



Response to Comments

700PM permit renewal public notice Mar. 21, 2014 to April 28, 2014

No.	Comment	DEQ Response
	Permit Administration	
349	NPDES permits have a maximum 5-year permit term. With effective date of January 1, 2015, the expiration date must be December 31, 2019 according to 40 CFR 122.46(a).	The effective date for this permit is in May 2015. A Permit expiration date of January 1, 2020 is appropriate.
	Permit Application	
349	Township, Range, and Section (TRS) covers over 600 (640 acres). Suggest adding the following in the permit application: name of water body, map, and/or approximate latitude and longitude for greater precision.	For each operation location, DEQ requires the stream name, TRS and latitude and longitude for the application, monitoring log, and annual report.
	Definitions	
385	Definition 13 for the suction dredge is restrictive and does not provide flexibility for variations of terrain, waterways, equipment, and other environmental limitations. Not all terrains can accommodate a floating platform because of shallow, rocky, narrow, and steep embankments. Larger volume tributaries are not like low flow river systems with deep water. There are dredging devices that are on legs and wheels that offer flexibility in shallow waters as well as having the pump over on the embankment in a secondary container. This technique keeps the pump away from the flowing water and the additional containment means no spillage into the waterway. Change this condition for varying types of equipment.	The definition of suction dredge is necessary to prevent further confusion about highbanking or using a combination highbanker/suction dredge that are not authorized to discharge under this general permit. Permit revisions clarify highbankers and combination highbanker/suction dredges are not authorized to discharge under this permit. The permit was revised to include definitions for highbanker and combination highbanker/suction dredge. If terrain or a small stream width prevents use of floating suction dredges, the stream is likely ineligible for suction dredging because this permit also prohibits visible turbidity that covers the entire wetted perimeter. (Schedule A, Condition 1.) Under this permit, suction dredges must work in the wetted perimeter only, so discharging to an isolated containment area is not authorized. This is a general permit that does not provide site-specific allowances that may be considered in an individual permit.
370	<p>How/where does the Gold and Sand Hand Dredge and Boom box suction tool (and others similar in design and function) fall under the 700PM? I am following the rules, only to be told that because some tools are not referenced in the 700PM, then they are not allowed or I am noncompliant.</p> <p>Please see video links. Hand dredge with attached small collection bucket or small sluice box: https://www.youtube.com/watch?v=17y3ynp29Ec</p> <p>Hand dredge with attached battery powered sluice box on legs (high banker style): https://www.youtube.com/watch?v=n602JB-6nlc</p>	<p>DEQ observations of videos:</p> <ol style="list-style-type: none"> 1. Gold-N-Sand Hand Dredge looks like a large syringe with a nozzle instead of a needle. The 2 to 3-inch diameter and 3 to 4-foot long device produces suction by moving the piston plunger rod by hand after placing nozzle tip in sediment to be collected. The Hand Dredge discharges through a side port tee when piston rod is pushed and sucks sediment slurry into the piston housing when pulled. A uniform concentrate of fines is produced by the device. A suction hose can be attached to the discharge port tee. The Hand Dredge is attached to a small collection bucket. Concentrate from that bucket processed by hand panning or sluicing by hand sluice box placed in stream or delivered by a suction hose to the top of a battery powered sluice box device (high banker setup). 2. The Boom or Boomer Box setup is attached to the top of the sluice box. The suction hose is attached to a port tee on the Boom Box to deliver dredge material slurry from the Hand Dredge to the sluice box. The Boom or Boomer Box was affixed to a typical 1-foot wide, 3-foot long sluice box on legs with discharge at or slightly above stream level. To provide constant flow to the sluice box, the miner uses small sump pump powered by lead-acid vehicle battery to deliver stream water to the Boom Box unit at top of the sluice box. <p>Definition 10 for in-water non-motorized mining equipment includes a hand suction tool. In-water non-motorized mining equipment also includes a hand suction tool attached to a container or to a hand sluice with the boom box.</p> <p>By definition of non-motorized does not include battery-powered equipment. The battery powered sluice box device (appeared to be a small high banker setup with battery-powered pump) receiving material by hose from the hand suction tool is not a discharge that is authorized under this permit. DEQ is not including high banking equipment (constructed with support legs, rather than flotation devices) that is used in water including combination highbanker/suction dredges. See response above on high banking equipment and combination high banker/suction dredge.</p>
	Discharges Not Authorized By This Permit	
5	Get rid of essential salmon habitat and scenic water. All streams should be opened to suction dredge mining.	This permit is not used for designating water as essential salmon habitat water or scenic waterways. DEQ's permit must be protective of beneficial uses, including aquatic life, and consistent with scenic waterway laws.
337, 297	Prohibit mining in any water quality impaired stream.	

368	Support preventing dredging in areas that have poor water quality, including high turbidity, excessive sediment and toxic substances like mercury. These water quality limited streams and rivers are places where damage cannot be tolerated regardless of the source of that damage.	Toxics of concern are those toxics embedded in sediment that can be resuspended or otherwise released into the water from dredging. DEQ clarified that the list of toxics excludes chlorine. Chlorine is not included because it does not have properties that sequester the pollutant to the sediment.
17 -337, 338-348, 354	Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.	
375	Support restrictions in water quality limited streams and rivers. Dredging should not occur where the water quality is already poor.	The evaluation report for this permit explains that turbidity, sedimentation and toxics other than chlorine are pollutants of concern associated with activities covered under this permit and are used to determine which water quality limited streams to exclude from general permit coverage.
360	To further protect fish and water quality prohibit mining in water quality impaired streams., support the new restrictions preventing suction dredging in areas that already suffer from poor water quality for turbidity, sediment and toxics like mercury.	This general permit does not authorize discharges to water quality limited water from suction dredges operating on any stream segment that is listed as water quality limited in categories 4 and 5 for sedimentation, turbidity or toxics other than chlorine on Oregon's EPA approved or established 303(d) list except when a total maximum daily load has been established for that water that provides for placer mining under a permit.
338-348	303(d) list cannot be relied upon to issue a permit that is required to ensure and achieve water quality standards under 40 CFR §§ 122.4, 122.44(d). DEQ's 303(d) list is outdated. It is a starting point for addressing whether suction dredge discharges contribute to violations of water quality standards.	The permit will use the most current 303(d) list of impaired waters as approved or established by EPA, in effect as of January 1 of each year to determine where permit coverage is available. The current list is Oregon's EPA approved and established 2010 303(d) list of impaired water. DEQ submitted Oregon's 2012 Integrated Report and 303(d) list to EPA in November 2014. More information on Oregon's EPA approved and established 2010 303(d) list of impaired water and 303(d) list submitted to EPA in 2014 is available at http://www.deq.state.or.us/WQ/assessment/assessment.htm
338-348	700PM fails to ensure suction dredge activities will not cause or contribute to a violation of Oregon's water quality standards, including protection of uses because DEQ improperly relies on its 2010 303(d) list to identify impaired waters.	
348	In general, supporting restrictions on water quality (limited?) streams and rivers, which we have a number down here, is often made more difficult if dredging should occur in there. So where water quality is already poor we think that it's important to make an extra effort to try to minimize it.	A majority of applications for suction dredge mining are processed after January 1 and typically just prior to the established in-water work period for suction dredge mining. DEQ will notify new applicants, yearly registrants, and five-year registrants when a new EPA approved or established 303(d) list that affects these applicants and registrants is in effect.
338-348	Evaluation report states "...[t]o the extent data is available, DEQ regularly assesses whether water bodies are meeting the water quality standards applicable to each water body" and lists those waters not meeting applicable standards on the 303(d) list. This is a contradictory statement because DEQ has not updated its proposed 2012 list with all data and information available to it. (attached and referenced Feb. 24, 2011 Letter from Nina Bell, NWEA, to Karla Urbanowicz, Oregon DEQ, Re: Oregon's Draft 2012 Integrated Report and Section 303(d)(l) list of Impaired Waters)	
338-348	Unless DEQ can 'ensure compliance with applicable water quality requirements,' federal regulations prohibit the agency from issuing a permit. 40 CFR §122.4(d). DEQ must exclude coverage in areas upstream of waters impaired for toxics, turbidity and sediment where data is insufficient to eliminate those upstream tributaries as contributing problem pollutants downstream. Concerned about adverse impacts from dredging activity upstream affecting water quality downstream. For example, Rogue River is listed for mercury, some of that mercury is likely originating in tributaries.	This general permit does not authorize mining discharges in water quality limited stream segments listed for turbidity, sedimentation or toxics. Schedule A Condition 6 was added to require an operating distance upstream from water quality limited streams. Suction dredging operating in a waterbody that is upstream of impaired water must maintain a distance of 500 feet upstream from the impaired water on Oregon's EPA 303(d) list for water quality limited water in categories 4 and 5 for sedimentation, turbidity or toxics. As recognized in studies conducted in Alaska, turbidity and some metal concentrations are only expected to be elevated within the turbidity plume and mixing zone. (AK DEC Small-Size Suction Dredge Fact Sheet AKG375000). The 500 feet allows for further dilution and settling of turbidity, sediment and metals. Although metals are expected to settle within 300 feet, a requirement for a 500 feet mixing zone is more protective of water quality limited water.
362-364	Protect water quality from further degradation. Suction dredge mining disturbs bottom gravels, causing the suspension of material like mercury into the water column. Mercury is quite toxic to wildlife and humans.	This permit does not authorize mining in water quality limited stream segments listed for toxics, such as mercury. This permit does not allow the use of chemical agents such as mercury.
376	In favor of stopping all dredging activity on mercury-impacted streams. When you dredge mercury some of it does escape and methylizes. It methylizes mercury. Plain mercury is even more dangerous. It does not matter where it does come from, whether it is natural.	
362-364	Protect the Upper South Umpqua River that is designated Essential Salmon [Habitat] and is 303(d) listed and where the Spring Chinook Salmon run is on the brink of extinction. To allow riparian activities here that accelerate possible extinction by undoing careful restoration already being undertaken would be a slap in the face to many, many volunteers who have selflessly engaged in trying to restore this benchmark salmon species.	This permit does not authorize suction dredging in water quality limited stream segments where DEQ's 303(d) listings for turbidity, sedimentation or toxics occur in addition to limitations related to essential salmon habitat. For example, South Umpqua River segments in the upper reaches are listed as impaired for sedimentation in the Oregon's 2010 EPA approved and established 303(d) list. Miners will be prohibited from suction dredging in or within 500 feet upstream of those segments or tributary to those segments. Riparian areas are on banks of streams. The permit requires the use of best management practices to protect stream banks from erosion. DEQ's coverage for suction dredge mining is limited to the wetted perimeter (outside riparian zone).
369	Adding 303 listings for restrictions on the 700PM is not justified as a blanket withdrawal for certain streams. There needs to be better science on the 303 streams to identify certain reaches or areas instead of including the full stream for restriction.	DEQ makes an assessment of water quality and prepares an Integrated Report that meets the requirements of the federal Clean Water Act for Sections 305(b) and 303(d). CWA section 303(d) requires states to identify waters that do not meet water quality standards. This permit uses the data from the EPA approved integrated report. There is a separate opportunity for the public to provide quality data and comment when DEQ develops the Integrated Report.

		Waters may be removed from the 303(d) list when TMDLs or other control measures have been established that are expected to improve water quality, when data show water quality meets water quality standards. For more information see DEQ's web page http://www.deq.state.or.us/wq/assessment/assessment.htm
369	CDFW Studies have shown in CA, the issues on mercury are better after dredging occurs. Miners clean up these areas and remove both natural and human introduced mercury. Studies have shown that Selenium in the fish of concern, reduce the toxic factors for human consumption.	<p>California's interpretation of its own data is contained in Chapter 4 responses to DSIER comments on page 4-41. An excerpt of their response is as follows: "Removal of such mercury by suction dredges will likely be site-specific and, regardless of how much is removed, the amount of mercury discharged remains the most relevant factor when conducting the water-quality impact assessment."</p> <p>Under this general permit, DEQ is preventing the release of mercury into the environment where mercury and methyl-mercury in fish tissue have been identified through the approved list of impaired waters. Mercury is present in the environment from past mining practices, and other natural and man-made sources. As stated in the evaluation report, suction dredging in streams that are water quality limited for toxics could disturb stream deposits and lead to the release of toxic pollutants. Sediments contaminated with toxic pollutants are then transported downstream and deposited and can ultimately be ingested by benthic organisms and passed up the food chain. This general permit does not authorize mining discharges to waters that are water quality limited for mercury or methyl-mercury in fish tissue.</p> <p>The uptake and presence of selenium and mercury in fish is related to DEQ's water quality standards for toxic pollutants for the protection of human health. DEQ develops water quality criteria under a separate process.</p>
373	What DEQ is trying to do is important. I think we need to try new things to improve water in our area, in our state.	DEQ acknowledges your comment.
379, 356	Have a concern with the permitting process listing the Rogue River as a 303(d) stream. My concern is that there is no background data, there is no quantitative data on any of that. The whole premise is not thought out. If there is a concern about all this mercury, how do they plan on removing it? We remove mercury. Mercury is there and we can continue to remove mercury but it will still be there. Lakes with no mining activity have mercury. We do not want mercury in the water or hexachromium 6 in drinking water which seems to be Okay(in reference to area down below the dams in Grants Pass). We are all about clean water if it is down river for you to drink. That is my concern with the permitting process as it stands. I don't agree with the permitting process. Implementing restrictions before they even know what it is they are restricting. The point is what is the plan once the Rogue is listed.	DEQ makes an assessment of water quality and prepares an Integrated Report that meets the requirements of the federal Clean Water Act for Sections 305(b) and 303(d). There are no mercury listings for the Rogue River with the Oregon's EPA approved or established 2010 303(d) listings. In 2011, DEQ's human health water quality criterion for mercury changed from mercury present in a water column to methyl-mercury in fish tissue. Mercury is present in the environment from past mining practices, and other natural and man-made sources. DEQ's 2012 Integrated Report that was submitted to EPA includes 303(d) listings for mercury found in fish tissue that is above DEQ's water quality criterion for human health in the Rogue River. More information about methodology for listing 303(d) water quality limited water in DEQ's Integrated Report is available at this web page http://www.oregon.gov/deq/WQ/Documents/Assessment/AssessmentMethodologyRep.pdf
356	<p>Where is the scientific evidence to exclude coverage? There is no scientific evidence that mercury increases in the Rogue River when there is suction mining.</p> <p>DEQ states, Disturbance of stream bed sediments in streams listed as water quality impaired for toxics CAN lead to the release of toxic pollutants in the water. There is no evidence that that is happening in the Rogue River.</p> <p>Can is not a scientific word in this case, absent any scientific evidence. See Royer, et al., in DEQ's evaluation report, that toxins return to background level in 300 feet.</p> <p>In the recommended Strategies to Eliminate Mercury Releases from Human Activities in Oregon by 2020, in Mercury on the Road to Zero, produced by Oregon Environmental Council, and funded by US EPA and the OR DEQ, the mercury solution team recommends several general strategies and that these strategies should be guided by five principals. Three of these principals are of the utmost importance in developing permit rules for miners.</p> <ul style="list-style-type: none"> • Ensure that recommended strategies avoid unintended consequences, • Create an even playing field, and • Start with the least expensive approaches. <p>Please avoid the unintended consequences of putting people in a resource industry out of work without sound scientific evidence to show a substantial hazard rather than speculation.</p> <p>I do not see an even playing field here when miners are restricted when there is no evidence, no scientific evidence that miners are polluting the river over what we already have occurring in the rivers.</p>	<p>DEQ's permit regulates placer mining with suction dredges and in-water non-motorized mining equipment to protect water quality. This permit is not for a cleanup activity used to remediate water bodies for mercury and other toxics.</p> <p>Mercury is a heavy metal that settles in bedrock that is brought to the surface sediments and water column through mining practices where mercury becomes bioavailable. Some streams contain sediments contaminated with toxic pollutants. As mentioned in the review report, suction dredging in streams that are water quality limited for toxics other than chlorine could disturb stream deposits and lead to the release of toxic pollutants. Sediments contaminated with toxic pollutants are then transported downstream and deposited and can ultimately be ingested by benthic organisms and passed up the food chain.</p> <p>DEQ is not proposing a mixing zone as part of general permit coverage in water quality limited stream segments to be protective of water quality. This permit does not authorize discharges from suction dredges operating on any stream segment that is listed as water quality limited for turbidity, sedimentation or toxics other than chlorine and establishes an operating distance upstream of these impaired stream segments and tributaries to be protective of water quality. DEQ's general permit is less expensive than the individual permit alternative. If a miner is ineligible for the general permit, an individual permit may be available. Suggested recommendations from Oregon Environmental Council are more appropriate for a permit, like an individual permit, that may require sampling and plans that include strategies.</p> <p>As stated in this evaluation report, water that is listed as water quality limited for turbidity, sedimentation or toxics other than chlorine requires a more site specific mixing zone, assigned permit conditions and monitoring to regulate pollutants that can cause or contribute to an increase above a water quality standard. This permit is not for water quality limited water listed in categories 4 and 5 on Oregon's EPA approved or established 303(d) list for turbidity, sedimentation or toxics except when a total maximum daily load has been established for that water that provides for placer mining under a permit. A site-specific individual permit may be available for recovery of precious metals and minerals in water quality limited water.</p>

