which was enacted twenty two years *after* the State assumed trusteeship over it's rivers and streams. Therefore, the 1872 General Mining Law cannot, and does not, "authorize" otherwise illegal suction dredge mining activities in the State; (*Utah v. United States* (1971)).

The State's public agencies, including SWRCB and CDFG, owe a mandatory, trustee duty under the Public Trust Doctrine to maintain and regulate the use of the beds of the State's waters in a manner that ensures the protection of public health and safety, and that maintains the Public Trust values of the State's waterways for *all* of the People of the State. Under all applicable laws, the patent and gross illegality of section dredging, bank mining and similar activities cannot be permitted by any agency.

DFG proposed new regulations condone the use of neurotoxic mercury for recreational purposes. This evidence is unacceptable and inconsistent with state and federal law. Many waterways open to mining have suffered severe impacts of legacy mining contamination. DFG did not study any segments of Mariposa Creek and many other specific stream and river segments, making conclusions regarding impacts incomplete, vague, inconsistent and lacking cohesion. The EIR states that high banking can be as damaging or more so than suction dredge mining because operators employ many of the same methods. Yet, the proposed new regulations are completely silent on high bank mining. It is unacceptable that high bank gold mining continues. Miners state they will continue to ignore restrictions on their hobby. DFG states a handbook of voluntary compliance will mitigate significant and unavoidable impacts. Clearly, it will not. What is clear is the intentionally convoluted, illegal scheme suggesting that the proposed new regulations will mitigate any of the significant and unavoidable negative impacts. They will not.

The EIR and proposed regulations do not address the numerous significant and unavoidable impacts that directly effect private property owners. Proposed regulations do not provide protections from toxic mercury discharge, or excessive noise levels. Not mentioned at all, in either document are protections from the significant loss of property values, which result do to the proximity of mining activities. The cumulative effects of significant and unavoidable impacts to private homeowners are unacceptable.

Our home is within thirty feet of dredge and high banking sites, which are located in the Mariposa Creek not far from Yosemite National Park. We have personally witnessed the negative impacts of suction dredge mining and high bank mining in the waters of Mariposa Creek, on adjacent properties, and on our private property. Observed is the use of the public waters and banks for human waste, abandoned gas, and oil cans and dredge equipment in the water and on the banks, garbage and litter in the water and on the banks, and the extreme decline in wildlife and water quality. The deafening noise from dredge engines is intolerable and we are forced to leave our home to escape it. In plain view from our home are prehistoric Native American grinding holes in the granite banks. The EIR states that gold mining activities degrade such sites.

The cumulative negative impacts of dredge mining and high banking activities have greatly reduced the value of our private property. As well, rights to the peaceful enjoyment of our private property have been lost. Environmental health issues are of great concern. Miners have intimidated my family and me, and we have suffered unconscionable disregard for our privacy and health. We fear acts of retaliation against us. Yet, we are offered no protections. High bank mining continues unregulated,



directly in front of our homes on a frequent, almost daily bases. With bank mining activities escalating, the use of bigger engines and equipment is likely to follow. Under these conditions, we have considered that we may no longer be able to live in our homes.

With volumes of evidence and public records at hand, clearly, rules of civility and reason must apply. Not one of you or any other citizen of our state would tolerate in front of your own homes what we have endured and continue to endure in front of ours. As a matter of a Public Trust Duty, Friends of Mariposa Creek urge legislators, state and local agencies to take all actions necessary to permanently prohibit suction dredge mining, and prohibit any recreational mining method, which employs the use of machinery powered by any source. The sale of such mining equipment and “recreational” neurotoxic mercury must be illegal as well to ensure efficient and effective compliance. Friends of Mariposa Creek will not tolerate illegal mining activities, and nonexistent enforcement of environmental law.

Suction dredge mining, high banking, and similar activities are a pernicious throw-back to the noxious mining practices that have left the State of California with an estimated 47,000 abandoned mines, and Mariposa County with an estimated two thousand abandoned mines. The EPA acknowledges ~~by~~ that abandoned mines bilge mercury, arsenic, and other toxins into our watersheds, bays and backyards every time it rains. Now, with another \$1.5 million dollars spent and rigorous scientific data at hand, mining advocates cannot continue with business as usual. The DFG permit program costs the state hundreds of thousands of dollars more that it collects in permit fees, and has proven it is unable to enforce any proposed regulations. The departments proposed program will cost the state an estimated \$1.8 million, plus the unknown new cost of five hundred site inspectors for hobbyists requesting to use over-sized equipment for mega-dredges, and mega-water pumps. The added costs of significant and unavoidable damage to California’s environment are incalculable, and immeasurable. If the damage is done and continues to be done, where does it end? Who will pay for these costs to restore habitat, to revitalize waterways, and the clean up of more toxic mercury carelessly dumped anywhere the miners please? It is perfectly clear that it will not be the miners responsible for it, legislators permitting it, or the agencies ignoring the Public Trust Doctrine. Contrary to the agenda of the Department of Fish & Game and mining advocates, efforts are better spent cleaning up legacy mining contamination.

