<table>
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<tr>
<th>No.</th>
<th>Comment</th>
<th>DEQ Response</th>
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<tbody>
<tr>
<td>349</td>
<td>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).</td>
<td>The effective date for this permit is in May 2015. A Permit expiration date of January 1, 2020 is appropriate.</td>
</tr>
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<td>349</td>
<td>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.</td>
<td>For each operation location, DEQ requires the stream name, TRS and latitude and longitude for the application, monitoring log, and annual report.</td>
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<td>385</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>370</td>
<td>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. Please see video links. Hand dredge with attached small collection bucket or small sluice box: <a href="https://www.youtube.com/watch?v=17y3ynp29Ec">https://www.youtube.com/watch?v=17y3ynp29Ec</a> Hand dredge with attached battery powered sluice box on legs (high banker style): <a href="https://www.youtube.com/watch?v=n602JB-6nlc">https://www.youtube.com/watch?v=n602JB-6nlc</a></td>
<td>DEQ observations of videos: 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. 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. 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.</td>
</tr>
<tr>
<td>5</td>
<td>Get rid of essential salmon habitat and scenic water. All streams should be opened to suction dredge mining.</td>
<td>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.</td>
</tr>
<tr>
<td>337, 297</td>
<td>Prohibit mining in any water quality impaired stream.</td>
<td></td>
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</table>
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.

Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.

Support restrictions in water quality limited streams and rivers. Dredging should not occur where the water quality is already poor.

To further protect fish and water quality prohibit mining in water quality impaired areas, support the new restrictions preventing suction dredging in areas that already suffer from poor water quality for turbidity, sediment and toxics like mercury.

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.

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.

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.

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, NWLEA, to Karla Urbanowicz, Oregon DEQ, Re: Oregon's Draft 2012 Integrated Report and Section 303(d)(1) list of Impaired Waters)

This general permit does not authorize mining discharges in water quality limited stream segments where DEQ's 303(d) listings for turbidity, sedimentation and toxics other than chlorine are meeting the water quality standards applicable to each water body. This permit uses the data from the EPA approved integrated report. There is a separate opportunity for the public to provide comments and comment when DEQ develops the Integrated Report.

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.

Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.

Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.

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).

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.

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.

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.

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.

Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.

Support excluding permit coverage in water impaired for toxics, turbidity and sediment unless mining of this type is specifically authorized under a TMDL.

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.
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.

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.”

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.

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.

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

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.

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.

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. DEQ acknowledges your comment.

356 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.

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.

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.

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.

• Ensure that recommended strategies avoid unintended consequences,
• Create an even playing field, and
• Start with the least expensive approaches.

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.

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.

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.html.
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.

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.

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<td>374</td>
<td>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. compases 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. 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. 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. california’s interpretation of its own data is contained in chapter 4 responses to dsier comments on page 4-41 and is provided here. “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.” “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 (dsier, 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.” this permit includes an added requirement in schedule b to identify stream segments where mercury is observed.</td>
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<td>356</td>
<td>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. 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. 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 to be 8 inches inside diameter to reduce the amount of turbidity. 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 mercury. studies show higher concentrations of mercury are associated with silt and clay bed sediments. 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. 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 mercury. studies show higher concentrations of mercury are associated with silt and clay bed sediments. suction dredges provide a net environmental benefit by removing nearly all of any mercury they encounter. repression and curtailing operations in ‘hot spots’ is pointless. california’s interpretation of its own data is contained in chapter 4 responses to dsier comments on page 4-41 and is provided here. “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.” “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 (dsier, 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.” this permit includes an added requirement in schedule b to identify stream segments where mercury is observed.</td>
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<td>356</td>
<td>deq is trying to keep mining out of the rogue river, but there is no study 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. deq is trying to keep mining out of the rogue river, but there is no study 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.</td>
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<td>380</td>
<td>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. • 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. 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.</td>
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- 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.
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.

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?

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 the 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](http://www.deq.state.or.us/wq/standards/docs/EPAreviewAntiDeg.pdf)

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.

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.
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.

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:

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.

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.

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.

DEQ does not issue tags when approving permit registration. The registrant is responsible for affixing the permit number to the dredge.