	<p>An unintended circumstance is shutting mining down, taking away people's livelihoods and their right to mine. DEQ is not starting with the least expensive approach.</p> <p>In USGS study in Whitman Forest, sub-Alpine is above their gold mining area. 54% of the fish exceeded Oregon DEQ requirements of not more than 0.04 mg/kg of the wet weight of a fish and that is not in mining locations. The other USGS study is in their words in pristine national parks, where some sports fish exceeded 0.3 mg/kg of wet weight. So these areas have terrific mercury pollution, they have nothing to do with mining, nothing to do with mercury that is used for gold extraction.</p>	
374	<p>State Water Resources Control Board 2005 Staff Report study is not a typical test because an encounter with pooled mercury is not typical and there was material contamination particle suspension for miles was discussed but refuted by evidence.</p> <p>Compares density of mercury to sample results in a turbidity plume where lighter metals return to background concentrations 80 to 160 meters below an 8 inch dredge.</p> <p>Suction dredges provide a net environmental benefit by removing nearly all of any mercury they encounter. If not remove mercury will slowly move downstream with or without dredging to areas where it is more likely to be converted into methylmercury.</p> <p>Suggest that regulatory authorities want the mercury removed but have no better way of removing it therefore reporting and curtailing operations in 'hot spots' is pointless.</p>	<p>California's interpretation of its own data is contained in Chapter 4 responses to DSIER comments on page 4-41 and is provided here.</p> <p>"Removal of such mercury by suction dredges will likely be site-specific and, regardless of how much is removed, the amount of mercury discharged remains the most relevant factor when conducting the water-quality impact assessment."</p> <p>"Finally, the total mass of elemental mercury removed from the stream by dredge operators is likely insignificant relative to the total amount of mercury remaining in watersheds affected by gold mining. Results of the Suction Dredger Survey (DSEIR, Appendix F) suggest that total annual removal of mercury by suction dredge miners is approximately 50 kilograms (kg). It is estimated that 2.3–2.6 million kg of mercury were lost to watersheds of the Sierra Nevada Geomorphic Province during the Gold Rush era (Churchill 2000). It is not clear how much remains in foothill streams, but it is unlikely that the mass recovered per year substantially reduces the amount remaining."</p> <p>This permit includes an added requirement in Schedule B to identify stream segments where mercury is observed.</p>
356	<p>Rogue River should not be excluded, under the 6 inch nozzle rule, from a miner's ability to get a permit. DEQ evaluation report states "300 feet is the distance at which there is no reasonable potential to violate the water quality criterion for turbidity. After the initial fallout, lingering suspended material will remain. The vast majority of sediment discharge will fall out of the water column and be diluted within distances much less than 300 feet. Toxins return to background levels within 300 feet (Royer, et.al., April 1999). In Table 1 on page 14, the turbidity distance for nozzle intake size less than or equal to 6 inches has a turbidity distance of 160 to 260 feet. Therefore, the Rogue River should not be excluded from permits under the 6-inch nozzle rule.</p>	<p>This general permit does not provide a mixing zone in water quality limited stream segments to be protective of water quality. Water quality standards can be exceeded within a mixing zone, but standards must be met at the edge of a mixing zone. This permit establishes a mixing zone of 300 feet for waters not listed as impaired for turbidity, toxics or sedimentation. A mixing zone is that portion of a discharge where dilution and settling takes place so that at the end of 300 feet water quality criteria are met.</p> <p>Suction dredges used for recovering precious metals or minerals from stream deposits, not to exceed 16 horsepower and an intake nozzle no greater than 4 inches inside diameter can be used in essential salmon habitat. DEQ is restricting the size of the dredge inside of essential salmon habitat because DEQ's 2004 field study on the 4-inch dredge showed that it is more likely to meet the 300 foot mixing zone for turbidity. This also aligns with Oregon Department of State Lands requirement.</p> <p>Keeping a mixing zone at 300 feet allows for flexibility in streams where the type of sediment, not the size of the dredge, may influence the length of a plume since the length of a plume can be influenced not only by size of nozzle but also by the type of sediment being discharged. Where the sediment is fine, the plume may be longer with the same size of nozzle. The evaluation report explains that visible turbidity limit will most likely be met at the end of 300 feet with a four-inch dredge. This is a general permit that does not provide site-specific allowances that may be provided in an individual permit.</p>
356	<p>DEQ is trying to keep mining out of the Rogue River, but there is no study that that shows mercury is brought up from the water from dredging. At the hearing today we have seen vials of mercury that people have removed from the water. I have seen miners remove mercury. They did not throw it back in the river they pulled it out.</p>	<p>As stated in the evaluation report for this permit, some streams contain sediments contaminated with toxic pollutants. Suction dredging in streams that are water quality limited for toxics could disturb stream deposits and lead to the release of toxic pollutants. Sediments contaminated with toxic pollutants are then transported downstream and deposited and can ultimately be ingested by benthic organisms and passed up the food chain (Oregon Department of Environmental Quality 2000). It is generally known that because of its properties, clay adsorbs metals. Studies show higher concentrations of mercury are associated with silt and clay bed sediments.</p>
380	<p>Southern Oregon is an area of best fish habitat and is highly mineralized so there is a conflict. Opposed to 303 because turbidity and mercury are not a problem.</p> <ul style="list-style-type: none"> • Fish are still here after some of the most offensive mining techniques were used, • 1937 study with lab test indicate turbidity does not bother salmon, • Mercury is just a buzz word, • Mercury and arsenic are natural they occur in nature. 	<p>The Permit does not result in 303(d) listings but is designed to ensure the permit does not contribute to the water quality problems identified on the 303(d) list. DEQ must write a permit to be in compliance with water quality standards. DEQ's permit protects water quality by implementing standards for turbidity and toxics such as mercury. These water quality standards are protective of beneficial uses.</p>

374	<p>Benefits of Suction Gold Dredging in the State of Oregon. Trout fishing is good in a really over worked area where year after year dredges are loaded into a river and river gravel gets moved around. This is the Quartzville Recreation Mining Corridor near Sweet Home in Linn County.</p> <p>Quartzville Creek runs into Green Peter Lake and into the Santiam River. Santiam River has some of the best salmon and steelhead fishing in the state. Santiam river has natural formations of mercury pouring directly into the river. If mercury that is already in the river is stirred up and re-contaminates the river and waterways connected to it. Wouldn't this river system be adversely affected in some manner that can be calculated?</p>	<p>Quartzville Creek and Santiam River are not listed for mercury impairments in either the 2010 EPA approved and established 303(d) list or the proposed 2012 303(d) list. DEQ will only list waters where data shows standards being exceeded. DEQ did not have such data for waters such as those discussed by the commenter. As a result, those waters are not subject to the same restrictions as those that are.</p>
351,366	<p>Roll over the language on antidegradation and the exception for stream segments that were mined under the previous permit for stream segments that were properly subject to mining under the 700-J permit between May 3, 1999 and July 1, 2005, when the stream was not water quality limited but subsequently became water quality limited. Provided the following reasons for keeping this condition in the permit.</p> <ul style="list-style-type: none"> • Exception is justified because continued mining does not constitute a new load. • Cites OAR 340-041-0004(3)(a) as applicable. Discharges into existing mixing zones are not considered an increased discharge. Not considered a degradation or reduction of water quality. Situation may not be an exception assigned by the commission under OAR 340-041-004(9). • The 700-J permit was modified in May 1999 to include antidegradation requirements per a court order. • 1899ACT, ORS 541.110 use of water to water to develop mineral resources and furnish power is a beneficial use and a public necessity. • 700-J was issued in 1992 so DEQ should consider this an existing use. There is information to support that discharge from these point sources existed prior to 1994. Cites (OAR 340-041-0350(3)(b)). • In DEQ's 2001 Internal Management Directive for antidegradation, a historic discharge that is not expected to have a load greater than the historic discharge is not considered a new discharge. Mixing zone already assigned in water quality limited streams does not constitute a new load. This is a renewal not a new permit. • Assigned as a "grandfather" provision. 	<p>This permit is for discharges to surface waters from mining activity. The permit must include limits and other conditions needed to implement water quality standards, which are developed to protect the most sensitive beneficial uses. Beneficial use of a water body includes industrial use and also fisheries and other aquatic organisms. The water quality standards applicable to the permit include the antidegradation policy. It both requires the protection of existing uses and limits when new or increased pollutants may be allowed. The conditions in this permit were designed to implement the antidegradation rules consistent with EPA's August 2013 comments on DEQ's antidegradation approach for general permits. These comments can be found at http://www.deq.state.or.us/wq/standards/docs/EPAREviewAntiDeg.pdf</p> <p>This permit contains water quality-based limits to prevent degrading water quality and "that prohibit increased discharge of the limited water quality parameter (or parameter related to the limited parameter) in a water quality limited water. This permit requires operators to document the streams on which mining occurs. Identification of stream location will be part of the application process so that DEQ can use that information to determine if the person's application is new and constitutes a new load and whether the application is for a water body that meets water quality such that a mixing zone can be accommodated.</p> <p>DEQ does not believe that there is information that accurately shows the extent to which mining discharges actually and properly occurred on stream segments listed as water quality limited on DEQ's 303(d) list under the existing 700PM permit. A permit application or registration is not proof that mining occurred. An interest in obtaining a permit does not necessarily indicate mining occurred. As noted in some of these comments, a person who registered and received the permit may not have mined that year. Information on historical mining locations and areas of patented claims do not indicate whether the area was mined under the 700PM permit.</p> <p>This permit will require an annual report and record of in-stream mining, which can be used to establish that a person operated in that area and is an existing discharge. DEQ's application form will require information on the waterbody being mined, to review for water quality limited streams. An applicant will be required to update that information if mining will occur in a different water body.</p>
351	<p>Antidegradation for turbidity OAR 340-041-0036(2) is not applicable. (Not for 402)</p>	<p>DEQ explained this aspect of the turbidity standard in the evaluation report for this permit as follows: The Army Corps of Engineers has not issued a National General Permit for small scale suction dredge mining under 404. DEQ cannot issue a 401 certification without a 404 permit; therefore OAR 340-041-0036 (2) is not applicable.</p>
351	<p>ODEQ's Antidegradation Policy IMD (on page 14 under renewal of NPDES permits) provides that "Permit renewals with the same or lower discharge load as the previous permit are not considered to lower water quality from existing water quality." Thus permit renewals with the same or lower authorized discharge load as the previous permit would not be subject to a Tier 2 review.</p> <p>EPA believes it is consistent with 40 CFR 131.12(a)(2) for a state to conclude that a reissuance of a permit or license when there is no change in the authorized discharge does not lead to a lowering of water quality that requires a Tier 2 review.</p>	<p>DEQ is following EPA's August 2013 comments on DEQ's antidegradation approach for general permits that it received subsequent to the development of the IMD cited by the commenter. These comments can be found at http://www.deq.state.or.us/wq/standards/docs/EPAREviewAntiDeg.pdf</p>
	<p>Coverage and Eligibility</p>	
16	<p>NPDES permit issuance is discretionary and SB 838 does not direct DEQ to issue 700PM in 2015. Limit renewal to in-water nonmotorized equipment only because suction dredging is too detrimental to salmon, steelhead, and Pacific Lamprey habitat. (Harvey and Lisle, 1999: 616-617) The discretionary draft 700PM permit is in direct conflict with the goals and objectives of Oregon Plan for Salmon and Watersheds and undermines the existing regulatory framework that protects streambeds from sediment pollution.</p>	<p>DEQ concludes that the permit conditions allow for operation of suction dredging and in-water non-motorized mining equipment while still being protective of water quality.</p>

	References: Transactions of the American Fisheries Society (Anlauf, Feb2011); The Oregon Plan for Salmon Watersheds (Executive Order EO 99-01); Observations of Mining Activities in Siskiyou National Forest Riparian Reserves and Probable Impacts to Aquatic Organisms (Nawa, Mar2012); and Mining Impacts in the Siskiyou Wild Rivers Area, Southwest Oregon (Nawa, Jun2010).	
338-348	Retain the condition in Coverage and Eligibility, that makes it clear that only one dredge may operate at once per permit.	Coverage and eligibility Condition 4 was revised for clarity.
349	Need clear rationale of why in-water non-motorized operations are automatically covered under the permit, but applicants are not required to formally apply, pay a fee, or submit an annual report. Hand panning, identified as not requiring a water quality permit, would be the most appropriate category of activity to be automatically covered since they will never exceed the limits of the permit.	<p>DEQ is following OAR 340-045-0033(a) to provide permit coverage for in-water non-motorized operations without an application. The following excerpt on automatic coverage for in-water non-motorized mining equipment, which includes hand sluices and rocker boxes, will be added to the evaluation report:</p> <p>Under 40 CFR 122.28(b)(2)(v) and OAR 340-045-0033(3)(a), DEQ can determine that the submittal of a registration application is not necessary after evaluating the type of discharge, the volume, availability of other means to identify the dischargers and estimated number of discharges to be covered under the permit. While the number of these types of operations is not exactly known, current estimates from DSL annual reports indicate there were 150 in 2012 operating in streams designated as essential salmon habitat. The total number of these operations which would include streams outside of essential salmon habitat is larger. Suction dredge and the other in-water non-motorized small-scale mining equipment operations have the same gravity separation and metal/mineral extraction process and same discharge of pollutants. In considering whether to include in-water non-motorized equipment in the registration process, DEQ has determined that the in-water non-motorized means of mining moves less material over time than the suction dredges and that there are alternative means other than permit registration to identify hand sluice operators through reported information required by state law, such as requirements already contained in Department of State Lands regulations.</p> <p>DEQ does not require an NPDES permit for panning. DEQ does not consider panning to be a point source. To provide further explanation, information from page 8 and 9 of the evaluation report for the July 30, 2010 700PM general permit will be added to this permit evaluation report.</p>
349	Consider adding and/or defining terms from Section 402, Federal Clean Water Act (CWA) for point source, discharge, and waters of the US to better explain when/why a permit is required because CWA is not just limited to mining activities.	The permit was rewritten to better describe sources authorized to discharge. Background on when and why an NPDES permit is required is available in an August 3, 2010 Oregon Department of Justice memo on DEQ's web page for the 700PM permit or available in hard copy upon request. The memo provides an explanation for these terms applicable to suction dredges and in-water non-motorized mining equipment. This memo is available at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf .
	Coverage and Eligibility: 6. Identification number	
7	Dredge is too small to display a permit number. Can put them on one side of the header box & riffles or post them on a stake and sign at operating location that would be visible to anyone walking up to the area.	DEQ is not changing the permit to allow posting on a sign on the shore or elsewhere. This permit retains the requirement that the assigned permit number must be posted on the dredge itself. DEQ agrees that you may display the assigned permit number on the header box but it must be visible from each bank or shoreline.
17-211, 213-337, 338-348, 354	Support display of permit number on dredge.	DEQ acknowledges your comment. This condition remains in the permit.
348	It is helpful to have permit numbers on the dredge so that we can identify them to have that kind of public information. If they are on public waters, we think it is important for them to have that kind of public information.	
360, 368	Support the new requirement for permit number display. Miners are accountable to agencies and the public through display of their permit.	
297, 375	Support the display of permit numbers. It is a basic level of accountability that has been a standard for decades (i.e. vehicles, boats).	
362-364	Requiring permitted miners to clearly display permit numbers is helpful to law enforcement and river guardians in their efforts to enforce needed regulation and identify and report violators in a timely and effective way.	
102	Identification number on a suction dredge is good idea, just like there is for fishing guides. Some guides can poach and be reported that way. The same should happen with miners that are not good citizens.	
372	I would like to have a permit, a tag, give it to me to put on my dredge like a boater has.	DEQ does not issue tags when approving permit registration. The registrant is responsible for affixing the permit number to the dredge.