“No program” is the only acceptable alternative outlined. Clearly revealed in the documents, and related public documents are the architects of this intentionally convoluted and illegal scheme to defraud the People of the State. These architects are the State Water Resources Control Board (SWRCB), the Department of Toxic Substances Control (DTSC), DFG, mining advocates, and ultimately, the EPA. If legislators, state, and local agencies fail to enforce existing environmental laws, fail to take necessary actions to provide protections to prevent further damage to our property values, fail to take actions to protect our rights to the peaceful enjoyment of our homes and private property, in addition to our rights to be protected from environmental health hazards, Friends of Mariposa Creek will not hesitate to file suit against the California Environmental Protection Agency, Department of Fish & Game, and Mariposa County.

Thank you for the opportunity to comment.

Sincerely,

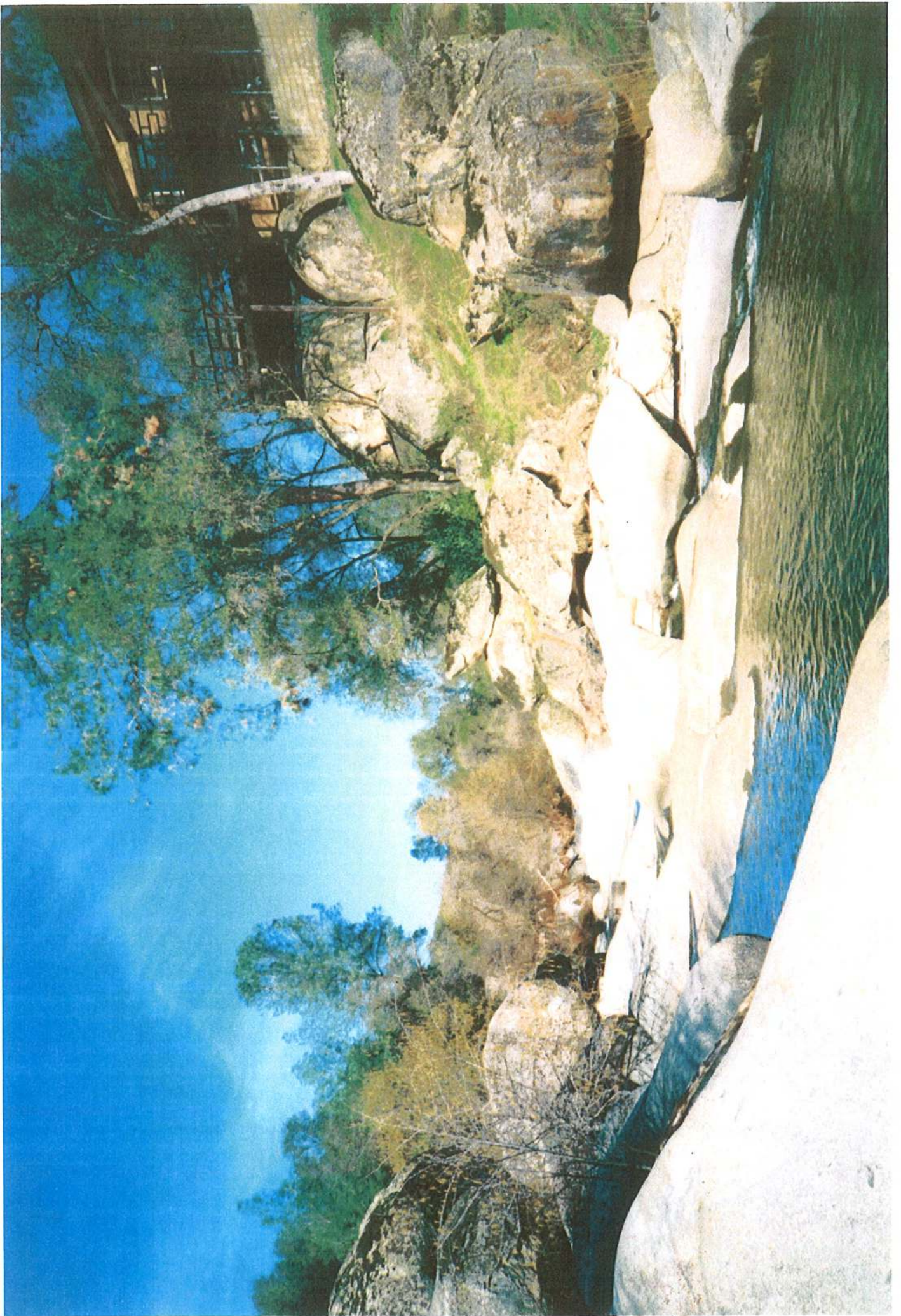
Sarah Windsor ~ Friends of Mariposa Creek  
Box 723  
Mariposa, California 95338

Cc: Friends of Mariposa Creek  
State Water Resources Control Board  
Mariposa County Board of Supervisors  
Mariposa County Department of Environmental Health  
Various Legal & Media