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 require a permit for suction dredge activities. If the permit is required, DEQ considers it to be information only and not a condition that must be met.
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<td>351</td>
<td>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.</td>
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<td>357, 358</td>
<td>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.</td>
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<td>361</td>
<td>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. If displayed, the validity of the number would still have to be verified so the investigating officials’ efforts won’t be saved.</td>
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<tr>
<td><strong>Permit Process</strong></td>
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<td>1</td>
<td>To comment is a waste of miners time. Permit process will result in what happened in California and what environmentalists and Indians want anyway.</td>
</tr>
<tr>
<td>359</td>
<td>Prohibit suction dredge mining. It is in direct conflict with recreational 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.</td>
</tr>
<tr>
<td>365</td>
<td>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.</td>
</tr>
<tr>
<td>10</td>
<td>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.</td>
</tr>
<tr>
<td>384</td>
<td>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 touristic season.</td>
</tr>
<tr>
<td>374</td>
<td>Hope it does not come down to California’s fight becoming our fight for every prospector and miner in Oregon.</td>
</tr>
<tr>
<td>5</td>
<td>If a permit to mine is needed, someone that will support mining should issue it.</td>
</tr>
<tr>
<td>6</td>
<td>Paperwork and permits required to dredge is getting out of hand. 750PM is just another avenue to create paperwork in the hopes that miners will get fed up and quit.</td>
</tr>
<tr>
<td>382</td>
<td>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.</td>
</tr>
<tr>
<td>15, 383</td>
<td>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.</td>
</tr>
<tr>
<td>5</td>
<td>Big shots in Washington DC keep saying we need less regulation. Guess little shots don’t hear this.</td>
</tr>
<tr>
<td>15</td>
<td>Excessive fees, monitoring and work restrictions are overbearing.</td>
</tr>
</tbody>
</table>
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 relashing 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.

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.

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.

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.

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/wgpermit/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.

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.

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.

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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.

- 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.

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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.

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.

DEQ’s first order of business should be to protect our habitat for all species of fish. Consider dredging harmful to natural resources.

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.

DEQ is not responding to this comment, as it is not related to the permit terms or permit evaluation report.

Turbidity and Sediment

Turbidity is a natural occurrence and has been studied to death when it comes to small scale mining.

Dredging causes less turbidity than spring run-off.

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.

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.

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.

Turbidity is a pollutant that is regulated under DEQ’s water quality standard in OAR 340-041-0036.

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.

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.

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.

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 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.

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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.

In-water non-motorized mining equipment may not be used where fish eggs are present.

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.
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.

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).

DEQ requires preventative measures to keep the turbidity plume within the effluent limit of 300 feet. DEQ also has a best management practice to prevent erosion by protecting stream bank vegetation. 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.

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. 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.

This permit 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-feet 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-feet distance upstream (set-back) from water quality limited streams.

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.

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 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.

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.

- 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.

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? South Umpqua River which is listed for toxics in river miles from 0 to 15.9 and sedimentation in river miles 80 to 102.

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 also states consistent with their regulatory approach. 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.

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 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? A number of studies show that very small scale suction dredging do not cause serious long-term damage to the ecological health of a particular stretch of river. 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.
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.

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.

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.

References DEQ’s authority and responsibility under 33USC 1342(b)(1), 1311(b)(1)(C); 40 CFR 122.4(d)(2) and public policy ORS 468B.035(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), 131.11a(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. §131.11a(x). 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.

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.

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.

The June 15th start date is too early for the Illinois River Basin because late spawning winter steelhead eggs and alevisin (yolk-sac fry) will be entrained by dredges. Similarly, eggs of lamprey, frogs, and

- Scientific studies have identified both detrimental and beneficial effects from this level of mining. Dredging has been performed by various agencies since the 1980’s, including the U.S. Environmental Protection Agency, U.S. Army Corps 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

- 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.

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 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.

- It is unclear on how it was determined what size of suction dredge may be operated in 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.

367,357,358

- 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 introduced by past practice mining and DDT used on forests.

348

- Not disturbing the spawning gravels on which the replenishment of fish stock depend is very important.

339

- 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.

349

- 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.

16

- The June 15th start date is too early for the Illinois River Basin because late spawning winter steelhead eggs and alevisin (yolk-sac fry) will be entrained by dredges. Similarly, eggs of lamprey, frogs, and
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 canner processing in Umpqua basin during the 19th century and aboriginal populations (Meegs and Lackey, 2005), the annual number of fish processed ranged from 500K to 1.5M salmon. If Umpqua basin salmon were restored to 30% 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...”

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 scoured in mixed 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 set different standards for essential salmon habitat and non-essential salmon habitat waters, this is already an established method.

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?

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.

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.

382

Miners remove stuff from fishing and I’ve yet to hear a thank you from DEQ.

379, 356

Miners remove mercury.

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:

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) Still 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:

1) Not operating in areas where live freshwater mussels are present.

2) Relocate your operation if live mussels are encountered during excavation.

DEQ acknowledges scoured 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 toxic solids other than chloride 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.

DEQ 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

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 (Water Quality Permits for Metal Mining Activities) 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.

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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).
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.

“[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).”

DEQ’s permit is silent regarding mercury that is encountered during dredging. The permit must address how to handle mercury in the proposed permit to ensure compliance with water quality standards. DEQ will have a better understanding of where mercury in liquid form is located.