351	If we would have to have a permit number on our dredge, it should not be searchable except it law enforcement as someone could see me on the river then go rob my house. That would be gross negligent to give out my name and address from a displayed permit number I'm not a business or a sewage plant.	DEQ's website for looking up contact information for permits includes only the name, city, state and zip code of the permit registrant, not the home address.
357, 358	Dredging units are watercraft and should follow the same guidelines for identification number, navigation lighting (if left in the river overnight), proper in-river mooring line use, invasive species inspection, etc. Multiple groups are using the same dredging equipment that is left in place all summer.	DEQ has authority to regulate discharges of pollutants to waters of the state but not watercraft safety. Invasive species inspection and display of an identification number are requirements of DEQ's water quality general permit.
361	Having to display a placard with a permit number is merely an easy means for 'interested citizens' to report a violation, should one not be visible, without seeing if the operation is otherwise compliant.	Complaints are handled by Oregon State Police dispatch. Complaints are investigated and violations are confirmed by OSP before enforcement action is taken.
361	If displayed, the validity of the number would still have to be verified so the investigating officials' efforts won't be saved.	Time is saved because the official can determine who the operator is without contacting that individual.
	Permit Process	
1	To comment is a waste of miners time. Permit process will result in what happened in California and what environmentalists and Indians want anyway.	DEQ gives equal consideration to comments that are related to the permit process. DEQ must follow its laws and regulations to be protective of water quality and beneficial uses of water.
359	Prohibit suction dredge mining. It is in direct conflict with recreational values/uses or our waterways. There has been an increase of suction dredge mining on waterways like the Rogue River. I have also experienced multiple negative impacts upon boating, fishing, swimming, streamside recreationalists and land owners from noise, air and water pollution, navigational hazards, degraded aesthetics.	DEQ regulates small suction dredges and in-water non-motorized equipment for water quality discharges to state waters to ensure those activities protect water quality standards and comply with state and federal requirements for water quality permitting. It is not within the scope of this permit to regulate noise, air pollution, or navigational hazards.
365	I am for more restriction on dredgers and for an outright ban like in California. Do what you need to do to preserve our rivers for the good of our communities and our environment.	
10	Why do you want to shut down small scale mining that so many people enjoy? Water quality are not harmed fish are not harmed. Heard that too many dredgers in one place can cause noise, which can be addressed by better mufflers. This is no cause to shut down the whole state. Economy of Oregon will be affected. California is a good example of what happens when a moratorium is in place. They have lost millions and are still losing it.	
384	California miners are flocking to Southern Oregon as if it were the new gold rush. Proximity to Applegate River has been severely affected. Disappointed that Oregon has not taken the lead or at least followed California's legislative action. Outdated mining laws permit a few greedy individuals to disturb the rivers during summer recreation and tourist season.	Implementation of the permit requirements will protect water quality in all state waters, including the Applegate River. DEQ does not have the authority to prohibit suction dredging. Statutory limits have been imposed by the legislature under SB838.
374	Hope it does not come down to California's fight becoming our fight for every prospector and miner in Oregon.	Commenter appears to be referring to legal challenges in California that are not part of this permit renewal.
5	If a permit to mine is needed, someone that will support mining should issue it.	DEQ is required to issue NPDES permits and comply with the federal Clean Water Act.
6	Paperwork and permits required to dredge is getting out of hand. 700PM is just another avenue to create paperwork in the hopes that miners will get fed up and quit.	DEQ is following state and federal laws in developing this NPDES permit. DEQ added reporting to this permit to address existing discharges for antidegradation requirements.
382	Opposed to changing and increasing regulation in the permit. Experience saturation with regulation, to the point of rebellion and revolution. Hypocritical to want gold fillings, buy jewelry when you get it here from Josephine County. This community is rich in natural resources but our federal government is choking us with regulation. DEQ's changes and updates is another example. Sometimes I feel like they are being pulled from thin air. With reference to Thomas Paine, we need to get back to common sense. Miners make sense.	DEQ added recordkeeping and reporting requirements that meet Oregon regulations and EPA regulations for NPDES permits.
15, 383	DEQ is doing this so that they have a job. They will not stop until we are finished. Messing with miners livelihoods is not what is necessary to sustain an income for a few folks in DEQ. We don't need DEQ people who are just there making work to preserve their jobs.	The existing permit has expired and DEQ has an obligation under the federal Clean water Act and ORS 468B.035 and 468B.050 to renew the permit.
5	Big shots in Washington DC keep saying we need less regulation. Guess little shots don't hear this.	
15	Excessive fees, monitoring and work restrictions are overbearing.	Fees for this permit are set in state statute ORS 468B.052. In the development of this permit for monitoring and work requirements, DEQ considered other permit conditions from other states to determine, what has been expected and what is reasonably achievable to protect water quality and beneficial uses.

15	<p>I have a reclamation bond for hard rock mining on BLM land. It costs \$1000 dollars. BLM lays out the scope of what I have to do. Dredging permit that we all receive tells us the same thing-what we can and can't do. Why does it have to keep rehashing and redoing everything. because all the information has already been given to us, not only by the DEQ , Division of State Lands, Army Corp of Engineers, US Fish and Wildlife Service, as well as, Oregon Department of Fish and Wildlife.</p> <p>Relays an incident that involved 10 permits being applied for, permission given to mine after submitting a plan. Then there were new rules and regulations. Told to cease and desist at his work site by agencies that included a SWAT team. Received a threatening letter about a fine and prison term. Called the Governor, his secretary restored the permit. Everybody got their hands slapped. Then commenter notes being audited by the IRS for two years. That's what they will do if they can't get their way, they're going to sic the government on you somehow. Ended up receiving a rebate.</p> <p>If you are a legitimate miner, you play by the rules, you do what the law requires, then nobody should have complaints, especially in a bureaucracy.</p>	DEQ acknowledges your comments. The Clean Water Acts limits permits to terms of five years. Each time DEQ issues a permit, DEQ is required to ensure all water quality standards, including antidegradation requirements, are met. New water quality standards may have been adopted since the last permit was issued, or there may be revised 303(d) lists that add new listings or delete previous listings.
349	Add language to permit for clarity –The Evaluation Report provides more information and clearer language than the permit itself. Evaluation Report must be read to fully understand the eligibility, limitations, or reporting requirements stated in the permit. Add language in the permit to ensure the conditions and requirements are easily understood.	DEQ acknowledges your comment. The permit language by necessity reflects technical and legal terms. The purpose of the permit evaluation report is to explain technical and legal terms and to explain the basis for the limits and permit conditions. DEQ plans to provide education and outreach prior to the effective date of the permit. Permit conditions are written so that the regulated community and inspectors can determine compliance. The cover page of the permit was reworded to provide clarity on sources covered under this permit, definitions and requirements for fuel and oil storage for example were revised to address specific comments. The section on fees was revised for clarity and to let registrants know that DEQ will inform five-year registrants affected by any new EPA approved or established 303(d) listings. Best management practices provide examples of habitat structure and the term habitat structure is defined in the permit. Access to information and online tools will be made available for compliance assistance with permit conditions. For example, DEQ's mining web page http://www.deq.state.or.us/wq/wqpermit/mining.htm has information available on water listed as water quality limited, scenic waterways and essential salmon habitat. These reference documents are provided with the permit copy issued to the registrant and are available in hard copy upon request.
338-348	A fact based permit renewal process is a baseline to start from but DEQ's permit process should also recognize a precautionary principal to protect water.	The permit was developed to comply with the CWA and applicable rules and regulations. DEQ bases its permit decisions on substantial evidence.
359	<p>Please revise your fundamental assumptions with respect to how suction dredge mining negatively impacts human well being from a bio-psychological perspective, which is ecologically literate. Cites literature on environmental psychology, conservation psychology, and eco-psychology.</p> <ul style="list-style-type: none"> • DEQ needs align with contemporary understandings of human wellbeing. • DEQ should be interested in the most current understandings of the person-nature relationship and how vital it is to human well being • Interacting with a natural environment unadulterated by use of machines is a necessity as opposed to a luxury. • The natural environment is not something to exploit. Suction dredging is an archaic practice. 	DEQ has the responsibility and authority to regulate discharges of pollutants to waters of the state pursuant to the Clean Water Act and Oregon state law.
360	Please place a higher value on water quality and native fish for all Oregonians rather than on recreational mining for a small minority.	Implementation of the permit requirements will protect water quality in all state waters.
368	Place the highest priority on restoring water quality and a river's ability to sustain native fish for all Oregonians rather than on allowing the continued degradation from recreational mining for a small minority.	
375	DEQ first priority should be to protect fish and the water quality.	
15	As a river guide, I guided quite a few of the influential people in the government and their complaint was that laws, rules and regulation that we have governing our fishing and mining and everything are all in conflict of interest.	
297	Protect water quality (and therefore fish populations) to the maximum extent. It is the single most important charge of your agency.	
362-364	The protection and restoration of all the state's fish bearing water ways need to take precedence over the extraction of gold, an activity that caused environmental harm that is still in evidence throughout Oregon. Severely restrict where and when suction dredge gold mining can legally occur. Included with comments on 700PM is a letter to Governor Kitzhaber requesting help in mitigating the harm from a new gold rush in rivers.	

351, 366	The 1899 Act ORS 541.110 declares use of water to develop mineral resources and furnish power is a beneficial use and a public necessity.	
359	Oregon should be protecting its waterways because its future and human wellbeing depends upon it. Oregon's future is not in mining, at any scale. Oregon's future is in being a leader within the outdoor adventure industry.	
357, 358	DEQ's first order of business should be to protect our habitat for all species of fish. Consider dredging harmful to natural resources.	
374	You've met with environmentalists. If you met with miners only, I'd like to know who they were because I am not aware of a miners only meeting.	At the initial March 7, 2013 large group meeting in Medford, DEQ explained that meetings would continue with separate smaller groups. These small group meetings occurred in October and December 2013 as well as February 2014. Some of the meetings held with mining organizations included representatives for New 49'ers, Sumpter Mining and Exploration LLC, Northwest Mineral Prospectors, Eastern Oregon Mining Association and Waldo Mining District.
379, 356	Let's bring out in the open the reason there is a new permitting process, the reason this is being foisted on us is the sue and settle case. It has to do with power and control of resources, a continuation of the war on the west that started 30 years ago. Same as the timber industry. When they are done with miners, fishermen will be next.	DEQ is not responding to this comment, as it is not related to the permit terms or permit evaluation report.
	Turbidity and Sediment	
3	Turbidity is a natural occurrence and has been studied to death when it comes to small scale mining.	Turbidity is a pollutant that is regulated under DEQ's water quality standard in OAR 340-041-0036.
6	Dredging causes less turbidity than spring run-off.	
361	In a mountain stream during high flow you can feel the vibration of head sized rocks tumbling downstream and you can even hear the clunk as they tumble even though you cannot see them through the muddy water. This has occurred by natural means every year for millennia and yet fish have not been eradicated.	
3	Recommend that DEQ really read all the studies on turbidity and mining that have been conducted over the years.	During public notice, DEQ provided a list of reference material and web sites used in preparation of this permit.
5	10,000 eight-inch dredges could not muck up the Rogue River like when they screwed up on the Gold Ray Dam. They blamed the screw up on mother nature. Fish were still there next summer.	Comment appears to be related to Gold Ray Dam removal and is not related to this permit.
14	A dredge that is 4 inch or less does not move much material. There is almost no turbidity. An operation that creates a lot of turbidity should be modified so that no damage is done. If they cannot operate clean, then they should be stopped.	In the permit, Schedule A, Condition 2 provides options to mitigate turbidity such as ceasing operations, moving to a different location, or reducing the flow through the suction dredge.
16	The draft 2015 700PM permit regulates minor and temporary impacts from turbidity not particularly harmful to aquatic life while ignoring the need to regulate and mitigate the more serious and long lasting impacts to aquatic life from streambed disturbance and subsequent sediment deposition. The DEQ draft 2015 permit gives dredgers unlimited opportunity to pollute streambeds with fine sediment and increase local cobble embeddedness for 300 feet below dredges. DEQ has failed to regulate sediment pollution via a cobble embeddedness standard or some other sediment related standard.	DEQ assumes the commenter is using the term "cobble embeddedness" to refer to deposition of fine sediment that settles out over larger material. DEQ's narrative water quality criteria OAR 340-041-0007(11) does not allow the formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits that are harmful to fish or other aquatic life, public health, recreation or industry. This permit has a mixing zone and best management practices that are protective of this narrative criterion. This Permit retains a mixing zone that is as small as feasible and best management practices that prevent creation of excess suspended material and sedimentation that can threaten the survival of fish and other aquatic species, as well as interference with public water supply. Re-deposition of suspended sediments downstream of dredging that covers fish eggs reduces the availability of oxygen. Excavation and deposition that would disturb fish eggs and their spawning grounds are protected by specifying in Schedule C, Conditions 2 and 3, that suction dredge operations need to observe in-water work periods. The in-water work periods are based on the protection of fish and fish spawning and are developed by the Oregon Department of Fish & Wildlife. The in-water work schedule guidelines give primary consideration to anadromous and other game fish, and threatened, endangered or sensitive species. In-water non-motorized mining equipment may not be used where fish eggs are present.
16	The DEQ must prohibit single dredges on very small streams and restrict the number of dredges operating on medium sized streams due to potential that "[t]he single discharge or the cumulative number of discharges is/are a significant contributor of pollution" or cause synergistic effects (See EPA 2010a:22,24 and EPA 2010b:10). A minimum wetted width for dredging must be established to limit sediment pollution and damage to stream banks.	As required by Schedule A, Condition 1, Discharge Limitations for all Equipment, suction dredges and in-water non-motorized, in no case may visible turbidity cover the entire wetted perimeter (bank to bank). No wastes may be discharged and no activities may be conducted that will violate Water Quality Standards as adopted in OAR Chapter 340, Division 41. If an operation causes turbidity in excess of 10% criterion from bank to bank, the equipment used is too large for the stream. A mixing zone must be as small a possible, avoid overlap and be less than the total stream width to minimize adverse affects on the biological community. Beneficial uses protected by water quality standards includes resident fish and other aquatic life.
371	Change Schedule A, Condition 1. Remove the requirement which states "In no case may visible turbidity cover the entire wet perimeter." There are many streams in Oregon that are small enough that is it impossible to keep visible turbidity from covering the entire perimeter. Areas that I work are only about 5-10 feet wide with no fish, culverts don't allow passage. Areas that are lower that have trout are	