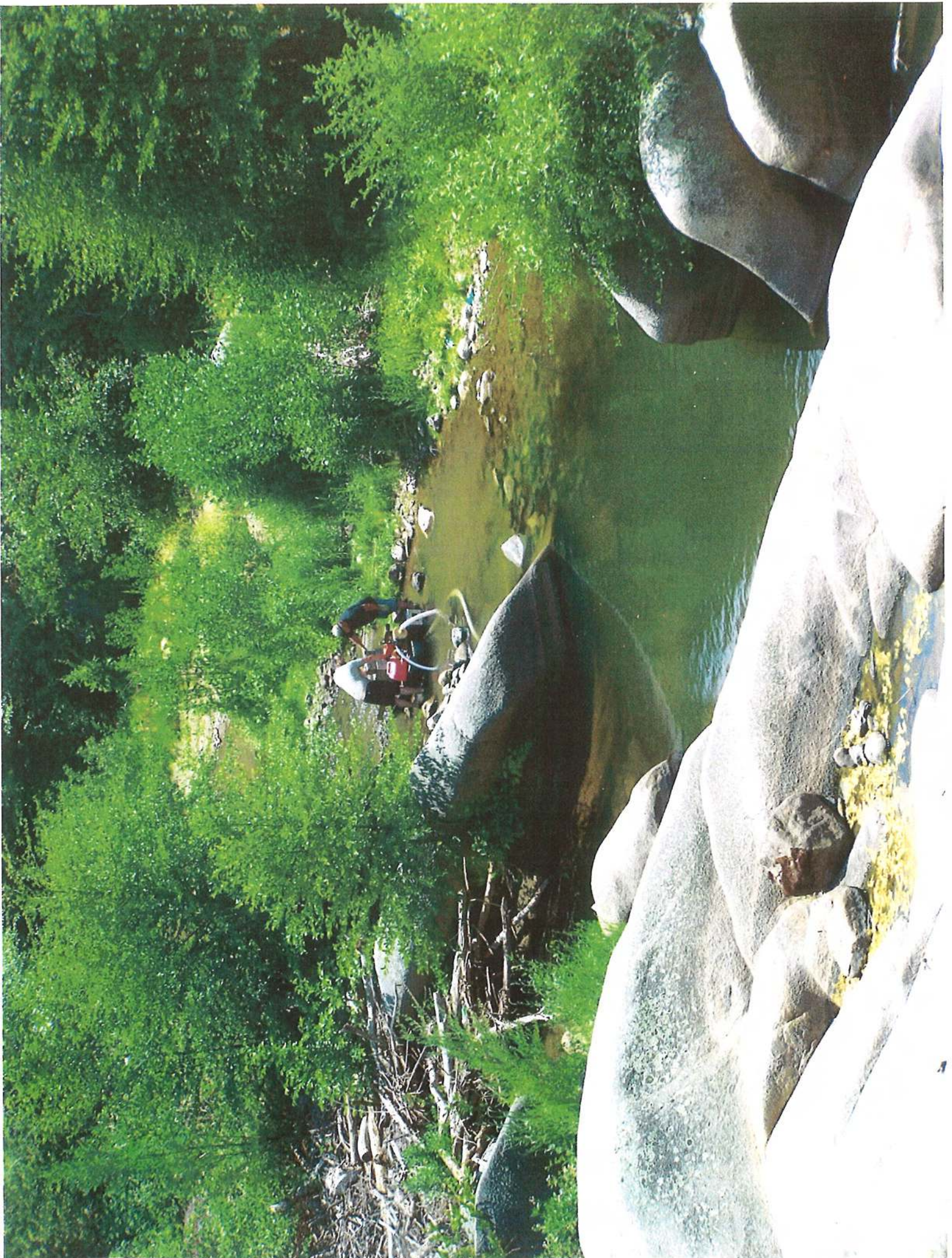
Enclosures: Photographs

1. Residence above Mariposa Creek in Mariposa County, California
2. Suction dredge miners photographed from residence. Gas can on dredge in water.
3. Suction dredge with gas can in the water, and dam construction several feet from residence.
4. Suction dredge with dam construction several feet from residence.
5. Garbage and debris on banks of Mariposa Creek near residence.
6. Dredge equipment and debris on banks of Mariposa Creek near residence.
7. Bank mining with gas powered water pump and water diversion a few feet from residence. Miner digging up vegetation and woody debris. Currently ongoing on a daily bases at Native American archeological site, near residence.

