

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

SUZANNE ALLEN DE SANCHEZ
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May 3, 2011

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

Re: Suction Dredging Draft Subsequent Environmental Impact Report

Dear Mr. Stopher:

El Dorado County has a rich history of gold mining and has provided a viable and prosperous vocation for hundreds of thousands of miners, producing tens of millions of ounces of gold since its discovery in 1848. With the passage of SB 670 in August 2009 all suction dredging operations ceased in the State of California, further depressing the local economy. Equally concerning, is the California Department of Fish and Game (DFG) and their proposed rules and regulations with the recent release of the Draft Subsequent Environmental Impact Report (DSEIR) on suction dredging. The proposed rules and regulations will adversely affect thousands of jobs and diminish the value of the mineral estate of thousands of private property owners who hold title to land in California.

Clearly ignored in the DSEIR is the macroscopic effect of naturally occurring processes to our rivers and streams versus the microscopic effect of the few thousand miners who extract gold from these waterways (SNF Cooley 1995). It is well documented that the dredging industry has little effect on our waterways. In fact, while producing a culturally important and significant benefit to our economy, they contribute significantly to the cleaning of waste and toxic metals from the bottom of the river beds cost free to the taxpayers; which is an important fact to be considered.

One of the newly proposed regulations would prohibit dredging within three feet of the wetted edge of a stream and would impact mining on nearly every private or public small stream in California. This proposal affects a "Takings" of the only economically viable means to extract gold (suction dredging) from the mineral estate on private gold bearing properties containing a small stream. There is nothing in the DSEIR to substantiate the need for the addition of this rule and is a violation of our Constitution and property rights.

More specific to El Dorado County, the new regulations prohibit dredging in Weber Creek and Rock Creek, which have continually produced significant amounts of gold on private property and federal mining claims.

California Department of Fish and Game
May 3, 2011
Page 2

The complete prohibition of small-scale mining on these historically productive streams is not acceptable or scientifically substantiated in the DSEIR.

Another issue of great concern to those in El Dorado County is the proposed rule changes affecting mining on the Cosumnes River Watershed. Changes to seasonal restrictions already in place since 1994, should not be imposed without irrefutable, science based, peer-review studies supporting such changes. These proposed changes negatively impact the economic viability of many small-scale mining businesses on private property as well as Federal Mining Claims. The regulation, which only allows work between September 1 through January 31 annually, is effectively a complete prohibition of mining on affected streams. Mining becomes progressively more difficult due to extreme low water flows that occur by early fall, on the streams zoned E, that render equipment virtually inoperative. As well, rapidly cooling seasonal temperatures make it physically impossible to work in a wet environment while in the upper reaches of the Cosumnes River i.e.; Camp Creek and Middle Fork Cosumnes near Pi Pi Valley. Also, valuable equipment and lives will be put in peril by the ever-present threat of flash floods which occur often in the fall at these higher elevation streams. This questionable, proposed new zoning, which imposes a fall and winter "season of operation", is not acceptable, justified or practical. This unwarranted rule change is downright hazardous to physical lives as well as the economic well-being of the productive miners in El Dorado County.

Until the passage of SB 670, hundreds of ounces of gold were mined annually by professional dredgers from the South Fork American River (River) in El Dorado County. In 1994, DFG reduced the dredging from "Year Round" to a June 1 through October 15 annual season despite the repeated requests to provide a justifiable reason for this closure. There is a misconception that suction dredging has a negative effect on the aquatic life in the River, but this has never been proven. In fact, the uneven spiked releases from Chili Bar Dam between 250 Cubic Feet per Second (CFS) and 4,000 CFS results in a fluctuation on the River, and creates a severely compromised biological zone of over four feet in elevation, which has a severe negative affect on the aquatic and riparian life. Given this fact and the knowledge there are hundreds of thousands of additional recreational users, it is without merit that the dredging community be held responsible for negative effects to our River corridor and its habitats. Unless the DFG and the new DSEIR can produce objective, fact based reasons for seasonal or nozzle size restrictions of suction dredging on this environmentally compromised river, we recommend professional and recreational miners be allowed to resume their valuable work year round. Unjustified, arbitrary regulations are not acceptable.

As it stands, the DFG's currently proposed new rules and regulations appear to ignore scientific facts and documented independent peer reviewed studies that have been recognized and noted in the present and past EIR processes. The El Dorado County Board of Supervisors requests that all conclusions be objective and accurate and not based on conjecture, but reflect the actual scientific facts and peer reviewed studies.

Thank you for your consideration.

Sincerely,



Raymond J. Nutting, Chair
El Dorado County Board of Supervisors