	not wide enough to keep within this requirement. There needs to be an alternative way to allow dredging within small stream segments.	EPA did not comment on this permit regarding cumulative and synergistic effects. There are TMDLs for sedimentation in Southern Oregon Coastal streams including North Umpqua, Middle Rogue, Coos, and Applegate rivers, and Eastern Oregon streams including Umatilla and Lower Snake rivers. This permit requires an annual report that will include operating information on stream location that can be used for Total Maximum Daily Load analysis, which is a large scale analysis.
338-348	Permit assumes that all streams are equally capable of receiving the same load of pollutants. Difficult or impossible to dredge without undercutting banks in small streams (10 feet wetted width or less), creating bank to bank turbidity, and or creating a plume of turbid water and sediment deposition longer than 300 feet downstream. DEQ's permit prohibits these actions but DEQ needs to exclude coverage on streams where there is no reasonable expectation for activities to meet water quality standards.	This is a statewide general permit that retains conditions to regulate discharges in essential salmon habitat. DEQ expects compliance with permit conditions will be protective of water quality and beneficial uses in all streams where authorization is provided. DEQ will continue to rely on self-monitoring and adherence to permit conditions to be protective of smaller streams. There is a process in place to exclude registrants from coverage under a general permit if permit conditions are not met. General Condition Section A, A1. States the permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit. If a miner finds that conditions cannot be met at a particular mining location, then an individual permit can be applied for (see Coverage and Eligibility, Condition 3).
338-348	Fine sediment deposited on streambeds downstream of suction dredging activities on an annual basis are not addressed. DEQ needs to determine if or how the 700PM may be causing or contributing to the violation of water quality standards for sedimentation, and ensure that effluent limits are sufficient enough to protect beneficial uses and prevent impairment of additional waterways.	Permit conditions regulate turbidity and sediment deposits at the time mining occurs and can prevent types of sedimentation such as continued erosion of stream banks. Schedule C, Conditions 7 (no mining of stream banks), 8 (undercutting), 9 and 10 (moving habitat), 11 (bridge footings, dams), 14 (10 feet into wetted perimeter), 15 (motorized equipment) prevent excess sedimentation.
338-348	Turbidity causes an increase in temperature which in turn reduces the concentration of dissolved oxygen. References an EPA document on Water: Monitoring & Assessment, 5.5 Turbidity. DEQ does not need to identify articles that evaluate turbidity and temperature increase from dredging.	Commenter provided an excerpt of an EPA document that provides information on general effects of turbidity on temperature that may occur, but the reference does not indicate the variables that can create that occurrence. Suspended sediment can also block out light penetration. The evaluation report properly addresses turbidity and temperature as it relates to activities regulated in this permit. This permit provides protection from any potential temperature increase through compliance with best management practices that include protecting banks from further erosion and protects stream bank vegetation that provides shade.
350	Sedimentation degrades water quality by increasing turbidity and releasing phosphorus from sediment buried in the water.	Elemental phosphorus is not likely to be encountered from activities regulated under this permit. Total phosphorus can be identified as excess nutrients contributing to a water quality impairment such as algae growth and is usually associated with upland inputs of sediment from agricultural areas. This permit provides protection from any potential excess phosphorus into a stream through compliance with best management practices that include best management practices to prevent bank erosion. No relationships were found in Oregon's nutrient management program that included suction dredge placer mining. Nutrients are usually examined along with other stream conditions to determine a cause for impairment.
365	Sediments that are dredged up clouds the river and relocates rocks and sediments which is bad for the river ecosystem. High water events later in the year fill [sic] move all of these sediments and rocks, killing most of the critters living in them.	This permit has 300-foot turbidity limit that is protective of all streams because it must meet the water quality standard of no greater than 10% turbidity above background. DEQ requires preventative measures to keep the turbidity plume within the effluent limit of 300 feet. DEQ requires a number of best management practices in this permit for placer mining with a suction dredge and in-water non-motorized equipment to manage erosion. Best management practices minimize the impact of erosion and protects the habitat for beneficial uses by keeping dredging excavating activities in the stream and along the wetted perimeter. DEQ also has a best management practice to prevent erosion by protecting stream bank vegetation. Removal of coarse woody debris or boulders from a river, which can have substantial impacts on the stream environment, including redistribution of sediment, is not allowed and replacement of habitat structure is required.
369	Change the distance from separating dredges to 200 ft as we have discussed. SB 838 gives DEQ allowance to change the distance for mediating the distance. 500Ft is totally unjustified for safety reasons and for reducing the mixing of turbidity. The 200 ft distance provides for safe operation and for moderating the mixing zones. There is not science to justify the further distance of 500 ft.	This permit does not address SB838 separation distances. DEQ allows a 300-foot mixing zone, but overlapping plumes are not allowed. Dredgers can be spaced closer together if a visible turbidity plume is less than 300 feet long and does not overlap with another plume. DEQ uses its rules on mixing zones to establish spacing requirements. This permit requires a 500-foot distance upstream from water quality limited streams, which includes 300 feet for the mixing zone, to protect water quality. Please refer to additional discussion added to Permit Evaluation Report regarding the 300 feet mixing zone size and rationale for requiring a 500-foot distance upstream (set-back) from water quality limited streams.
	Fish and Environment	
359	Beneficial uses of fish and aquatic life (including core cold-water habitat and salmon & trout rearing & migration), wildlife & hunting, fishing, boating, water contact recreation, aesthetic quality are not being adequately protected. <ul style="list-style-type: none"> Concerned that fish are negatively impacted Aesthetic qualities of the Rogue River are being degraded by allowing suction dredging 	DEQ believes that the conditions of the permit are appropriate to protect the beneficial uses of Oregon's waters for fish and aquatic life domestic, agricultural, industrial, municipal, recreational and other beneficial uses as authorized by ORS 468B.020 and consistent with the policies in ORS 468B.015.

	Limit the number of dredgers to a maximum of one every 1,500 feet. Require all suction dredgers to be removed from the wet perimeter during non-mining hours (e.g. 5 pm to 8 am).	Implementation of the permit requirements will protect all beneficial uses including industrial (mining). Water quality standards must be met. DEQ has taken measures to address cumulative impact on Oregon waterways. Also see DEQ's response to similar comments for example see the above response to comment nos. 338-348, 365,371 under the topic of Turbidity and Sediments and response to comment no. 356 under the topic of Discharges Not Authorized By This Permit and response to comment no. 368 directly below. This permit allows mining operations only during daylight hours in order to monitor visible turbidity effectively. Commenter suggests removing suction dredges from wetted perimeter during non-mining hours, but pulling a dredge up on a bank (if feasible) may cause accelerated bank erosion problems. Also, this permit requires launching or removing dredges from streams at established boat launches and stream crossings/fords and other public water access points that are authorized by land management authorities.
9	There is a record return of Salmon in the Columbia River, with so much dredging going on wouldn't the opposite be true? Streams are resilient. Rivers and streams continue to move sediment that needs to be cleared out. We continue to use gold in products. Why can't some of that gold be from Oregon?	There is virtually no suction dredging occurring under the current 700PM in the Columbia River according to primary mining locations provided by miners on the application. Implementation of the requirements contained in DEQ's permit protects water quality for salmon and allows suction dredging for gold in Oregon streams.
13	Environmental impact statement in California proved dredging did not harm the Klamath River. For example, invasive fauna is moved down stream, gravel is cleaner after dredging and made ideal for spawning. California Government banned dredging even though it creates a healthier environment.	California's Final Environmental Impact Statement included additional restrictions for the Klamath River and addressed similar comments consistent with their regulatory approach. This is Oregon's general permit process. Permit conditions in the permit are protective of Oregon water quality standards, which include water quality, designated uses and antidegradation. Best management practices in Schedule C, Condition 16 prevent invasive species spreading from one water body to another. Gravel that is cleaned in one area creates turbidity downstream. This permit regulates turbidity and the deposition of sediments.
368	Further protect fish and water quality by prohibiting mining in sensitive watersheds essential for salmon reproduction or threatened and endangered aquatic species. There may be places in Oregon where this type of mining is appropriate but surely that place is not in habitat essential for salmon and bull trout	DEQ has numeric and narrative water quality standards to protect designated beneficial uses. Water quality standards are set at a level to protect the most sensitive beneficial uses. The turbidity standard of no greater than 10% above background is an example. During the summer dry season turbidity levels are very low throughout the state (1-2 NTU). Most suction dredge seasons are open in June or July and close in August or September based on anadromous species spawning cycles. During these times, when the water quality standard of no more than 10% above background is harder to achieve, suction dredges with larger than a 4-inch inside diameter intake nozzle and 16 horsepower motor are not allowed to operate in essential salmon habitat. This requirement and other best management practices protect water quality.
337	Prohibit suction dredging in sensitive watersheds with threatened and endangered aquatic species, salmon and bull trout.	This permit does not authorize discharges from suction dredges exceeding 16 horsepower and suction nozzles with inside diameter larger than four inches to operate in essential salmon habitat. Restricting the discharge for different size suction dredges will minimize the water quality impacts in areas that are considered environmentally sensitive. DEQ is restricting the size of the dredge inside of essential salmon habitat because DEQ's 2004 field study on the four-inch dredge showed that it is more likely to meet the water quality effluent limit for turbidity. This also aligns with DSL's requirement.
297	Support closure of dredging activity on any essential salmon habitat. Salmon runs are pushed to extinction and cannot withstand dredging activity in the limited amount of remaining spawning habitat that salmon depend on.	
373	Protect watersheds by closing watersheds that contain essential salmon habitat. Suction dredging damages spawning habitat.	
363	Suggest DEQ exclude essential habitat, essential salmon habitat and spawning habitat from dredge mining. Unabated intervention of humans into the environment has an adverse impact.	
360	Further protect fish and water quality by prohibiting mining in sensitive watersheds essential for salmon reproduction or threatened and endangered aquatic species. Umpqua river system and South Umpqua needs special consideration because the Upper South Umpqua Spring Chinook population is on the cusp of extinction, it is in Essential Salmon Habitat and it is 303(d) listed.	
374	Mining tears up little things called periwinkles out of the ground.	Suction dredging can entrain macroinvertebrates such as periwinkles (Caddisfly larva). This permit requirement for no overlapping turbidity plume and restrictions on plume width allows for recovery of macroinvertebrates.
379, 356	Number one impact of fish mortality is fishermen. I don't purposely go out there to dredge up little fishes. Fishermen buy expensive gear and kill poor fish, innocent fish purposely.	There are studies that suggest that the impacts are insignificant from suction dredging as long as the regulations in place are followed. The Institute for Natural Resources Policy Paper 2003-01, prepared by Oregon State University, entitled —Recreational Placer Mining in the Oregon Scenic Waterway System, states that miners and their representative organizations make a strong claim, backed by a number of studies done by government and academic institutions, that recreational placer mining does not have a harmful impact on the natural environment if certain practices are followed. The Institute for Natural Resources Policy Paper also states “[T]he result of not adopting all best management practices,... even by only a handful of recreational miners, can cause serious long-term damage to the ecological health of a particular stretch of river.”
15	Fish are not in danger. There are so many hatchery fish they have to be recirculated. All the salmon get clubbed in the head because they are not allowed to go anywhere past the dam. Government agencies kill fish. Fisherman buy a license to kill fish. Miners do not buy a license to kill fish. I have never sucked up a fish in my dredge in all the many years I've mined. Dredged all year round and the trees, rivers and fish are still OK.	
352, 353, 355, 374	<i>“Relevant Science showing miniscule effects of dredging: There have been a number of studies on the effects of small scale gold suction dredge mining that have concluded that these operations have impacts</i>	

	<p><i>on the environment that are temporary, highly localized, and less than - significant: Read more at: https://prospectorjack.wordpress.com/2014/02</i></p> <p><i>Scientific studies have identified both detrimental and beneficial effects from this level of mining. Dozens of studies on the environmental effects from small scale mining, and in particular “in-stream suction dredge placer mining”, have been performed by various agencies since the 1980’s, including the U.S. Environmental Protection Agency, U.S. Army Corp of Engineers, U.S. Geological Survey, and other federal and state agencies and universities at the cost of millions of dollars. To date, other than a few short-term and highly localized detrimental effects that are already mitigated to the point of being “less than significant”; the only other effects studies identified were beneficial to fish, the aquatic habitat, and the economy.” Joe Greene, Retired EPA Scientist, Idaho, 2014</i></p> <p>The conclusion is that the recreational mining activities of panning, sluicing, and dredging enhance salmonid and other fish habitat. These activities should be encouraged. They provide one of the most cost-effective enhancement techniques as they are a beneficial side-effect of private recreation.”</p>	<p>DEQ has looked at the studies and concluded that in some situations and without proper safeguards the discharges from suction dredge mining can have adverse impacts on water quality. In addition, the limits and other conditions in the permit must be written so that water quality standards are not violated and the most sensitive uses are protected.</p>
338-348	<p>700PM fails to ensure suction dredge activities will not cause or contribute to a violation of Oregon’s water quality standards, including protection of uses because DEQ did not consider the most sensitive beneficial use. Impacts to the most sensitive beneficial uses such as, aquatic life and fish spawning should be used to determine whether to permit suction dredging in the proposed 700PM permit. Then if suction dredging is allowed under the proposed permit, ensure these activities do not cause or contribute to a violation of water quality standards.</p> <p>References DEQ’s authority and responsibility under 33USC 1342(b)(1), 1311(b)(1)(C); 40 CFR 122.4(d),(i) and public policy ORS 468B0.15(2). Water quality standards are defined as the designated beneficial uses of a water body, in combination with numeric and narrative criteria to protect those uses. 40 C.F.R. §§ 131.3(i), 131.11(a)(1) and OAR 340-041-0004; OAR 340-041-0101-0350. For water with multiple use designations, the criteria must support “support the most sensitive uses.” 40 C.F.R. §131.11(a)(1).</p> <p>Provides an example using OAR 340-041-0300 (Table 300A; Figures 300A & 300B) to describe beneficial uses that includes aquatic life, salmon and steelhead spawning, salmon and trout rearing and migration, water contact recreation, wildlife, hunting and fishing and aesthetic quality. Aquatic species are the most sensitive beneficial uses. Early life stages are particularly sensitive to changes in water quality.</p>	<p>DEQ considers all beneficial uses. This permit protects sensitive stages of aquatic life and industrial use through permit conditions that can be implemented and enforced through statutes and regulations in place. Water quality standards that contain protections for beneficial uses including sensitive species are appropriately included in the permit conditions where necessary. Aquatic life and fish spawning are considered throughout permit requirements for sedimentation, turbidity and toxics other than chlorine. Essential salmon habitat areas are protected from excess pollutants by keeping a suction dredge equipment size not exceeding 16 horsepower and suction nozzles with inside diameters no larger than four inches.</p> <p>This general permit includes a requirement to work during in-water work periods that is established by Oregon Department of Fish and Wildlife to be protective of sensitive species of fish and aquatic life sensitive life stages and requires habitat structure be restored. Where in-water work schedules have not been identified for all locations of lamprey and freshwater mussel, this permit includes best management practices to be protective of these species.</p>
367,357,358	<p>Commenter is a farmer that produces organically grown food including organic beef depends on clean water. Also, the farmer’s family depends on wild salmon for food. Dredge miners working in river main stem, upper headwaters, and tributaries destroy stream habitat [for salmon] and expose [people and fish] to toxics particularly naturally occurring mercury and mercury introduced by past practice mining and DDT used on forests.</p>	
348	<p>Not disturbing the spawning gravels on which the replenishment of fish stock depend is very important.</p>	<p>Mining involves movement of streambed material. Excavation and deposition from mining activities that would disturb fish eggs and spawning grounds are protected by specifying suction dredging cannot occur when outside of the in-water work schedule and non-motorized equipment cannot be used where fish eggs are present. This permit retains these requirements to be protective of water quality. Movement of material that creates sediment, turbidity and toxics is limited in areas of essential salmon habitat by limiting the size of suction dredge equipment used in essential salmon habitat.</p>
339	<p>For fish habitat issues, essential salmon habitat is a place to start to address preventing damage to those beneficial uses, as well as impairments. Fish habitat as well as impairments are the primary issues where I think DEQ needs to move forward to protect water quality for all Oregonians.</p>	
349	<p>It is unclear on how it was determined what size of suction dredge may be operated in essential salmon habitat. Explain how dredges with 4-inch and 6-inch nozzles have same 300-foot mixing zone. Describe how was a 4-inch nozzle dredge determined more appropriate than a dredge with a 2-inch or 5-inch nozzle in ESH.</p>	<p>DEQ provided an explanation in the previous evaluation report and will include that explanation in this evaluation report. DEQ is restricting the size of a dredge inside of essential salmon habitat because DEQ’s 2004 field study on the four-inch dredge showed that it is more likely to meet the 300 foot mixing zone for turbidity. This also aligns with Oregon Department of State Lands requirement. Keeping a mixing zone at 300 feet allows for flexibility in streams where the type of sediment not the size of the dredge may influence the length of a plume since the length of a plume can be influenced not only by size of a nozzle but also by the type of sediment being discharged. Where the sediment is fine, the plume may be longer with the same size of nozzle.</p>
16	<p>The June 15th start date is too early for the Illinois River Basin because late spawning winter steelhead eggs and alevins (yolk-sac fry) will be entrained by dredges. Similarly, eggs of lamprey, frogs, and</p>	<p>This permit requires suction dredge miners to follow an in-water work schedule established by Oregon Department of Fish and Wildlife. DEQ believes that the Oregon Department of Fish and Wildlife in-water work schedule provides protection against discharges that might cover fish eggs and create oxygen depletion.</p>