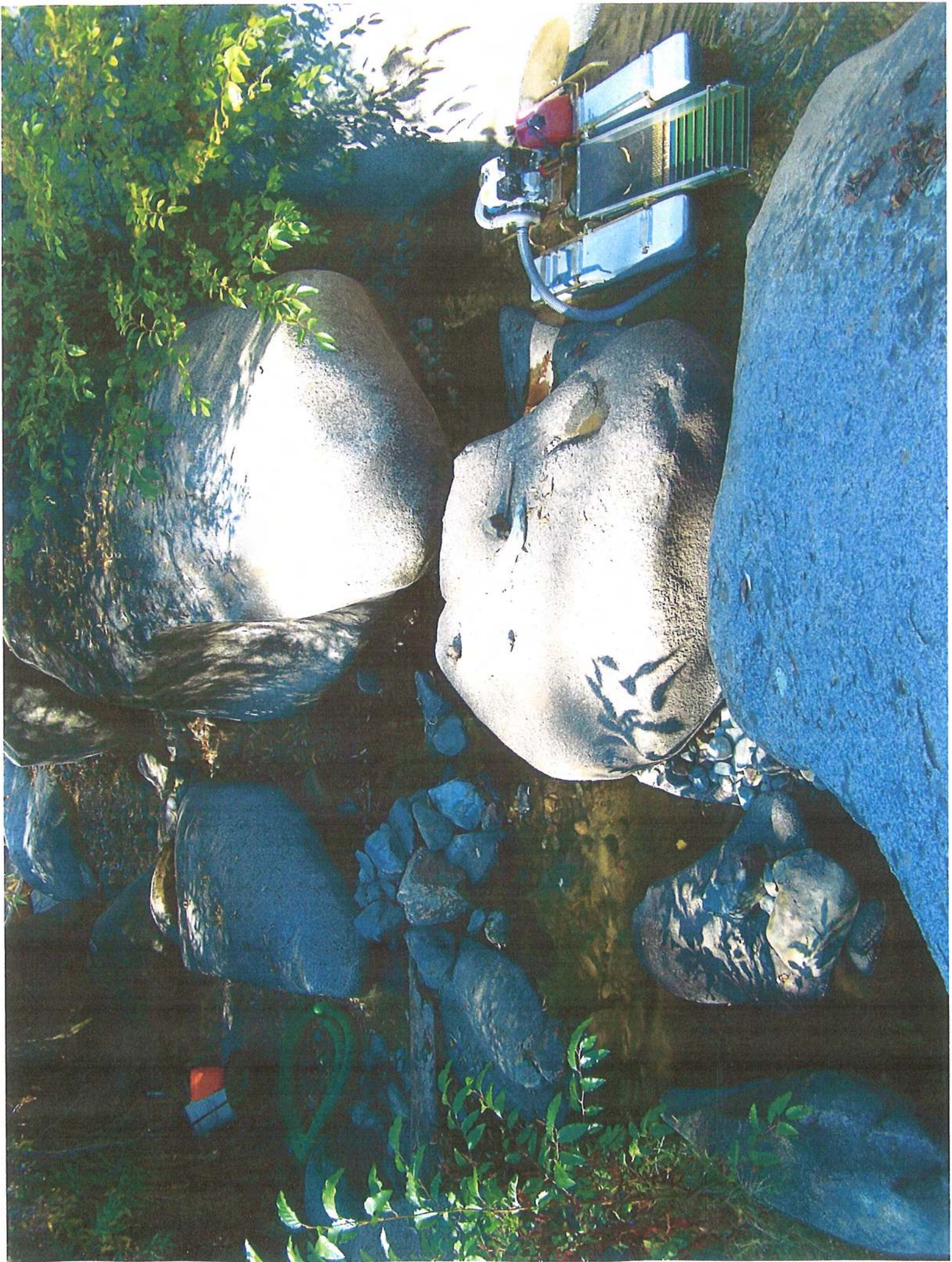
















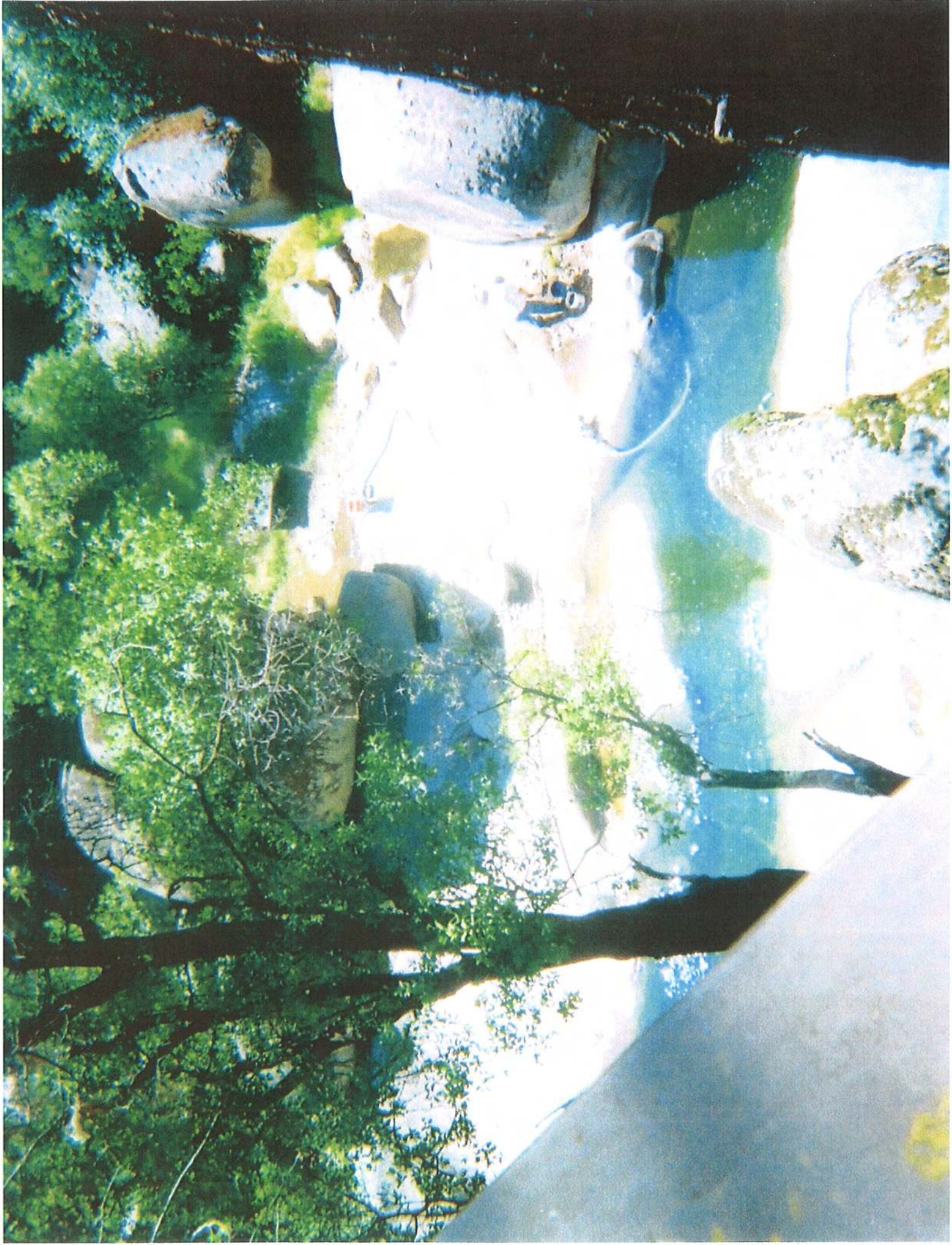














**Subject:** Comment Letter on DFG Draft Regulations for Suction Dredge Mining

**Date:** Friday, May 6, 2011 10:40:21 AM PT

**From:** Jim Ricker

**To:** dfgsuctiondredge@dfg.ca.gov

**CC:** Tom Quinn, Chris Fischer, Jeff Horn



Alliance

North Fork American River

(NFARA)

P.O. Box 292

Gold Run, CA. 95717

[www.nfara.org](http://www.nfara.org)

*To preserve the wild, scenic and cultural heritage within the watershed of the North Fork*

---

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

May 6, 2011

RE: Suction Dredge Mining Regulations

Dear Mr. Stopher,

The North Fork American River Alliance (NFARA) is a non-profit organization whose mission is to preserve the wild, scenic and cultural heritage of the North Fork American River watershed. We ask you to consider this letter as an official comment on the draft SEIR proposed for the draft amended regulations pertaining to suction dredge mining that have been circulated.

We believe that the draft regulations you are promulgating fail to address many significant issues that will negatively affect the North Fork American River. Your draft SEIR is factually inadequate and incomplete in its analysis of the problems associated with suction dredge mining.

As we understand the proposed regulations, you have concluded that there will be no state wide negative effects from the resumption of suction dredge mining. However, no effort has been made to examine the effects of this practice on any individual stream or river. This fact alone should cause the Department of Fish and Game to reject the environmental review commissioned. It is inconceivable to assume that, because a small number of miners operating on the main fork of a large river would have a less than significant effect on the environment, this rationale can be equated with dozens of miners on a small tributary stream. Yet you make this irrational assumption. Siltation, for example, may be less than significant on the main American River but is disastrous to all forms of fish and invertebrate life



