



North Fork American River Alliance (NFARA)

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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