	salamanders would also be destroyed by dredging during June in the Illinois River Basin and possibly the South Umpqua River.	
367, 357, 358	Mining causes adverse impacts to not only fish spawning but also fish rearing habitats of lamprey and other anadromous fish. Recreational fishing is an international draw for regional economic prosperity. According to historic records from cannery processing in Umpqua basin during the 19 th century and aboriginal populations (Meengs and Lackey, 2005), the annual number of fish processed ranged from 500K to 1.5M salmon. If Umpqua basin salmon were restored to 50% of pre-European populations, the region could gain economic activity of \$844M annually. The state must protect its people and the farmer's family from such an unhealthy and unsustainable activity. Commenter "...urge[s] Oregon DEQ to take major further steps to protect our watersheds by closing them to suction dredging in salmon spawning and rearing habitats and in water mussels (aquatic cleaners) and lamprey (also aquatic cleaners and major high value food source for other species) and foothills yellow legged frog habitat which lay eggs and rear tadpoles in the habitat impacted by suction dredge mining."	DEQ believes that the conditions of the permit are appropriate to protect the beneficial uses of Oregon's waters for fish and aquatic life domestic, agricultural, industrial, municipal, recreational and other beneficial uses as authorized by ORS 468B.020 and consistent with the policies in ORS 468B.015. Best management practices for mussels and lamprey were added to this permit. Best management practices were established using U. S. Fish and Wildlife Service's Best Management Practices to Minimize Adverse Effects to Pacific Lamprey (April 2010) Attachment A, Number 5 for in-stream dredging and other activities which include: <ol style="list-style-type: none"> (1) Avoid (do not operate) using suction dredges and in-water non-motorized mining equipment in areas where Pacific Lamprey ammocoetes are known to exist. Where avoidance is not possible, salvage efforts should be attempted prior to activity. (2) Sift through the removed substrate and salvage any ammocoetes within and return them to the stream away from the activity. This permit includes best management practices for mining that are protective of mussels, which include <ol style="list-style-type: none"> 1) Not operating in areas where live freshwater mussels are present. 2) Relocate your operation if live mussels are encountered during excavation.
369	Remove the references to eels in the proposed draft. Lamprey eels were brought up in an earlier meeting as a discussion item. When questioned, the lamprey were only used by one tribe, (Umatilla or Warm Springs tribe) was the only one that used them for ceremonial purposes. This does not justify using them as a species of concern for the rest of the state. DEQ has not provided best science to adopt the new inclusions.	
338-348	DEQ must address habitat damage during the instream water work period that continues to impact reproductive success of salmonids in other seasons. DEQ's permit needs to address in the permit the issue of increased scour in mined areas, as well as any impacts to lamprey ammocoetes, macroinvertebrates or bivalves to ensure protection of beneficial uses and compliance with Oregon's biological criteria from OAR 340-041-011. DEQ should consider excluding permit coverage for stream segments or watersheds like streams designated by DSL as Essential Salmonid Habitat or watersheds that contain them as outlined in ORS 517.140 section 2 to prevent impacts to aquatic species and in particular impacts to salmonids listed as threatened or endangered under the Endangered Species Act. The permit already sets different standards for essential salmon habitat and non-essential salmon habitat waters, this is already an established method.	DEQ acknowledges scour is related to the removal of streambed material; however this is a permit for protection of water quality. DEQ does not permit removal aspects of suction dredging that contributes to destabilization. Department of State Lands regulates the amount of material that can be moved from a streambed and stability of material that remains. DEQ's suction dredge general permit does not authorize discharges in waters listed as impaired for turbidity, sedimentation or toxics other than chlorine to be protective of beneficial uses from water quality impacts. The permit contains requirements to follow in-water work periods developed by ODFW and protections for habitat structure which will be protective of aquatic species. Best management practices were added so that suction dredges and in-water non motorized mining equipment do not operate in areas where fish eggs, mussels and lamprey ammocoetes are present. The permit contains requirements to limit turbidity and suspended sediments.
	Lead/Mercury	
9	I remove lead at my own expense. Why don't others that throw lead in a river need a 700PM permit? Do I need a permit to remove toxic lead from the environment?	The 700PM permit covers discharges from suction dredge mining and does not address the type of discharges of lead to waters of the state, or removal of lead from waters of the state that the commenter is referring to.
15	Areas dredge by suction dredges are getting cleaned and freed from toxic heavy metals, like fish sinkers, rusty iron, bullets, mercury, etc. Issue is not miners and mercury. Miners help clean out waste and remove these contaminants.	Some streams contain sediments contaminated with toxic pollutants, such as mercury. Suction dredging in streams that are water quality limited for toxics, such as mercury, could disturb stream deposits and release toxic pollutants. Sediments contaminated with toxic pollutants are then transported downstream and deposited and can ultimately be ingested by benthic organisms and passed up the food chain. To implement DEQ's 2011 human health methylmercury and mercury criteria, this general permit does not authorize discharges into water impaired for toxics, which include mercury and methyl-mercury, where these impairments have been identified through the approved list of impaired waters. A monitoring requirement was added that requires reporting when mercury is encountered. In addition, this permit cannot provide a mixing zone in water quality limited waters for toxics including mercury unless a more site-specific evaluation is made as with an individual permit or unless there is a total maximum daily load that expressly provides for mining under the Permit. While the removal of mercury from rivers left behind by old commercial mining operations during recreational mining benefits water quality (Institute of Natural Resource Policy Paper 2003-01, prepared by Oregon State University), this removal is unlikely to remove all of the mercury deposited in the past. (California Chapter 4 responses to DSIER comments on page 4-41)
374	Dredging has removed glasses, cameras, trash and debris, lead lures, anything metal and mercury. Has DEQ, you yourself ever removed anything from a river. Dredgers remove mercury. Mercury comes in three basic forms. We remove it. We even turn it in.	DEQ has a fact sheet that informs miners about the recovery of mercury and DEQ has worked with miners to collect mercury for disposal. DEQ offers guidance in a fact sheet (<i>Water Quality Permits for Metal Mining Activities</i>) which provides information on health exposure and environmental concerns with free mercury collection information at this web address http://www.deq.state.or.us/wq/pubs/factsheets/permits/09-WQ-023MetalMining.pdf .
382	Miners remove stuff from fishing and I've yet to hear a thank you from DEQ.	
379, 356	Miners remove mercury.	Permit Evaluation report for 2010 700PM general permit noted that recreational mining can actually produce a benefit to water quality when miners remove mercury from rivers left behind by old commercial mining operations. (Institute of Natural Resource

15	Miners remove mercury. DEQ cannot tell if mercury from rivers is put there by miners, whether it was dumped in by stupid people, or if it is naturally occurring because it all assimilates. All the mercury in the river is assimilated. Mercury in this vile came out of the Rogue River. Mercury is not being put in by miners it is being taken out by miners.	Policy Paper 2003-01, prepared by Oregon State University). This paper also mentions the removal of all the litter in the form of lead fishing weights, nails and trash from the streams.
352, 353, 355	“[T]oxins can be removed in the case of mercury and lead removal with dredging. A production educator dredge removes mercury from the mercury contaminated river bed as the mercury forms an amalgam with the gold on entry to the dredge. And as a means of solving the problem of mercury contamination of streams, an Australian study (EPA, 1984, as cited in Craig, 2002) recommended dredging to remove the mercury-contaminated sediments. A production educator dredge can therefore have a positive effect by removing any dangerous mercury from a stream environment (Craig, 2002).”	California estimated that more mercury was released from inefficient past gold mining practices than is collected from suction dredging operations. The same past practices would be true in Oregon. Please also see the response above.
382	Letter from Joseph Greene, who worked for EPA, to California Governor Schwarzenegger. He has credentials and he thanked the miners for removing mercury. He says mercury in California was from historic mining operations between 1850 and 1890. Miners as they separate out the gold are also removing mercury.	Sediment that may include toxics is expected to settle within 300 feet of the suction dredge. Turbidity plumes are not allowed to reach public and private drinking water intakes so that re-suspended toxics are not taken up into a drinking water supply. Further, a new requirement sets an operating distance from water quality limited water for toxics, which includes mercury. An additional monitoring requirement was added that requires reporting when mercury is encountered.
374	Letter from Joseph Greene, who worked for EPA, to California Governor Schwarzenegger. As miners remove sediments, sands and gravel from streams and former mine sites to separate out gold, they also remove mercury. Modern day small miners extract mercury left by historic mining operations. Mercury collection needs less barriers. Mercury collection in association with government agencies help can work (cites 2001 EPA Mercury-Recovery from Recreational Gold Miners, 2007 News Release from Washington Department of Ecology-Miners remove gold rush mercury from Washington Streams)	
16	New information from US Geological Survey studies in California indicate significant amounts of mercury are being mobilized by suction dredgers where the mercury bioaccumulates into top predator fishes. See Horizon 2011:4.2 33- 59 especially 4.2-53 lines 27-37; see also Fleck et al. 2011; Marvin-DiPasquale et al. 2011. The DEQ draft permit fails to place “limits [to the] discharge of wastewater” laden with mercury.	
338-348	<p>700PM fails to ensure suction dredge activities will not cause or contribute to a violation of Oregon’s water quality standards, including protection of uses because mercury that is mobilized as a result of suction dredge activities may violate water quality standards that are protective of aquatic life. DEQ must address how to handle mercury in the proposed permit to ensure compliance with water quality standards. DEQ’s permit is silent regarding mercury that is encountered during dredging. The permit should require dredgers to stop dredging immediately upon discovering mercury during their dredging activities, collect any mercury that has been mobilized, and properly dispose of the mercury.</p> <p>Commenter provides EPA Idaho NPDES general permit No. IDG37000 as an example.</p> <p>Commenter provides EPA references 65 Fed. Reg. 79,825, 79,827 (Dec.20, 2000) (“2000 Finding”) to effects of mercury, methylmercury, pathways of exposure through aquatic food chain and exposure to human health.</p> <p>Suction dredge mining does not improve water quality by removing mercury. Mercury is reintroduced. Mercury is a pollutant of concern in EPA’s Idaho permit where it is noted that mercury could violate water quality standards that are protective of aquatic life. See EPA Region 10, <i>Response to Comments: Idaho Small Suction Dredge General Permit</i> (April 2013). Suction dredging breaks mercury up into small particles (also described as flouring) and oxidizes more readily which is the first step in creating methylmercury.</p> <p>Dredgers have asked DEQ not to ignore the removal of mercury that is encountered during suction dredging. Commenter provides reference to a newspaper article by Mark Freeman, <i>Dredgers protest proposed permit revisions</i> (April 22, 2014).</p>	<p>All streams may not have environmental characteristics that cause mercury methylation. This general permit does not authorize discharges into water impaired for toxics, which includes mercury and methyl-mercury where these impairments have been identified through the approved list of impaired waters.</p> <p>As a general matter, if a discharge of a pollutant may reach a waterbody impaired for that same pollutant, then DEQ may develop additional permit conditions to prevent or minimize the impact of the discharge for antidegradation. In this permit, suction dredging is not allowed within 500 feet upstream of a waterbody that is water quality limited for mercury and methylmercury, for example, to be protective of water quality.</p> <p>Sediment that may include toxics is expected to settle within 300 feet of the suction dredge. The permit requires an operation to be modified, curtailed or stopped immediately if the 300-foot mixing zone is not met and setbacks to prevent impacts to drinking water intakes to be protective of human health.</p> <p>Monitoring requirements were added to require registrants to report observed mercury and any amount of mercury collected, so that DEQ will have a better understanding of where mercury in liquid form is located.</p>
381	Maybe mercury would stay buried if it were not dredged and let loose into the water. It is the quantity within the water and whether mercury was set free from where it was down below.	DEQ acknowledges this comment.
	Schedule B, Monitoring Log	