on smaller tributary streams. In other words, when you reach conclusions as to the significance of a particular adverse impact your approach enables DFG to reach a "less than significant" conclusion on that particular impact because the overall statewide impact is (in your words) "minimal". It seems that such an approach is legally unsound. Using the North Fork American River as an example, it is unfathomable how you can reach such a conclusion if the analysis were focused on the North Fork itself. DFG must analyze each individual river, and its tributaries, for adverse impacts from proposed regulations. A statewide basis for evaluation is inadequate and will lead to major adverse impacts on some streams.

The North Fork American River is both a state and federally designated Wild River and a state-designated Wild Trout Stream. Neither of these facts has been considered by the Department of Fish and Game in the development of the new regulations. This area was closed to suction dredge mining under the previous regulations. Opening previously closed areas to suction dredge mining will cause highly significant adverse impacts that you have failed to address.

We note that as far back as 2007, the U.S. Forest Service made substantial comments to your department detailing the adverse environmental consequences of suction dredge mining. Please refer to the Forest Service's letter to the Department of Fish and Game dated December 27, 2007, file code 2600/2810. In that letter they detailed many concerns including the following:

- Suction dredging can leave piles of loose gravels, which attract spawning fish but are inherently unstable resulting in loss of eggs and redds when these loose gravels are displaced in higher stream flows.
- Suction dredging can raise the turbidity and increase suspended sediment, particularly when more than one suction dredging operation is occurring in a short length of spawning habitat.
- Chronic disturbance of fishes creates a significant impact by moving organisms to less favorable habitat. This is especially critical during the summer months when temperatures reach 55 to 70 degrees F. Even minor disturbances from dredge mining reduces the carrying capacity of aquatic organisms during times of increased natural stress, e.g. water temperature.
- Fresh water mussels are extremely susceptible to dredging and are imperiled in California.
- Studies have shown that dredging causes the mobilization of mercury causing mercury to be released into the environment.
- Disturbance of riparian vegetation, downed woody debris and large rocks/boulders outside the wetted stream surface is created by high banking, camping, trail and access route creation.

