

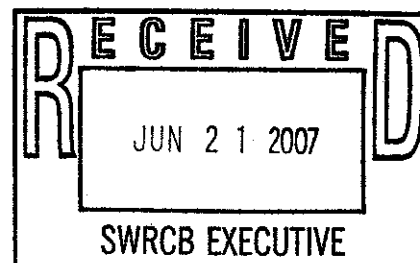
From: "MARTIN H. MILas" <mhmilas@yahoo.com>
To: <commentletters@waterboards.ca.gov>
Date: Thu, Jun 21, 2007 9:59 PM
Subject: Comment Letter #3 -- Suction Dredge Mining 6-21-07

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

Hon. Song Her, Clerk to the Board:

The focus of this comment letter relates to issues of definition and measurement in regard to the concept of a sediment disturbance or turbidity plume. The reason for raising these issues is directly tied to the task of defining and measuring water quality in a way that is not arbitrary or capricious when regulating or rendering a decision in regard to small scale suction dredges (dredges that are portable and capable of transport via an automobile or pickup truck). In other words, what qualities would a reasonable regulation or decision in regard to small scale suction dredging have to possess?

1. Such a rule or decision should be based on evidence that consists of empirically verifiable data, ie, something capable of being observed or measured.
2. The empirically verifiable and measureable data, in turn, should have a causal nexus to the objective or purpose of the rule or decision. For example, one aspect of river water quality is its capacity to support aquatic life without raising the biomagnification of methylmercury to a degree that is greater than what would occur as a result only of natural processes.
3. If that is the goal, then does the existence of a mere turbidity plume, without more, compromise water quality? If so, then at what point is a turbidity plume to be considered excessive? How is that arrived at?
4. The answer to that question will depend on a knowledge base that is the result of sufficient field testing. How is subjectivity minimized in order to be fair to all interested parties?
5. If no, or insufficient, field testing has been completed to establish whether a turbidity plume is excessive, then it would be premature to regulate or render a decision regarding small scale suction dredges.
6. Assuming a turbidity plume is selected as an observable feature of small scale suction dredging that is indicative in some way of river water quality, then what objective standards are appropriate? How are these standards determined? What tools would be used in making such measurements? Would these tools



be capable of producing results that are both reliable and valid? How would either the operator or an observer of a small scale suction dredge know whether the degree of turbidity created by his dredge is excessive?

Thank you for considering the questions I have presented. I look forward to the Board's responses not only to the issues I have raised, but as to all the remaining issues raised by others.

Martin H. Milas

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