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.

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.

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.

Miners as they separate out the gold are also removing mercury.

Dredgers protest dredging. Commenter provides reference to a newspaper article by Mark Freeman, Dredgers protest proposed permit revisions (April 22, 2014).

DEQ acknowledges this comment.

DEQ will have a better understanding of where mercury in liquid form is located.

Miners remove 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, Response to Comments: Idaho Small Suction Dredge General Permit (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.

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, Dredgers protest proposed permit revisions (April 22, 2014).

DEQ acknowledges this comment.

Schedule B, Monitoring Log

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, Dredgers protest proposed permit revisions (April 22, 2014).

DEQ acknowledges this comment.

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.

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.

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.

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.

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.

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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.
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:
  - Location: Township, Range, Section
  - Time begin:
  - Time end:
  - Work Time: Time in water dredging occurred
  - Dredge: 4 inch pro-line, 3½inch nozzle opening

DEQ acknowledges these comments.

17-211, 213-337, 354 Support requirement for monitoring logs to be turned into DEQ.

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.

DEQ acknowledges this comment.

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)(3) (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.

DEQ acknowledges this comment.

BMPs– Schedule C, Condition 2. And J. 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.
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.

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.

Prohibit suction dredge mining in rivers and streams that have critical spawning habitat/essential spawning habitat for salmon because:
- 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;
- Unless more action is taken harmful effects will undermine efforts to rebuild healthy runs of wild, native fish.

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.

Why is use of non-motorized (in-water) mining equipment prohibited where fish eggs are present but not specified for suction dredges?

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.

DEQ agrees this permit is protective of fish spawning and hatching times by including best management practices in Schedule C, Condition 2 and 3.

Dredging is good for the waterways:
- Provides fish with cooler pools to swim in
- Moving gravel around provides food source to the water
- Have regulated seasons to dredge for fish protection

Suction dredging releases food trapped under the gravel into the waterway to feed small fish and fry.

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.

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.

This permit includes a definition of a boulder to clarify that a boulder is part of habitat structure. Boulder means a rock 12 inches in diameter or greater. The boulder definition is from the Wentworth scale (1922).

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 reds but if natural spawning substrate was in short supply, a large proportion of reds would locate in the...
…water place for fish. Provides an escape and protection from predators for fish, crayfish, eels and nymphs.

16 850 suction dredgers can move up to 21,250 cubic yards at thousands of locations. Fisheries research reveals that salmon spawning in sediment deposits 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.

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).

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 toxic substances 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.

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.

DEQ regulations pollution from suction dredging reintroduced to the water column including sedimentation, turbidity or toxic substances 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.

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).

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.

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.

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.

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.

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.

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.

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.

DEQ acknowledges your comment.

372 I will fill my holes in, that is a good idea.

DEQ agrees with your comment.

374 A stream changes even at the driest part of the year. It is a forever-changing issue on the face of this planet.

379 Please do not allow any features of the streambed 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.

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.

386-389 DEQ should prohibit the use of motorized and hand tools to remove boulders, logs or other habitat structure for the following reasons:
• 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.

389-392 Elements of the stream channel provide important habitat for aquatic species.

392-395 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.
<table>
<thead>
<tr>
<th>BMPs – Schedule C, Condition 12. Petroleum Products</th>
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<tbody>
<tr>
<td>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:</td>
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<tr>
<td>- prohibit any refueling activity while on the water and</td>
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<td>- requiring dredgers to carry spill kits.</td>
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<td>Both are measures that would significantly improve the protection of Oregon’s water quality.</td>
</tr>
<tr>
<td>359 Conditions Schedule A.5., and C. 10 d. &amp; 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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>372 I've always been careful with my fuel. Most people are, not all of them.</td>
</tr>
<tr>
<td>102 Agree with the part of the wording about preventing spills, leaks and release of petroleum products.</td>
</tr>
</tbody>
</table>

**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. |
| 339 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. |
| 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. |

**BMPs – Schedule C, Condition 3. Fuels and Oil Protection**

| 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. |

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. 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. 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.
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

Why do so many cause problems for so few? Shared observations from over 50 years of mining experience:
- 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.

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.

Most people have no idea that you even need a permit (to prospect/use small dredge). How do you justify issuing permits that are not being enforced?

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.

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:
- dedicate considerable staff to monitor mining sites in remote locations,
- require exact stream locations of all permitted miners,
- require discharge monitoring reports and regularly check with unannounced inspections,
- establish a 7:00-PM general work schedule is a violation of DEQ’s permit and can be reported to Oregon State Police directly.

Prohibit suction dredge placer mining in Oregon’s waterways, rather than establish a 700-PM general permit. Suction dredge mining is an unnecessary activity.
- 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.