Please explain how, with all the individual problems associated with suction dredge mining, the Department of Fish and Game can conclude that the effects are less than significant. This rationale is akin to saying an oil spill in Eureka is insignificant because it did not affect San Francisco Bay.

Because our interest is in protecting the natural resources of the American River watershed, we frequently comment on timber harvest plans affecting this drainage. As your department is aware, a Registered Professional Forester must notify all landowners within 1000 feet downstream from a proposed harvest and allow sufficient time for the landowners to comment on how the harvest operation may affect the water quality resource. With this level of scrutiny afforded the public for an operation that may not even approach the stream course, please explain why a miner can send plumes of sediment downstream with no oversight and no chance for a downstream owner to address the miner's activity prior to it happening.

As another example of the inconsistency of your proposed regulations, a Registered Professional Forester and a Licensed Timber Operator can be subject to significant fines and sanctions and the landowner can be held accountable for remediation if, even inadvertently, sediment enters a watercourse. Please address the issue of why this level of control is levied against one activity while the

proposed regulations allow miners to operate at will within nearly any stream in the state with no regard for any environmental consequences.

Your proposed regulations only suggest that a miner is in violation of provisions of his/her permit if there is "willful" misconduct. The word "willful" is meaningless in the context of regulation enforcement and no other 1600 permit holder (logger, farmer, rancher) is granted that latitude. Please address why the term "willful" applies to mining activities but no other stream alteration permit holder.

We note that the Department of Fish and Game's mission statement is "to manage California's diverse fish, wildlife and plant resources, and the habitat on which they depend, for their ecological value and for their use and enjoyment by the public." Please explain how this worthy mission statement can be realized while you propose to allow suction dredge miners the authority to dig up stream bottoms and trample streamside vegetation.

Even with a 14 day limit on camping on public land, many miners stay much longer. In the narrow American River canyon, disposal of human waste is a problem; it accumulates in a few spots and leaches into the river. Piles of trash (including batteries and fuel containers) also accumulate and leach into the river. Trash and human waste have significant impacts on water quality, fisheries, and human health.

The permit fees the miners will be charged is inadequate to cover the cost of managing this program. Where will the funds come from to monitor dredging activities? Where will the funds come from for enforcement of the regulations? The budget situation in California is in crisis. Rivers and streams must be closed to mining if budget cuts result in insufficient wardens in the field to enforce the new regulations.

The elected officials in Placer County, a conservative county, have problems with your draft regulations as well. On May 3, 2011, Placer County Board of Supervisors unanimously approved a resolution, proposed by the County Fish and Game Commission, authorizing the BOS Chairman to write DFG and oppose the proposed regulations. The letter urges DFG to revise the regulations and 1) ban the use of dredges on "Wild and Scenic" waters, such as the North Fork American River Watershed, and also on "Wild Trout" status rivers, under the State Heritage Trout Program and 2) ban the use of 8 inch suction nozzles.

Recreational and commercial mining is not a legitimate activity in California if it is done at the expense of the state's fish, wildlife, water quality, human health, and state-protected beneficial uses of our rivers and streams. Suction dredge mining is completely inappropriate in the North Fork American River.

The North Fork American River Alliance joins in the comments provided by Bill Carnazzo on behalf of the Foothills Angler Coalition and adopts those comments as part of this letter.

Thank you for the opportunity to comment on your proposed regulations.

Sincerely,  
Jim Ricker,  
President-North Fork American River Alliance

Cc: Tom Quinn-Tahoe National Forest Supervisor, Chris Fischer-American River District Ranger  
TNF,  
Jeff Horn-Bureau of Land Management

~~~~~

Jim Ricker  
President, North Fork American River Alliance  
P.O. Box 536  
Alta, CA 95701  
530-389-8344  
<http://www.nfara.org>

~~~~~

**FAX Transmittal: 5/7/11 going to (530) 225-2391 (including 5 total pages)**

TO: Mark Stopher  
DFG  
601 Locust St  
Redding CA 96001

From: Joseph Albrecht  
PO Box 1674  
Helendale, CA 92342

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**RE: PUBLIC COMMENTS on Suction Dredge Regulations**

(Comments and submissions presented at the 3-23-11 DFG Public Meeting)

(Oral Presentation)

My name is Joseph Albrecht.

I have been a small scale miner and dredger in CA for over 20 years.

Let me start out by making.... One.... important.... point.

Dredgers are Not..... Environmental Terrorists!..... and we don't like being regulated as if we were!