349	Schedule B, Condition 6 requires registrants to maintain records of monitoring logs and annual reports required by this permit and records of all data used to complete the application for this permit for at least three years. How will compliance with Schedule B, Condition 6 be determined for all these records?	Schedule D General Conditions, Section D4 requires information be furnished to DEQ to determine compliance with the permit. DEQ can request information such as, data used to complete the application for this permit, past monitoring records, and annual reports be submitted within a reasonable time. Schedule B, Condition 4 states the monitoring log must be legible and available to authorities upon request. In Coverage and Eligibility, requirements for keeping permits available are explained. Schedule B, Condition 6 was modified to clarify record retention for three years after permit expiration.
15	Monitoring for turbidity is impractical. Turbidity will be gone (cleared out by current and dispersed in the volume of water) by the time you are out of the water to check.	An operator is responsible for monitoring for turbidity. If a plume disperses before 300 feet then the plume length is less than 300 feet.
15	Schedule B, Condition 3b., 3c.,3d., 3h., and 3i. should be deleted. Already have material per cubic yard and turbidity distances in the 700PM papers on page 3 of the evaluation report. All that is needed is sight, area specific location, date, hours work was performed, time dredging based on hours chart is already listed on page 3 of evaluation report. Example: Time begin through time end is time used to put dredge in water, assemble, clean out time, disassemble, load back into boat, and dredging time included. Permit number: Date: Area: river name Location: Township, Range, Section Time begin: Time end: Work Time: Time in water dredging occurred Dredge: 4 inch pro-line, 3½inch nozzle opening Turbidity is based on tables for dredge size.	The conditions suggested for deletion are: <ul style="list-style-type: none"> • Condition 3b, requires the date of visual monitoring to be recorded. • Condition 3c, requires the time of visual monitoring to be recorded; • Condition 3d, requires the location of visual monitoring to be recorded using township, range, section or latitude longitude and stream name; • Condition 3h, requires reporting of noncompliance in accordance with General Condition D3; and • Condition 3i, the printed name of the person performing the visual monitoring and recording the observations in the monitoring log. DEQ disagrees with this comment. The permit evaluation report does not include enforceable permit conditions; its purpose is to explain the permit conditions and DEQ's basis for including the permit conditions. The items in the monitoring log and annual report are necessary to ensure permit compliance for each operation in different areas statewide.
17-211, 213-337, 354	Support requirement for monitoring logs to be turned into DEQ.	DEQ acknowledges these comments.
302	Compared (monitoring) to angler's daily duties to report and tag whether any salmon are caught or whether they are harvested. This is useful information that factors into next year's decision making.	
328, 337,368	Support requirements for new monitoring	
360	Support requirements for new monitoring. Information to track where suction dredging is occurring is critical to both agencies and residents of Oregon.	
338-348	Retain monitoring logs outlined in Schedule B that are necessary to meet the federal minimum requirements for the CWA. In addition the permit must require visual monitoring and recording of any oily sheen created in the water per 40CFR §122.44(i)(1) (requiring monitoring "[t]o assure compliance with permit limitations") and 40 CFR §122.48. Require reporting of monitoring for a visible oily sheen in an annual report per 40 CFR §122.41(i)(7).	DEQ requires information in the monitoring log and annual report of any noncompliance, which includes observation of a visible oily sheen or other noncompliance at any time. A spill that creates a visible oily sheen is required to be reported and mitigated immediately per Condition 12 in Schedule C.
373	My sense is that people out in the streams are not big documenters. So how adequate or realistic is a self-reporting process. Rather than a lot of people in the field doing the work documenting everything, DEQ should actually have a budget. Does not have to be full time staff. Employ summer staff like kids for a couple of months. Every year you take 5-10% random sample of people who are out there and monitor it. What is being looked at is very important, turbidity plume contamination, but people can be trained to do those things. I don't think they need to document it.	The regulatory system that protects water quality in Oregon is based on complete and accurate monitoring and reporting by permit holders. When permit holders fail to comply with these obligations, the public and DEQ are unable to determine whether permit holders are complying with their permits. Because compliance with the monitoring and reporting requirements is critical to protecting water quality, violation of these requirements is considered by DEQ to be among the most serious of violations.
	BMPs– Schedule C, Condition 2. And 3. ODFW In-Water Work Timing	
374	Suction dredging is coordinated so as not to interfere with fish spawning and hatching times.	The condition for suction dredgers to follow ODFW in-water work schedule is still in the permit. Schedule C, Condition 2 was modified to remove an alternative for suction dredges to operate outside of the in-water work period. Schedule C, Condition 3 was modified so that a suction dredge does not operate where fish eggs are present.
15	There are no adverse effects on spawning areas or water quality.	Implementing the requirements contained in the permit will protect water quality and spawning areas. The permit limits sedimentation in essential fish habitat by aligning permit requirements for dredge size with DSL's requirements. In areas designated as essential salmon habitat, suction dredges cannot exceed 16 horsepower and an intake nozzle with no larger than four inches inside diameter.

		<p>In addition, mining activities that would disturb fish eggs and spawning grounds are regulated by specifying in Schedule C, Condition 2 & 3 suction dredging cannot occur outside of the in-water work schedule and mining equipment which includes a suction dredge and in-water non-motorized equipment cannot be used where fish eggs are present. DEQ will continue this requirement to be protective of water quality.</p> <p>Best management practices for Pacific lamprey ammocoetes and mussels were added to Schedule C, Conditions 5 and 6. OAR 340-041-0007(11) does not allow the formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits that are harmful to fish or other aquatic life, public health, recreation or industry.</p> <p>These provisions were included to prevent excessive fine sedimentation in spawning grounds which limits available oxygen and removal of metabolic toxins near eggs and physically renders spawning sites less suitable.</p>
16	Neither DEQ nor ODFW have demonstrated a surplus of salmon eggs that can be wasted to promote recreational suction dredging. Due to low abundance of salmon and degraded spawning habitat, every salmon egg is too precious to waste for a recreational endeavor.	<p>DEQ's general permit has permit limits and conditions designed to be protective of water quality that affects fish, fish habitat and other aquatic organisms from the adverse impacts of discharges from suction dredges and non-motorized mining equipment. For example, suction dredge operators must follow an in-water work schedule established by ODFW and return habitat structure to its original location. Aquatic insect larvae up take and redistribution will occur; both abundance and diversity can be affected. The prohibition on overlapping turbidity plumes will help with macroinvertebrate recovery.</p> <p>DEQ is required to establish mixing zones that meet OAR 340-041-0053 where the mixing zone is required to be as small as feasible, minimize the adverse affects on the indigenous biological community and allow the passage of fish and other aquatic organisms, not threaten public health and minimize the adverse effect on other designated beneficial uses outside the mixing zone.</p>
17-337, 354	<p>Mining disturbs important native fish habitat and spawning gravels. Recent surge of suction dredge mining activity poses an increased risk to struggling populations of wild, native salmon, steelhead, trout and lamprey.</p> <p>Prohibit suction dredge mining in rivers and streams that have critical spawning habitat/essential spawning habitat for salmon because</p> <ul style="list-style-type: none"> • Mining disturbs important fish habitat and spawning gravels, • Salmon habitat is disturbed by suspending mercury deposits and increasing turbidity and sediments, • Areas such as the South Fork of the Umpqua River that overlap with struggling populations of salmon and steelhead warrant special considerations; <p>Unless more action is taken harmful effects will undermine efforts to rebuild healthy runs of wild, native fish.</p>	
350	Restrict dredge mining to greatest extent possible because it is destructive to fish habitat and water quality, disturbs spawning gravel, smothers fish eggs with fine sediment and kills aquatic insect larvae that fish rely on for food. Watersheds providing essential salmon habitat should be off limits to dredging.	
349	Why is use of non-motorized (in-water) mining equipment prohibited where fish eggs are present but not specified for suction dredges?	
374	Benefit is that suction dredging is coordinated so that it does not interfere with fish spawning and hatching times.	Schedule C, Condition 3 was modified so that mining equipment, including suction dredges and in-water non-motorized mining equipment may not operate in areas where fish eggs are present. The in-water work schedule may overlap with the presence of Pacific lamprey ammocoetes and mussels; however, fish eggs and Pacific lamprey ammocoetes may also be present at other times. Best management practices will be protective of fish eggs, mussels and Pacific lamprey ammocoetes that may be present.
6	<p>Dredging is good for the waterways:</p> <ul style="list-style-type: none"> • Provides fish with cooler pools to swim in • Moving gravel around provides food source to the water <p>Have regulated seasons to dredge for fish protection</p>	<p>DEQ agrees this permit is protective of fish spawning and hatching times by including best management practices in Schedule C, Condition 2 and 3.</p> <p>There are studies that suggest that the impacts are insignificant from suction dredging as long as the protective requirements are in place and are followed. In the Institute for Natural Resources Policy Paper 2003-01, prepared by Oregon State University, entitled —Recreational Placer Mining in the Oregon Scenic Waterway System. It states that miners and their representative organizations make a strong claim, backed by a number of studies done by government and academic institutions, that recreational placer mining does not have a harmful impact on the natural environment if certain practices are followed. The Institute for Natural Resources Policy Paper also states “ [T]he result of not adopting all best management practices,... even by only a handful of recreational miners, can cause serious long-term damage to the ecological health of a particular stretch of river.”</p> <p>DEQ has looked at the studies and concluded that in some situations and without proper safeguards, the discharges from suction dredge mining can have adverse impacts on water quality. In addition, the limits and other conditions in the permit must be written so that water quality standards are not violated and that the most sensitive uses are protected.</p>
374	Suction dredging releases food trapped under the gravel into the waterway to feed small fish and fry.	
374	Redistribution of classified gravels creates more spawning area for heavily populated fish spawning grounds. According to the Department of Fish & Game-“Dredging riverbeds frequently improves the habitat for spawning.	
	BMPs – Schedule C, Condition 9 Moving and Replacing habitat structure	
15	You call a rock and cobble that are hand-sized a boulder.	This permit includes a definition of a boulder to clarify that a boulder is part of habitat structure. <i>Boulder</i> means a rock 12 inches in diameter or greater. The boulder definition is from the Wentworth scale (1922).
15	Large rocks that are on top of overburden that is being mined can tumble and roll down into the dredge hole and cannot be moved back to their original position. Boulders and rocks are stacked behind a dredge hole and eventually covered up by tailings from the sluice box as a dredge moves up river. This man made structure is a better habitat than what was there originally. It provides an escape and slow	This permit regulates water quality and not removal and fill of material. As referenced in the 2010 permit evaluation report, in a 1999 article in the North American Journal of Fisheries Management by Harvey, Bret C. and Lisle, Thomas E., “Scour of Chinook Salmon Redds on Suction Dredge Tailings”, it states that if natural spawning sites were relatively abundant then tailings were not strongly selected for redds but if natural spawning substrate was in short supply, a large proportion of redds would locate in the

	water place for fish. Provides an escape and protection from predators for fish, crawfish, eels and nymphs.	tailings. The article further states that these manmade redds are subject to scour and that where there is a high potential for scour and a low number of spawners, there should be a regulation that requires that tailings be redistributed to restore the original bed topography. This type of impact is also mentioned in the Institute for Natural Resources Policy Paper (2003-01).
16	850 suction dredgers can move up to 21,250 cubic yards at thousands of locations. Fisheries research reveals that salmon spawning in sediment deposited from suction dredges have much lower egg-to-fry ratio survival. Suction dredge discharging heavily silted sediment deposits degrade aquatic life. Towards the goal of salmonid population recovery, the DEQ permit must explicitly limit individual permit discharge of solid (sediment) waste to 5 cubic yards per site and 25 yards per year to complement DSL removal volume restrictions in Essential Salmon Habitat.	Boulders are defined in the permit (Definition 2) and are larger than cobbles according to the Wentworth scale. The proposed permit currently reads in part... “[b]oulders and ‘other habitat structures’ must be returned to their original position upon completion of the mining activity. If you disturb boulders (as defined) or other habitat structure, you must move it back to original location.” DEQ acknowledges your comment but is not changing the requirement in Schedule C, Condition 9 that boulders and other habitat structures must be returned to their original position upon completion of the mining activity. DEQ regulates pollution from suction dredging reintroduced to the water column including sedimentation, turbidity or toxics other than chlorine, and a discharge must meet water quality standards. Oregon Department of State Lands regulates the amount of material that can be moved from a stream bed.
359	Please do not allow any features of the streambed (outside of the actual suction dredging) to be displaced by suction dredge mining. Schedule C Condition 7 is disconnected from the reality of the forces of moving water. It is highly unlikely that boulders or logs that are moved from the streambed can be replaced back to their original location due to the force of moving water.	Use of motorized tools to move habitat structure is not allowed by this permit. The permit allows some movement of these structures to occur within the stream channel to allow mining. This permit allows moving of habitat structure with hand tools and includes a requirement to replace habitat structure to its original position. Best management practices to protect habitat structure as it relates to water quality are consistent with requirements of U.S. Forest Service, State of Washington Gold and Fish Rules for Mineral Prospecting and Placer Mining (April 2009), EPA General Permit for Idaho, and Oregon Department of State Lands according to OAR 141-089-0835(6).
338-348	DEQ should prohibit the use of motorized and hand tools to remove boulders, logs or other habitat structure for the following reasons: <ul style="list-style-type: none"> • Elements of the stream channel provide important habitat for aquatic species. • Streambed will be significantly disturbed and altered. • If disturbed, unlikely that original structure will be sufficiently anchored to provide original or even comparable ecosystem functions. • To return habitat structure to their original position may be impossible. 	Permit conditions are protective of riparian areas and restoration efforts necessary to protect water quality. This permit prohibits wheeled or tracked equipment below the ordinary high water mark and requires dredging equipment to be launched and removed at established points. Permit conditions prohibit undercutting or eroding of stream banks and removal or disturbance of vegetation and other habitat structure from stream banks. Additionally, this permit protects in-stream habitat. This permit does not authorize upland mining. An individual permit would be required for mining outside the wetted perimeter and below the ordinary high water level.
351	To put every rock back where it was exactly is impossible, I just won't remember. I'm getting old, then if I didn't get every rock back exactly I would get fined that's too strict. I always fill my holes big rock on the bottom and rake my tailings over the top. This permit is for a point source discharge and turbidity not the equipment I use and how I use it. It's on me to meet the conditions and criteria to protect water quality the size equipment is only used as a reference as a 4 inch dredge is more than likely to not exceed the 300 foot limit.	
212	Suction dredge mining will do more harm than the good from volunteer work to enhance fish habitat.	
362-364	Protect South Western Oregon's remaining intact riparian habitat and restoration efforts. Discouraged to see increased suction dredge operations, which directly impact critical habitat for salmon, steelhead, trout, eels, microorganisms. The absence of strong, improved active regulation would represent a clear contradiction of Oregon Government's several commitments to the improvement of these same fish runs. These commitments include but are not limited to the Clean Water Act and non-point source pollution commitments made to NOAA.	
363	Oppose the moving of any in-stream structures that have been placed by the state or conservation organizations in the state. Placement of wood is not arbitrary or whimsical. Restoration of projects go through a permitting process that is expensive. In the Upper South Umpqua, \$11 million dollars has been spent restoring salmon habitat.	As discussed in the preceding response, this permit protects habitat structure for water quality purposes through best management practices in Schedule C. Crevice tools such as screw drivers and pry bars are hand tools and allowed by this permit. DEQ is unaware of any complaints of crevice tools creating water quality problem and studies or reference materials identifying crevice tools affecting streams.
302	DEQ could go farther with protecting our state's salmon, steelhead, trout and lamprey habitat. Anglers are not the limiting factor for salmon and steelhead, it is habitat. Concerned about impacts in smaller streams of major tributaries. These are critical areas for salmon and steelhead juvenile rearing habitat; and woody debris, placement of boulders and structures are all very important to the survival of these species.	
376	Stop the use of crevice tools. Crevice tools are used to move things around and sometimes breaking up the stream bottom. Breaking up bedrock with a crevice tool does not help the river at all.	
374	A stream changes even at the driest part of the year. It is a forever-changing issue on the face of this planet.	DEQ acknowledges your comment.
372	I will fill my holes in, that is a good idea.	DEQ agrees with your comment.
102	Agree with the part about returning large rocks and wood to their original position. Probably more important to do it in those streams where the Coho and Steelhead go than in bigger rivers.	Protection of habitat structure applies to all streams including large rivers.

