



TENMILE MINING DISTRICT

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To: Idaho Water Resource Board
322 E Front Street
Boise, ID 83720

Nov 26, 2017

Attn: Chairman Roger W Chase

Dear sir,

Thank you for scheduling this Dec. 5th 2017 meeting for the continuation of the negotiations for the proposed changes to Special Supplement and Suction Dredging Regulations on the South Fork of the Clearwater River.

To more easily move forward with the process proposed here we will dispense with renewing the argument we have previously presented that we believe that all federal mining claim holders on any active mining district have a vested right that predates the inception of the Basin Water Plan and under the conditions outlined by the plan are thusly excluded from the effect of the conditions of the plan. We still adamantly feel this is the only interpretation of the wording of the State Water Plans but are prepared to set aside our argument on this for another venue and at a later date.

Although there are a great many points to be considered and great deal of data and research to accompany each of them, for today we would like to focus primarily on the formula promulgated by the IDEQ's TMDL for the SF Clearwater and its application by the IDWR to create a limitation of a maximum number of 15 suction dredging permits for a 31 day season beginning July 15 and running through August 15 each year.

Initially a set of incomplete data assumptions were used to create this maximum number of dredges. The data used to provide quantified sums for use in the formula contained no site specific determinations and apply inaccurate details for volumes and hours worked by dredgers. No consultations with professionals within the mining community were made to determine the accuracy of the numbers used and many erroneous ratios were applied because of this.



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A much more accurate set of figures has been obtained from the baseline data compiled from the detailed monitoring of actual activities of the permitted dredging activities in 2016 and 2017 conducted by a multi-agency Level 1 Team.

The USFS has had the lead on compiling the data obtained from the members of the Level 1 team and has released a comprehensive report on the number hours dredged, volumes of material moved and levels of turbidity measured at and below the dredging sites and impacts created by the activity at each site.

To summarize the original formula used:

1. The TMDL establishes an annual allowance for sedimentary increases in the SF Clearwater River Basin's streams of 316 tons per day or 240 cubic yards for the 32 day season or an annual volume allowance of 7680 cubic yards.
2. It was assumed all dredges would add 2 yds of material to the stream load per hr.
3. It was assumed dredgers would work 8 hours per day.
4. It was assumed each permitted site would have operations on it every day of the 32 day season.

This was the basis for determining the number of dredge permits the USFS, EPA and IDWR would accept and was the formula used by IDWR in 2016 and 2017.

The dredging community disagreed with the formula and the assumed numbers used in it and with good cause. They knew the figures were hugely over estimated and the season implemented was not reasonable based on the level of impact dredging creates or by any potential conflicts with the spawning cycles of native fish in the basin. Their arguments fell on deaf ears and the permit process was implemented.

The data collected by the Multi-Agency Level 1 Team has conclusively shown the dredgers were correct.

1. The total volume of materials moved over the entire season of 2016 by the dredgers did not equal the material allowance for dredgers allowed using the



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TMDL formula for a single day! They moved 216 cubic yards for the entire season and the TMDL allowed 240 for each day...

2. The actual number of hours spent dredging on days the dredgers operated was 5.1 hours.
3. The data also showed that each permitted site only averaged 15 days of operation during the season.

This provides new baseline numbers to insert into the TMDL formula and provides a much more accurate picture of dredging activities and impacts and allows us to project a more reasonable number of allowable dredging operations based on the formula and the correct numbers.

These are the numbers collected by the Level 1 Team:

1. In 2016, dredgers averaged 15 days of dredging,
2. Averaged 5.1 hr dredging on these days
3. Moved less than 2 cubic yards per day.
4. (approx. 1.84 yds per day) for a total of 216 cubic yds for the season

Using these numbers obtained from the Level 1 Team we postulate the following:

1. Let's assume if a 90 day dredging season existed that these figures would all triple. *(it seems unlikely that they would increase that much but for argument's sake let's use that assumption anyway)*
2. Let's also assume 50 dredges operated during that time and for the same percentage of duration seen in the current 32 day season. *(that also seems very unlikely, but let's say that it is an accurate projection just for our example here)*
3. The maximum addition to the TMDL would average around 50 cubic yards per day over the 90 day season with spikes of up to 100+ yards on some days and almost none on others. The season accumulation would be approx. 4600 cubic yards or less.

That is around 2/3 of the annual allowance allotted to suction dredging by the formula used in the flawed formula presented in the TMDL.

Researchers for the Tenmile Mining District contacted John Cardwell at the IDEQ and questioned him extensively regarding the scope and intent of the TMDL as it applies to



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mining. Based on those responses we know the TMDL is concerned with total volumes of additions created and deposited into the stream load and is not concerned with the number of operations only the volumes produced.

We here at the Tenmile Mining District support and applaud the efforts of all the groups involved in maintaining the goals set by the TMDL in reducing the sediment load being deposited into the SF Clearwater Basin waterways. We are on the first line of stewardship to help achieve this goal and are actively doing our part to maintain its objectives. It is obvious that the baseline data collected shows that suction dredging is not creating a demonstrable increase in sediment levels and is not negatively impacting the goals established by implementing the TMDL. For those reasons we recommend and strongly support changing the limit on dredge permits to a more reasonable number or remove the limit entirely.

We would openly support offering a maximum of 50 dredge permits on the waters of the upper SF of the Clearwater River and an additional 25 possible permits on tributary waters in the basin using the 3804B application process.

This number of permits creates a manageable cap for the purpose of maintaining the volumes described in the TMDL and is a number greater than the current level of interest shown in the area. However this number is still low enough that it could support an extended season (*as the one described in our example here*) in the future and still maintain the goals established in the TMDL without reducing the number of permits available.

Respectfully submitted by,

David P Hembree

David P Hembree
Vice-Secretary, Member at Large
BOD Tenmile Mining District