To determine what has caused the demise of various fish and amphibian populations in CA, one must first look at DFG's decades long practice of planting hatchery raised trout and other species to make up for the annual state fish killing licenses sold by DFG. This single practice of dumping thousands or millions of fish into hundreds of water bodies has done more damage to cause near extinction of some fish and... frog species... than any other scientifically proven man made cause. That's right, DFG's own practices are second only to nature in causing mass extinction of some species.

Yet, here we are. A group of 3500 people who's legal activities are about to be further restricted, despite the fact that with our bare hands we create food, shelter from predators, and new places for spawning and procreation of the very species that have been decimated by DFG.

From what I have read in the DSEIR the vast majority of so called proof that dredging causes environmental harm in any measurable way, seems to come from unrealistic Hypotheses based in no actual controlled scientific test results that show "any" significant impact. This is then followed up by Wild

Speculation of a potential 'significant environmental impact' if dredging continues. The mere fact that DFG would write new regulations allowing dredging.... At All ...is a testament that even they do not believe these dire predictions.

No.... I think that the current regulations on the books are more than adequate to protect the species. In fact... I ...would have to Hypothesize and Speculate just like DFG's scientists, that the Proposed New Regulations might actually do more harm than good to CA's fish and amphibian populations, in light of recent lawsuits and scientific findings regarding trout planting.

Finally my last and most important point.....on this Public Comment process.

DFG has proposed around a hundred new restrictions on Suction Dredge mining presumably backed up by sound science. They have released an 800+ page Environmental Impact Report for our comments, expecting US to read the entire 800+ pages and guess which part or parts DFG felt supported each new Regulation. .... I believe that common sense dictates it should be the other way around!..... DFG should provide the Public with a separate document specifically referencing the exact chapters and sections of the DSEIR that support each new regulation or change, and then ask the public for comments? To do less is just not acceptable, and likely does not comply with the public disclosure and comment process.

To make this point ..... I hereby deliver.... in writing.... these 637 pages of backup documentation which contain the reasons I oppose each new regulation. I hope you can find in this document.... all of my reasons.... and figure out which of my reasons apply to which proposed regulation!

Thank You

(continued)

**RE: Public Comments on the Proposed Suction Dredge Regulations 2011**

(Written Comments delivered by Joseph Albrecht at the 3-23-11 Public Meeting in Santa Clarita, CA with a 637 page attachment in a 3" ring binder. Left in the Public Comments box at the exit.)

March 23, 2011

The attached literature, in part, supports my Comments in opposition to the Proposed Suction Dredge Regulations 2011 and the DSEIR.

There are hundreds of places in this literature that offer broad speculative projections of things that "might" occur if the worst case scenario were to happen in every dredging situation throughout the state.

It continuously suggests that numerous species of animals and plants Might, May, Possibly Could, and Presumably Might be impacted by suction dredge mining if, again, a worst case scenario happens whenever a dredge is in operation.

No where in this literature, that I have found, does a current scientific study say that as a result of a controlled test of an actual dredging operation there occurred the untimely demise of any plant, animal, fish or human. To the contrary, all that could be deduced by the observer was a wide array of presumptions and predictions that if some nightmare of coincidental conditions existed some time in the future, that then "maybe" there would be some significant impact.

In light of the many changes to the Suction Dredge Regulations, and considering the huge size and scope of the DSEIR one would think that some sort of actual proof of "significant environmental impact" had been discovered requiring these Regulation Changes.

So now the process begins, and the public is told to Comment on the proposed changes and be part of the process and the formation of the final draft of the new Regulations. Then they are offered web links to an 800+ page DSEIR and are left to figure out for themselves why DFG came up with each change. DFG knowing full well that many alleged impacts in the DSEIR factored into their writing of the Proposed Regulations, but failing to disclose these specific facts in a useable form. Those specific and multiple reasons for each new Regulation could not be divulged to the public, or the public could more easily criticize DFG's decision making process.

I contend that everywhere in this literature known as the DSEIR where an observation or interpretation was followed up with some form of speculation including, but not limited to, any words such as Might, May, Could, Likely, Presumably, Potentially cause significant impact, there is no offer of scientific and conclusive proof that additional restrictions on suction dredging are needed.

There are numerous places in this attached 637 page document, which I submit in support of my position, where I have marked the very words that make the presumptions invalid for purposes of proving 'significant impact'. Rather these same sections prove the opposite. That suction dredging in general has a less than significant impact on the environment when weighed against the mass destruction and remolding of the environment by mother nature every few years by numerous means.

I sincerely hope when you read this 637 pages of literature looking for all the reasons I have marked that suggest the Proposed Regulations are unnecessary, that you are able to deduce which markings apply to which regulation changes.

If you have trouble finding my markings/reasons for not supporting the new regulations, or you cannot figure out which markings apply to which changes that I disapprove of, you will find my cumulative reasoning on the last page of this document.

Respectfully submitted,  
Joseph Albrecht  
PO Box 1674  
Helendale, CA 92342

( Inserted Here: A printout of the first 637 pages of the DSEIR in a 3" binder.)

---

**THE LAST PAGE OF MY COMENTS**

HERE ALREADY?

I take it you either have not found all of my markings, or you found it preposterous for anyone to expect You to read 637 pages of research looking for reasons the Commenter cannot support the new regulations.

