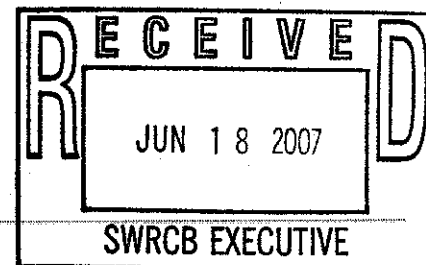


6/12/07 Workshop
 Suction Dredge Mining
 Deadline: 6/22/07 Noon

commentletters - Comment letter - Suction Dredge Mining

From: <THEPIMLEYS@aol.com>
To: <commentletters@waterboards.ca.gov>
Date: 6/18/2007 4:01 PM
Subject: Comment letter - Suction Dredge Mining



June 18 2007

My name is Kent Pimley and I'm writing you because of the bill AB 1032. I would like you to vote no on this bill. Please take a good hard look at this Bill.

Two studies were completed by the California Journal of Fisheries Management. In these studies, more than 2000 lakes and rivers were surveyed within the entire Golden Trout habitat. Mining activities were not even mentioned in these independent comprehensive studies. They do specifically identify that cattle and livestock grazing is predominantly responsible for the destruction of stream banks and shoreline vegetation in this region. Also mentioned as having a significant negative affect on the trout was the planned introduction of other non-native fish species. These 12 and 16 page comprehensive reports were written by Ms. Kathleen R. Matthews and Mr. Ronald A. Knapp and represent the only known comprehensive field studies of the Golden Trout habitat.

This bill cites recreational mining as the source of habitat degradation, yet field studies (short or long term) of any kind have not been conducted to support this claim. This bill simply has no legal or fundamental foundation and must be reviewed for accuracy by your committee. Throughout history past and present, recreational mining has played an important role in the state of California. Sir, I would also like to bring to your attention that recreational miners are just that, recreational. Recreational miners are not taking bulldozers and heavy equipment to these remote streams and rivers. Most hike in with only a small plastic or metal gold pan or a small suction device (which the state requires a permit and enforces limitations). The various state departments do an excellent job enforcing the current laws concerning recreational prospecting. Bill 1032 addresses an important topic but unlawfully blames a community to which no blame is due.

I urge you to please take a look at these finding.

California Environmental Analysis of Suction Dredging

The State of California explained in its environmental analysis of suction dredging: "In streams carrying heavy sediment loads, the substrate often becomes compacted. The result is a highly-embedded and nearly 'cement-hard' substrate which provides poor fish spawning and rearing conditions. Suction dredging in such stream areas may break up compacted substrate and mobilize the fines . . .". (See MER40.)

This study corroborated the findings of numerous prior cumulative impact studies. (See, e.g., MER24 ("The only attempt to measure cumulative effects of dredging on fish and invertebrates (Harvey 1986) suggested that a moderate density of dredges does not generate detectable cumulative effects"); MER30 (thirty-five years of personal observations); MER32 (six 6" dredges on 2 km stream and 40 dredges on 11 km stretch

"had no additive effects"); MER33 (no cumulative effects from twenty-four 3" to 6" dredges along 15 km stretch); MER34-35(California state EIS finds no significant effects); MER36 (U.S. Army Corps of Engineers study provides "official recognition of what suction dredgers have long claimed: that below a certain size [4 inches], the effects of suction dredging are so small and so short-term as to not warrant the regulations being imposed in many cases", finds de minimus impact on aquatic resources).

One part at a time I gess.

1993 U.S. Army Corps of Engineers Special Notice on suction dredging
The main reason this SPECIAL PUBLIC NOTICE 94-10 is presented here is to show the Corps finding of de minimis (i.e., inconsequential) effects on aquatic resources for suction dredges with nozzle openings of 4 inches or less. This is an official recognition of what suction dredgers have long claimed; that below a certain size, the effects of suction dredging are so small and so short-term as to not warrant the regulations being imposed in many cases. The U.S. Environmental Protection Agency (EPA), in particular, has ignored this concept, although numerous studies, including the EPA's own 1999 study of suction dredging, repeatedly and consistently support the Corps finding de minimis effects. The reports consistently find no actual impact of consequence on the environment, and so almost always fall back to the position that "potential for impact exists".

However, showing potential for harm, and showing that actual harm exists are two different things, and the studies to date have not shown any actual effect on the environment by suction dredging except for those that are short-term and localized in nature. Current regulatory efforts are proceeding despite this lack of evidence showing that harm to the environment is taking place. The regulatory agencies should be consistently and continually challenged by the dredging community to produce sound, scientific evidence that support their proposed regulations. To regulate against a "potential for harm", where none has been shown to exist, is unjustifiable and must be challenged

Senator, as an avid outdoor enthusiast, I'm greatly concerned about the environment and the problems that we are all facing, but this bill just does not have the facts right !!

Thank you for taking the time to look into this.

PLEASE VOTE NO ON THIS BILL !!!!!

Thank you for service to our country
GOD BLESS.

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