	BMPs – Schedule C, Condition 12. Petroleum Products	
338-348	Retain the language in Schedule C.10 that requires oil absorbent pads to be used while refueling and secondary containment around fuel storage. There's room for improvement by requiring BMPs for preventing fuel spills, such as, <ul style="list-style-type: none"> • prohibit any refueling activity while on the water and • requiring dredgers to carry spill kits. Both are measures that would significantly improve the protection of Oregon's water quality.	The best management practices (BMPs) permit conditions for petroleum products will protect water quality. Operators are required to contain, clean up and report spills as well as have oil absorbent material on hand. In addition there are specifications on the type of refueling spill prevention measures using a self closing nozzle and secondary containment. DEQ prohibits discharge of oil, grease, and fuel from a suction dredge. DEQ has spill reporting requirements and provides BMPs to prevent and mitigate spills. It is the responsibility of the dredge operator to prevent discharge.
359	Conditions Schedule A.5., and C. 10 d. & e. are disconnected from reality of working within a moving body of water. To require operators contain, remove and mitigate spills immediately, only makes sense in theory and does not understand the general impossibility of containing a spill within a moving body of water.	Not all dredges operate near a launch site or stream ford, and pulling a dredge up on the bank would contribute to bank erosion. Siphon or gravity dredges with no power source are considered a suction dredge under this permit.
359	To be truly protective of water quality, all petroleum products would be banned from the wet perimeter by requiring electric motors only for example. Require all refueling to happen outside of the wet perimeter.	
365	I have seen many miners filling up their gas tanks on the river. It is very hard not to spill some gas in the river.	
372	I've always been careful with my fuel. Most people are, not all of them.	
102	Agree with the part of the wording about preventing spills, leaks and release of petroleum products.	
	BMP – Schedule C, Condition 13. Drinking Water Protection	
376	Dredging takes place right above Gold Hill where their water intake is. Testing on the water is once a year after it is treated, which is usually just a matter of adding chlorine. So we have no idea what those people are drinking as far as mercury in the water is concerned.	Schedule C, Condition 13, does not allow discharges that impact intake of a drinking water source by not allowing a visible plume, which may include mercury, to encounter an intake for a drinking water source. Drinking water source information tools to identify downstream intake locations are provided by the DEQ Drinking Water Protection Program and the Oregon Department of Water Resources.
339	Beneficial uses of water DEQ is out to protect are not just the quality of water itself, but the habitat available to those fish are in fact a beneficial use, so is drinking water, and recreation is in fact a beneficial use in a number of these waterways. Upstream impacts need to be considered, not just the parts that are already impaired. What happens upstream is going to affect those downstream water.	The requirements contained in this permit provisions are applicable to all waters not identified as impaired for those pollutants and are designed to protect water quality which includes the designated uses of fishing, drinking water and recreation. Schedule C, Condition 13, explicitly does not allow a discharge to reach the intake of a drinking water source.
	BMPs – Schedule C, Condition 16. Invasive Species	
16	The DEQ must not authorize suction dredge mining in remote areas of the Siskiyou Wild Rivers Area with the draft permit where invasive species such as Port Orford root disease, weeds, and alien mollusks are a threat to the aquatic ecosystem (atypical streams). Voluntary prevention measures are not likely to be effective and introduction of Port Orford cedar root disease by suction dredgers would result in stream temperature increases due to loss of shade trees. Coordination of disease prevention BMPs with the Forest Service is needed, especially in uninfected streams such as Josephine Creek, portions of Briggs Creek and smaller tributary streams.	Schedule C., Condition 16 requires decontamination of mining equipment for invasive species for prevention of invasive species. Schedule B. Condition 3.f. requires monitoring and annual reporting of the date that equipment was checked and date equipment was decontaminated for invasive species according to Schedule C, Condition 16; Federal authorities of public lands coordinate with DEQ by ensuring that miners on federal lands have the proper permits including this general permit which includes requirements to prevent introduction of with invasive species protections of water quality.
350	Concerned about spread of pathogens, and chytrid fungus that kills amphibians. Concerned about spread of invasive aquatic species by dredging equipment, waders, etc.	
357,358	Protect our rivers from the introduction of invasive species. All dredging rigs should receive an inspection before entering our water.	
362-364	Implement necessary regulations such as equipment and vehicle cleaning rules to prevent introduction of various invasive species, such as the quagga muscle.	
17-211, 213-337, 338-348, 354, 360, 368,	Support cleaning requirements that help prevent the spread of invasive species. Retain the invasive species language in Schedule C. 14. As a positive first step. Support invasive species requirements and that basic steps are taken to prevent the introduction of invasive species.	
375	Support cleaning requirements to prevent the spread of invasive species. Important that invasives from out of state or other places in Oregon do not spread further.	DEQ acknowledges these comments.

297	Support cleaning requirements to prevent the spread of invasive species. Invasive species can be devastating to macro-invertebrates and therefore, fish populations.	
	Compliance and Enforcement	
2	<p>Why do so many cause problems for so few? Shared observations from over 50 years of mining experience:</p> <ul style="list-style-type: none"> • There are a lot more people involved. • These people do not have any idea of what is involved in mining today. • There is lack of respect for these areas, which are public lands. Garbage and equipment is left behind. Attempts to restore flora and fauna in areas have to be repeated. <p>It is not right to shut an activity, be it a livelihood, recreational activity or a hobby, because someone does not know what is expected of them. Education on what is expected should be mandatory before receiving a permit for any activity (hunting, fishing, camping) on public lands.</p>	<p>This is a permitting process for a permit that has been in place since early 1980's. Requirements over the years have changed to keep pace with increasing knowledge about water quality protection. DEQ provides a fact sheet on water quality permits for metal mining activities. DEQ expects all registrants to this permit to read the permit and follow its requirements. If contacted, DEQ provides information to comply with its permits. DEQ does not have the resources to provide a formal education program about suction dredge mining. DEQ attempts to provide timely information about the permit and its requirements through its website, direct communication to permit holders, and to interested parties, such as mining associations.</p>
4	Most people have no idea that you even need a permit (to prospect/use small dredge). So how does making the rules stricter on the few that are aware of your Departments involvement help your goals?	
361	I act responsibly and care about our environment but I feel the need to interact with nature rather than simply observe it.	
338-348	DEQ should include with permit issuance maps of any closed areas at the time of issuance (such as State Scenic Waterways), as well as a simple plain English fact sheet of do's and don'ts for permit conditions.	
11	<p>Enforcement will be difficult with an open ended general permit and rogue minors with no shared understanding of the permit. If DEQ is going to have a general permit, then DEQ must</p> <ul style="list-style-type: none"> • dedicate considerable staff to monitor mining sites in remote locations, • have a budget, • require exact stream locations of all permitted miners, • require discharge monitoring reports and regularly check with unannounced inspections 	<p>DEQ provides maps which includes State Scenic Waterways and Essential Salmon Habitat. DEQ provides tools such as ODFW in-water work timing, a geolocator for township, range and section determination and other tools. These maps and tools are provided as reference material on its web page at http://www.deq.state.or.us/wq/wqpermit/mining.htm.</p> <p>DEQ will consider the suggestion of a simple plain English fact sheet for outreach.</p>
11	<p>Prohibit suction dredge placer mining in Oregon's waterways, rather than establish a 700-PM general permit. Suction dredge mining is an unnecessary activity.</p> <ul style="list-style-type: none"> • California has come to the correct policy conclusion and Oregon should reach the same conclusion. • Suction dredging does not merit use of our natural resources. • Enforcement will be difficult 	<p>DEQ will continue to partner with Oregon State Police on enforcement of this permit. U.S. Forest Service and Bureau of Land Management enforcement officers may refer permit noncompliance to DEQ. New requirements in this permit, including the requirement to identify mining locations on the permit application and display the permit number on the dredge, will make it easier to conduct compliance checks. DEQ requires an annual submittal of monitoring logs with monitoring location in Township, Range, and Section and Latitude/Longitude and stream name identified.</p> <p>As a condition of the permit, each individual dredger is required to have a copy of this permit on hand so that the requirements can be referred to and followed. Miners are responsible for knowing and following permit requirements.</p> <p>DEQ does not have the authority to ban suction dredge mining.</p>
12	The Department needs to conduct vigilant follow-up on all permits issued and use all available enforcement resources to insure that the water quality remains viable for fish.	
16	Our experience supports the finding of published reports that have found that many of the mitigations and best management practices identified in the Oregon permitting process are impractical to implement, rarely implemented in remote salmon streams, and are impossible to enforce. Since DEQ regulations and BMPs in remote streams cannot be effectively enforced, these remote streams must not be authorized for the general permit (i.e. the conditions are atypical).	
357, 358	Is there a way to verify individual dredgers know the regulations?	
357,358	Violations such as dredges being too close together or water intakes and in-water fueling, improper bathroom habits and trash left behind are all easy to spot but receive little proactive attention from authorities.	Complaint response is part of DEQ enforcement and people are encouraged to contact Oregon State Police on suspected violations of this general permit. Complaints about trash left behind and improper bathroom habits should be directed to land use authorities (e.g., BLM, USFS or county) directly.
359	How can you justify issuing permits that are not being enforced?	Complaint response is part of DEQ enforcement and people are encouraged to contact Oregon State Police on suspected violations of this general permit. Complaints about trash left behind and improper bathroom habits should be directed to land use authorities (e.g., BLM, USFS or county) directly.
357,358	We can tell you with certainty many of these dredgers are working in prime salmon and steelhead holding and spawning areas.	<p>Schedule C, Condition No. 2 requires suction dredgers to follow Oregon Department of Fish and Wildlife in-water work schedule. Work outside of the in-water work schedule is a violation of DEQ's permit and can be reported to Oregon State Police directly.</p>

359	Partnering with Oregon State Police is not a legitimate source of enforcement. Oregon State Police operate under financial challenges and lack of resources. I have called OSP dispatch to report multiple dredgers for infraction of their permit stipulations. I have never seen and Oregon State Trooper monitoring highly concentrated on the Rogue River near Gold Hill, Oregon.	DEQ works closely with Oregon State Police on compliance matters related to suction dredge mining. U.S. Forest Service and Bureau of Land Management enforcement officers may refer permit noncompliance to DEQ. Partnering with OSP Division of Fish and Wildlife is appropriate. OSP Division of Fish and Wildlife officers are in the field in areas where suction dredging may occur. The public should continue to notify Oregon State Police on any potential compliance issues observed.
373	We cannot expect OSP to do the monitoring. Complaint driven enforcement does not work because it relies on neighbors. There are no neighbors in the wilderness.	Recordkeeping and reporting requirements are part of this permit renewal and will be used to determine compliance with the permit. An identification number on a dredge will facilitate enforcement in the field.
302	Salmon and steelhead populations in Southern Oregon are not doing great. They are at about 5% of historical abundance. Increasing regulation or at least the monitoring enforcement in this area is important to their survival or at least their long term productivity. These fish are indicators of a healthy ecosystem, when fish populations are happy we have clean cold water which is important to everyone.	
297	It is not fair or realistic to assume that OSP has the time or resources to monitor water quality permits. Hope DEQ includes some level of monitoring/enforcement in a management plan. Suction dredge mining should be prohibited entirely rather than spending all this time and money on a management plan that will never be enforced.	The Fish and Wildlife officers of OSP are tasked with enforcement of this permit. OSP Troopers are in these areas already and will inspect miners while out on patrols for fish and game compliance and will respond to complaints.
378	Read ifish.net or .com or something like that. It is a fishing site that Bob Ferris, an environmentalist up north, posted something about dredge violations and going on about it. There was one possible violation with a picture of a little bit of mud coming out of a side creek. That's all so what is the problem. Where is the violation?	This comment is not related to the conditions of the draft 700PM permit.
	SB 838	
5	Miners should regulate mining. \$150 should be sent to one of the mining organizations. Government will waste it.	Senate Bill 838 established the requirement for DEQ to collect the \$150 surcharge in 2014 and 2015.
10	There is not going to be much money to do monitoring yet monitoring will be used to see if moratorium will be in place in 2016. Why do you want to shut down small scale mining that so many people enjoy? Water quality are not harmed fish are not harmed. Heard that too many dredgers in one place can cause noise, which can be addressed by better mufflers. This is no cause to shut down the whole state. Economy of Oregon will be affected. California is a good example of what happens when a moratorium is in place. They have lost millions and are still losing it.	DEQ is not prohibiting suction dredge mining. This permit allows mining to occur in a protective manner.
15	We need to make a living so we can pay taxes, and if we can't mine, we can't make a living, we can't pay our taxes, so you don't get paid.	
16	The ODFW, DEQ and DSL must vastly improve regulatory coordination of the connected aspects of suction dredging for which the State of Oregon is the principal regulator. Success of the Oregon Plan for Salmon and Watersheds for heavily dredged streams is dependent on effective regulation of suction dredging.	Evaluation of a potential consolidated permitting process on a one permit process is being addressed as part of Senate Bill 838 and is not part of this permit process.
365	Noise is a detriment to animals in and around the river corridor. Noise is a detriment to people using the river for recreation, living by the river, visiting to fish and recreate.	This permit process addresses water quality only. A broader look at noise is a part of Senate Bill 838.
350, 357, 358	Noise from dredging disturbs wildlife in riparian areas and spoils enjoyment of nature for other recreational users.	
367,357, 358	Require a study to determine if underwater noise from dredging equipment harms the migration or reproduction of fish. Keep in mind that these units can and do operate all day, every day, all summer long.	
21	California has a moratorium. Surely, Oregon will do the same.	Senate Bill 838 contains provisions for a possible moratorium.
384	Suction dredging needs to be stopped permanently because of the associated obnoxious noise, foul odor of gasoline, visual pollution, long term camping issues, deleterious effects to fish habitat, disturbance of mercury deposits.	Senate Bill 838 sets a cap at 850 for the number of suction dredge authorizations Department of State Lands can issue during 2014 and 2015. Annual reporting requirement can be used to determine number of suction dredge mining operations. DEQ acknowledges your comment.
5	Are Fish and Game going to cut fishing permits to 850? Everyone should be allowed a permit. Oregon issued less than 2000 in 2013. Got sick had to work got to go for only one weekend. How many miners did not get a chance to go mining?	This permit regulates water pollution from suction dredges and other in-water non-motorized mining equipment and does not address noise, air quality, or navigational hazards. Best management practices and other conditions in this Permit protect and maintain the quality of the waters of the state for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, municipal, recreational and other beneficial uses as authorized by ORS 468B.020 and consistent with the policies in ORS 468B.015.
348	Concerned about the increasing prevalence of suction dredge mining in Southwestern Oregon	
338-348	DEQ should adopt a limit of 850 general and individual suction dredge mining permits on Oregon rivers just as Department of State Lands has done pursuant to Section 5 of SB838 because in many circumstances both a removal-fill and a NPDES permit are required to legally suction dredge.	
359	Suction dredging and its multiple forms of pollution and hazards (e.g. noise, air and water pollution, navigational hazards, and degraded aesthetics) negatively impact others' rights and needs to engage in nature-based recreation for their own well being.	