And thus you have come to my Primary Comment---

The Public Disclosure of DFG's reasons behind the Proposed Suction Dredge Regulations has been less than honest, not informative, and exceedingly negligent in my opinion.

One might even suggest it Does Not Comply in any way with the legal requirements for Public Disclosure of the facts supporting DFG's positon.

If DFG had been a lot more open about their decision making process for each new regulation, this process might have actually benefited them and the public to its highest potential. Instead DFG now has to review hundreds of Public Comments and respond to them, when they may not even be focused on the correct alleged impact(s) DFG feels support the new Regulations. A waste of everyone's time, in my book.

Perhaps in the next CEQA project DFG undertakes, they can be more forthcoming with their justifications for their decisions, instead of burying the public in paper to avoid having to defend their decisions.

Again, respectfully submitted in hopes of a better process in the future.

Joseph Albrecht  
PO Box 1674  
Helendale, CA 92342



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

May 7, 2011

Dear Mr. Stopher,

Thank you for allowing me the opportunity to comment on the California Department of Fish & Game's (CDFG) Suction Dredge Permitting Program Subsequent Environmental Impact Report (SEIR) and Proposed Regulations. I have been prospecting and suction dredge mining in California for 38 years. If I had found that using a suction dredge during that time had caused *any* environmental harm, I would have ceased using that equipment.

I am opposed to the Proposed Suction Dredge Regulations Program as presented to the public. I have spent many hours studying the data presented which supposedly backs up the conclusions drawn in the Draft Supplemental Environmental Impact Report (DSEIR) on which the new Proposed Regulations are based. It is apparent from those conclusions that the analysis of the collected data has been misinterpreted and twisted to arrive at self-serving and biased findings.

While reviewing the Alameda Court proceedings, which ordered the development of this SEIR, it has come to my attention that the attorneys for the CDFG told the court that they had scientific information that small-scale suction dredging *might* be harmful to fish. I also found out that during discovery by the agents of the miners, the CDFG attorneys refused to provide the scientific evidence they claimed was in their possession. Therefore, under court order, CDFG has provided a large amount of tax dollars to Horizon Environmental to *manufacture* data which seeks to show that dredging harms fish....data the State claimed to have in its possession prior to the court ordering the SEIR study be performed. And yet, the contents of the SEIR illustrate that the effects of suction dredging on fish, in every instance, is "Less than Significant". The SEIR results also illustrate that the State never possessed any additional scientific evidence they claimed would prove small-scale suction dredging was deleterious, in any way, to fish or wildlife beyond the data already analyzed in the 1994 EIR. The basis for the entire SEIR process was founded upon a lie presented by the State's attorneys. I am not an attorney Mr. Stopher but that sir, in my opinion, is nothing less than criminal fraud!

Based on the aforementioned *FACTS*, the logical course of action would be to declare the SEIR and the Proposed Suction Dredge Regulations null and void. I suggest the CDFG return to regulating suction dredging in California under the *ONLY* regulations based on ethical and true science, the 1994 Regulations Alternative.

Sincerely,

Tom Chambers    2126 Franklin Way    Hanford, Ca. 93230

**From:** ["Eric Chapman"](#)  
**To:** [dfgsuctiondredge@dfg.ca.gov](mailto:dfgsuctiondredge@dfg.ca.gov)  
**CC:**  
**Date:** 05/07/2011 11:16:16 AM  
**Subject:** Protect California Waterways

May 7, 2011

California Department of Fish and Game Section Dredge Program  
CA

Dear Section Dredge Program,

As a California resident, fisheries biologist, and trout fisherman I am very much opposed to the DFG permitting more gold dredging in our waterways.

Sincerely,

Mr. Eric Chapman  
1501 Cypress Ln  
Davis, CA 95616-1317

**Subject:** Suction Dredge Program Draft SEIR Comments

**Date:** Saturday, May 7, 2011 10:24:20 AM PT

**From:** Ray Derrick

**To:** dfgsuctiondredge@dfg.ca.gov

Please take note that I am the owner of the Gotta Go Bob claim, located on Elk Creek in Siskiyou County BLM CAMC #279663. I have reviewed your proposed regulations for suction dredging which appear to forbid any and all suction dredge mining on my claim. 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 in violation of federal law forbidding material interference with my federally protected mining rights, and also constitutes an unconstitutional taking of my private property without just compensation.

I urge you to reconsider your proposed regulations. This area has had strong fish runs for decades and after hydraulic mining and other large scale mining such as 8 inch dredges and diverting the stream bed, there is no harm to the fish, I agree that 4 inch dredges should be the limit in size for the creeks and the season from July 1st to mid September is adequate as there are no salmon in Elk Creek during those times.

Fishermen kill any fish they happen to catch, dredgers have not killed any that anyone knows about. Every morning when I dredge on Elk Creek small and sometimes larger trout are in my active dredge hole feeding on freed up insects in the water.

Focusing environmental regulation on an activity like suction dredging, which actually improves fish habitat, discredits your regulatory role.

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

Ray Derrick  
257 Rainbow Dr #15792  
Livingston Tx. 77399