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.

Our experience supports the finding of published reports that have found that many of the mitigations under this general permit 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).

Is there a way to verify individual dredgers know the regulations?

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 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.

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](http://www.deq.state.or.us/wq/wqpermit/mining.htm).

DEQ will consider the suggestion of a simple plain English fact sheet for outreach.

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.

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.

DEQ does not have the authority to ban suction dredge mining.

Deer mining is a livelihood, recreational activity and a hobby; hence, one must be aware of the expected standards and the need for continuous monitoring and reporting.

Compliance and Enforcement

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

Why do so many cause problems for so few? Shared observations from over 50 years of mining experience:
- 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.

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.

Most people have no idea that you even need a permit (to prospect/use small dredge). How do you justify issuing permits that are not being enforced?

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.

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:
- dedicate considerable staff to monitor mining sites in remote locations,
- require exact stream locations of all permitted miners,
- require discharge monitoring reports and regularly check with unannounced inspections,
- establish a 7:00-PM general work schedule is a violation of DEQ’s permit and can be reported to Oregon State Police directly.

Prohibit suction dredge placer mining in Oregon’s waterways, rather than establish a 700-PM general permit. Suction dredge mining is an unnecessary activity.
- 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.

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.

Our experience supports the finding of published reports that have found that many of the mitigations under this general permit 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).

Is there a way to verify individual dredgers know the regulations?

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 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.

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](http://www.deq.state.or.us/wq/wqpermit/mining.htm).

DEQ will consider the suggestion of a simple plain English fact sheet for outreach.

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.

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.

DEQ does not have the authority to ban suction dredge mining.

Deer mining is a livelihood, recreational activity and a hobby; hence, one must be aware of the expected standards and the need for continuous monitoring and reporting.
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 infractions of their permit stipulations. I have never seen and Oregon State Trooper monitoring highly concentrated on the Rogue River near Gold Hill, Oregon.

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.

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.

It is not fair or realistic to assume that OSP has the time or resources to monitor water quality permits. Hopefully 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.

Concerned about the increasing prevalence of suction dredge mining in Southwestern Oregon did not get a chance to go mining? Of gasoline, visual pollution, long term camping issues, deleterious effects to fish habitat, disturbance of mercury deposits. Noise from dredging disturbs wildlife in riparian areas and spoils enjoyment of nature for other recreational users.

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.

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.

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.

Read ifish.net 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?

SB 838

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.

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.

We need to make a living so we can pay taxes, and if we can’t make, we can’t make a living, we can’t pay our taxes, so you don’t get paid. DEQ is not prohibiting suction dredge mining. This permit allows mining to occur in a protective manner.

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.

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.

Noise from dredging disturbs wildlife in riparian areas and spoils enjoyment of nature for other recreational users.

This permit process addresses water quality only. A broader look at noise is a part of Senate Bill 838.

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.

California has a moratorium. Surely, Oregon will do the same. Senate Bill 838 contains provisions for a possible moratorium.

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. 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?

Concerned about the increasing prevalence of suction dredge mining in Southwestern Oregon.

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.

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.
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.

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.

- 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.

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.

DEQ should raise permit fees. Permit fees for suction dredging are insufficient to fund an adequate program and compliance monitoring. Taxpayers are subsidizing these activities.

DEQ should coordinate with other state agencies to ensure that operating durations are specified in the DEQ's evaluation report.

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 wash 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.

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 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.

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 of California.

This permit does not change fees set for suction dredges in ORS 46B.052.

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.

The surcharge established by SB838 is being used to collect and report on suction dredge mining to the Oregon legislature.

Are all motor boats going to s...
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.

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.

LEGAL
3, 8, 9, 14, 15, 355
No pollutant is being added. Stream bed material is taken up and returned to the river.

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.

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.

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.

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
Permit is not required.
- 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.

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.

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.

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.

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.

SB338 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.
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?

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.

331

"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."

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.

333, 355

The ODQ 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

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 permit high standards of living and a wide sharing of life’s amenities;

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?

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.

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 does not constitute a discharge of pollutants” under the Clean Water Act (Natural Resources Defense Council v. Los Angeles County Flood Control District)."

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/wsgpermit/docs/general/npdes/700pm/DOJopinion.pdf.

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.

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.” California Coastal Comm’n, supra, 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. Id. At 582. (see Department of Justice Memorandum , August 3, 2010, http://www.deq.state.or.us/wq/wsgpermit/docs/general/npdes/700pm/DOJopinion.pdf).

DEQ acknowledges your comment. If the permit is followed, DEQ’s permit will protect water quality and all beneficial uses.

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.
"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 an NPDES permit!"

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.

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.

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."