5	Are all motor boats going to stay 500 feet apart and not run before 9am or after 5 pm? This would include Columbia and Willamette Rivers.	The Oregon State Marine Board regulates motor boats.
357, 358	In addition to following Department of State Lands and DEQ regulations, recommend individuals operating recreational dredging equipment should be required to follow noise regulations (and enforcement procedures) of Oregon State Marine Board as they pertain to watercraft. Use Oregon State Marine Board noise provisions to prove adequate and workable solution to this issue. Provided quotes from Oregon Marine Board Quiet Boating publication #250-432 found at www.boatoregon.com . <ul style="list-style-type: none"> Noise prevents peaceful and quiet enjoyment of our homes and outdoor recreation. Local economy is harmed because other tourists are chased away. Dredges stay at one location, running for hours all day long and often day after day. In comparison boats move up and down river. Source of the noise may be exhaust noise or other noise from uncovered engines and pumps. Engines should have effective muffling system like other watercraft is required to have. Perhaps dredging could be limited to operating every other week during the summer.	This permit regulates water pollution from suction dredges and other in-water non-motorized mining equipment and protects and maintains existing and designated beneficial uses of water. This permit does not address the other areas of concern stated by the commenter. A buffer to prevent a disturbance to these areas is not considered as part of a DEQ water quality permit. A 500-foot distance upstream from impaired water is required for operation of a suction dredge to be protective of water quality.
357, 358	Dredging should occur no closer than 1,200 feet to homes, picnic areas and campgrounds. 300 feet is fine for a shopping center but is not adequate for quiet streams and rivers.	
338-348	DEQ should raise permit fees. Permit fees for suction dredging are insufficient to fund an effective program and compliance monitoring. Taxpayers are subsidizing these activities.	DEQ acknowledges your comment. Fees cannot be raised as a part of the permitting action, however, because EQC rulemaking action would be required. Section 8 (1) (c) of Senate Bill 838 as codified in ORS 517.140 addresses adequate fee structure. See https://olis.leg.state.or.us/liz/2013R1/Measures/Text/SB838/Enrolled
359	Include a realistic and sustainable monitoring and enforcement program. Miners should pay for a full time monitoring and enforcement program.	The surcharge established by SB838 is being used to collect and report on suction dredge mining to the Oregon legislature.
361	Difficult to pay a \$25 fee. A \$25 fee curtailed my activity to the point of having to skip some entire seasons. A \$150 dollar surcharge caused me to wad up my application and throw it across the room. Feeding government coffers supplying more funds to pay more officials to make more regulation has to stop. What is received in return for the additional money? Nothing that I did not have before.	
377	Kind of had my question answered earlier about why are we paying for a study that is already being done in California. But is this just some statutory think thing you have to do? Is there really anything anybody could say at this meeting that is going to make a difference on what is going to happen? You confirmed my answer. This is an exercise in futility.	This permit does not change fees set for suction dredges in ORS 468B.052. The surcharge established by SB838 is being used to collect and report on suction dredge mining information in Oregon.
378	Don't want to have to spend \$150. Why does DEQ need to come up with \$120,000 dollars to study and research the same thing that millions of dollars already has been spent in California. Ignore the state line. Eliminate the expenditure by borrowing California's information.	Coordination with other state agency requirements will be considered as part of Senate Bill 838. DEQ has coordinated with other agencies. This general permit does not authorize discharges from suction dredges in state Scenic Waterways (Oregon State Parks and Recreation Department rule) and has permit conditions for operation in essential salmon habitat (Oregon Department of State Lands rules). This permit has conditions that specify in-water work periods, as well as, best management practices for fish eggs outside of the in-water work period, mussels and Pacific lamprey ammocoetes in keeping with Oregon Department of Fish and Wildlife protections. Requirements for registrants to keep a copy of their permit available and display their identification numbers help Oregon State Police with enforcement of the permit.
15	\$150 dollar surcharge is taxation without representation.	
338-348	DEQ should coordinate with other state agencies to ensure that operating durations are specified in the 700PM to ensure sister agency expectations are met. Compares DSL authorization for suction dredging in Essential Salmon Habitat and outside essential salmon habitat to rates of material movement in DEQ's evaluation report.	
15	If I get a permit from DEQ, that does not mean division of lands is going to. Fish and Game have their own agenda. Each department has its own agenda. Miners are being taken advantage of. All these regulations, all these agencies, including BLM and Forest Service are all denying our rights. These people are putting the cart before the horse..letting the tail wag the dog. I don't agree with what is going on but I comply.	DEQ acknowledges your comment. DEQ has coordinated with other agencies. This general permit does not authorize discharges from suction dredges in state Scenic Waterways (Oregon State Parks and Recreation Department rule) and has permit conditions for operation in essential salmon habitat (Oregon Department of State Lands rules). This permit has conditions that specify in-water work periods, as well as, best management practices for fish eggs outside of the in-water work period, mussels and Pacific lamprey ammocoetes in keeping with Oregon Department of Fish and Wildlife protections. Requirements for registrants to keep a copy of their permit available and display their identification numbers help Oregon State Police with enforcement of the permit.
352, 353, 355	"It is important to note that sound science and verifiable conclusions should form the minds of legislative bodies when considering changes to existing state and Federal law regarding the regulation of small mining and suction dredge mining. Oregon's SB 838 is a case in point, where the opinion of small minority of environmentally-conscious individuals has been allowed to rewrite state law, not necessarily beneficially to the Oregon general constituency. The local government, residents, organizations and individuals should be allowed to cooperate in the ODEQ's decisions that have any impact on the local economy and/or forest use. Give us plenty of time to comment!	DEQ acknowledges scour is related to the removal of streambed material; however, this is a permit for protection of water quality. DEQ does not permit removal aspects of suction dredging that contributes to destabilization. Department of State Lands regulates the amount of material that can be moved from a stream bed and stability of material that remains. DEQ's water quality suction dredge general permit does not authorize discharges in waters listed as impaired for turbidity, sedimentation or toxics other than chlorine, to be protective of beneficial uses from water quality impacts.

	<p>In evaluating comments and input for management decisions from individuals and groups with strongly competitive views, values and beliefs, the ODEQ should apply a weight or priority system. The most weight should be given to those impacted most by the decisions. The private landowner in or adjacent to public land should have the most weight in decisions. The next weight should be to those who derive their livelihood from the public land. The next priority should be given to local public land users; sportsmen, campers, hikers, off road vehicles, and recreation users. All general and out of the local community area comments and input should be given last weight.</p> <p>It is important to understand that we, the local people, live near public land because we choose to and we resent outside influences (those who have never visited the area and do not understand the local issues) dictating our lifestyle and livelihood.”</p>	<p>The permit contains requirements to follow in-water work periods developed by ODFW and protections for habitat structure which in general will be protective of aquatic species. The permit contains requirements to limit turbidity and suspended sediments.</p> <p>SB838 established an advisory group that is tasked with looking issues associated with the recovery and conservation of salmon, steelhead, lamprey, freshwater mollusks and other unique habitat values at an interagency level</p>
338-348	<p>DEQ must address habitat damage during the instream water work period that continues to impact reproductive success of salmonids in other seasons. DEQ’s permit needs to address in the permit the issue of increased scour in mined areas, as well as any impacts to lamprey ammocoetes, macroinvertebrates or bivalves to ensure protection of beneficial uses and compliance with Oregon’s biological criteria from OAR 340-041-011. DEQ should consider excluding permit coverage for stream segments or watersheds like streams designated by DSL as Essential Salmonid Habitat or watersheds that contain them as outlined in ORS 517.140 section 2 to prevent impacts to aquatic species and in particular impacts to salmonids listed as threatened or endangered under the Endangered Species Act. The permit already sets different standards for essential salmon habitat and non-essential salmon habitat waters, this is already an established method.</p>	
	LEGAL	
3,8, 9,14, 15, 355	No pollutant is being added. Stream bed material is taken up and returned to the river.	Response to these comments is available on DEQ’s web site. See Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ’s web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf
374	We have a right to do the dredging without any kind of permits. Clean Water Act is forever changing and it is not for you.	Response to these comments is available on DEQ’s web site. See Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ’s web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf
5	Mining does not discharge a pollutant.	
3, 5, 8,14	No permit is needed. A permit does not apply.	
378	Taking something out of a stream and putting it right back is not pollution. That is like if you take a jar of water and sediment out of the stream and shake it you have turbidity but you are not introducing pollution. There will be a court case on that one.	
5	If miners need a permit, it should be issued by someone that will support miners.	DEQ is authorized to issue federal NPDES Clean Water Act permits.
366	State of Oregon does not have the authority to permit this mining activity	
369	Remove reference to recreational mining since there is no legal mining in law for recreational. It is not in the mining laws.	DEQ’s permit does not use the terms recreational mining/miner or recreationalist. DEQ’s permit is written for mining as an industrial source.
378	Contract with Department of State Lands uses the term recreationalist, recreational miner. That hits me wrong. A permit for a truck or bus driver would not say recreational on it. Why do I have to get something that says recreationalist on it?	
8	<p>Permit is not required.</p> <ul style="list-style-type: none"> • These are non-navigable waters. Permit has no power in non-navigable water • No permit is needed to ‘propose to discharge.’ Since there is no addition of pollutants cannot make an NPDES permit a requirement for dredging. <p>See cases Waterkeeper Alliance Inc. V EPA 399 F.3d 486(2d cir 2005), Service Oil, Inc., V. EPA 590 F.3 d 545 (8th Cir. 2009), National Pork Producers Council V. US EPA (no. 08-61093; 2011) 5th Circuit Court.</p>	<p>DEQ believes that water bodies used for placer mining are navigable under the CWA. For more information on navigable water and addition of pollutant See Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ’s web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf</p> <p>The cases cited are not relevant to this permit and are distinguishable.</p>
8	Federal Law overrides conflicting state laws with respect to Federal Public Lands. Congress has the power to make needful rules and regulations for property belonging to United States and Congress may not delegate legislative power to an administrative agency.	See Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ’s web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf .
8	State officials who deprive citizens of their constitutional rights may be forced to pay compensation. If this kind of action continues, there could be tort claims filed from individuals and mining groups in Oregon.	See Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ’s web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf .

8	1872 mining law gives citizens of the United States the free and open right to mine. This grant from Congress does not say a permit or fee is required to prospect or mine. What law gives DEQ the right to override a grant from DEQ.	The Clean Water Act is a federal law passed after the Mining Law of 1872 that establishes NPDES permitting requirements. The Mining Law does not pre-empt the Clean Water Act. Also see Department of Justice (DOJ) memo Dated August 3, 2010 which is located on DEQ's web page at http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf .
13	DEQ is taking rights away, taking what does not belong to them and selling it back to us. DEQ does not have the right to do this under the rule of law.	DEQ disagrees that circumstances have changed. No special consideration is given to any particular group in DEQ's implementation of the federal and state clean water laws.
351	<p><i>"Federal and state agencies that are commissioned to enact rules and regulations designed to protect the environment must remain neutral in any decisions and enforcement related to whatever conditions, restrictions and exclusions are imposed, on residents and visitors, as this constitutes an infringement on individual civil liberties, rights and could represent a —taking in circumstances of exclusion. Agencies must not allow any decisions they make to be influenced by any third-party and/or special interest group, when such decisions would favor one group of users at the expense and/or exclusion of any other group or activity."</i></p> <p>This is from the 2010 Response to Comments; but that has changed since NEDC got involved, please do the right thing. This is to permit our activity not to close down rivers that we have been mining on for 50 years, go look at the river it is perfectly fine.</p>	
353, 355	<p>The ODEQ must follow the US Congress as established by Public Law 91-631, The Mining and Minerals Policy Act of 1970 which states: "The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries." 30 U.S.C. 21a. Domestic production of metals and materials are vital to the US balance of trade and is essential to the US economy. Mining is currently done in a manner safe to the environment. The mined products from the United States are exported around the world. Many of the US mined products are processed by our industries to finished goods, adding value, jobs and taxes to our economy and enhancing our exports. It is important to note that back in the early 1970's when the original regulations were being written and approved by Congress, the original USFS draft regulation required a permit for any mining disturbance whatsoever, just like these current proposed regulations. Congress, in its wisdom, realized this was taking things too far and demanded that "Notice" level activities be allowed and clear exemptions for needing a Notice. Congress realized that in order to mine, a certain level of disturbance is necessary... after all, you can't dig a hole without moving some dirt! Congress ruled that the federal government did NOT have the authority to require what basically amounts to as a "permit" for prospecting and mining. (b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate State and Federal plans, functions, programs, permits and resources to the end that the Nation may</p> <ol style="list-style-type: none"> 1. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; 2. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; <p>Mining on this public land is a "natural aspect of our national heritage", just looks at any of the regional maps. Mining on our public land does permit the "high standard of living and a wide sharing of life's amenities". Can you imagine a world without mining?</p>	<p>Neither the 1970 Mining and Minerals Policy Act (see http://www.gpo.gov/fdsys/pkg/STATUTE-84/pdf/STATUTE-84-Pg1876-2.pdf) nor the 1872 Mining Law (30 USC subsec. 21 et. seq.) and the Multiple Use Mining Act (30 USC subsec. 601 et. seq.) pre-empts Clean Water Act or state regulation of water quality. The U.S. Supreme Court has held that the 1872 Mining Act "expressed no legislative intent on the...subject of environmental regulation." <i>California Coastal Comm'n, supra</i>, at 581 (1987). The Court also held that the subsequent amendments to federal agency implementing regulations did not pre-empt state or federal environmental regulation. <i>Id.</i> At 582. (see Department of Justice Memorandum , August 3, 2010, http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes700pm/DOJopinion.pdf).</p>
381	Support revisions and regulations in the permit, Mining Act that preceded any consideration for environmental costs. Don't want to make Southern Oregon or any other part of the state just for dredging and nobody else. Interested in life on the river for everyone else too.	DEQ acknowledges your comment. If the permit is followed, DEQ's permit will protect water quality and all beneficial uses.
352, 353, 355	"[S]ediment released back into a waterway by a suction dredge should not count as water pollution and so suction dredging should require no permit because the sediments released by the process originate in the river. Suction dredges use water pumps to draw gravelly mixtures up from the riverbed through a hose to a small raft or platform, where gold is separated out by use of a sluice and river rock is released back into the river. 2013 US Supreme Court ruling that "moving polluted water between two parts of the same water body <u>does not constitute a discharge of pollutants</u> " under the Clean Water Act (Natural Resources Defense Council v. Los Angeles County Flood Control District)."	As stated in the permit evaluation report (page 4), DEQ's authority to regulate mining arises from both the federal Clean Water Act (33 USC Section 1251 et. seq.) and Oregon Revised Statutes (ORS) Chapter 468B. DEQ is authorized to require a water quality permit with limitations for point sources (such as a suction dredges and sluice box) that discharge to waters of the state and that may cause water quality problems such as elevated turbidity. Best management practices and other conditions in this Permit protect, maintain and improve the quality of the waters of the state for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, municipal, recreational and other beneficial uses as authorized by ORS 468B.020 and consistent with the policies in ORS 468B.015.

	<p>“Quote a remark noted by former U.S. Supreme Court Justice Sandra Day O’Connor in a case he said dealt with turbidity in Florida: “If one takes a ladle of soup from a pot, lifts it above the pot, and pours the soup back into the pot, one has not ‘added’ anything else to the pot.” Thus in-stream dredging should not require and NPDS permit!”</p> <p>The permit summary taken from the DEQ information flyer for this comment states: “limits discharge of wastewater from suction dredges and in-water, non-motorized mining equipment” is in error because there are no wastewaters, pollutions or toxins added to the stream and sediment that are not already there! And in fact, toxins can be removed in the case of Hg removal with dredging.</p> <p>Sediment in Oregon’s streams is a natural event occurring in the spring after the winter snow melt and after thunderstorms. Have you not been in a flash flood across Oregon’s highways? Turbidity and turbidity plumbs are a natural event in Oregon’s streams.</p> <p>The known science does not substantiate the statement in the permit comment information, “This permit limits activities that can cause the release of toxins and pose a threat to aquatic habitat and drinking water.” Thus the permit requirement is not based on science and the US Supreme Court’s ruling.”</p>	
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