<table>
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<tr>
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<th>IDWR Response to Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Barry Turner</td>
<td>N/A</td>
<td>Oral</td>
<td>06/02/21</td>
<td>Mr. Turner commented that he appreciates the opportunity for miners to engage in rulemaking in Idaho, to implement a permit process.</td>
<td>The Idaho Department of Water Resources (&quot;IDWR&quot;) appreciates public engagement in all of its negotiated rulemaking efforts.</td>
</tr>
<tr>
<td>2</td>
<td>Brian Koch</td>
<td>N/A</td>
<td>Oral</td>
<td>06/02/21</td>
<td>Mr. Koch commented that he is confused by the permitting process on the South Fork of the Clearwater River and the 15 permit limit. He generally questioned how the permit process for the three agencies (IDWR, IDEQ, US Forest Service) worked with respect to the permit limit, permit sequencing, and the timing of filing permit applications.</td>
<td>Rule 61 is not applicable to dredge mining activities on the South Fork of the Clearwater River. The State Water Plan regulates the permitting process required on the SFWR.</td>
</tr>
<tr>
<td>3</td>
<td>Don Dorman</td>
<td>Idaho Gold Prospectors Assoc. (682 individuals)</td>
<td>Written</td>
<td>06/02/21</td>
<td>Mr. Dorman commented on &quot;mechanical equipment&quot; language in the rule indicating IDWR should modify the term &quot;mechanical lever.&quot; He also commented that standards for mechanized equipment should not &quot;single out&quot; dredge miners or treat them unfairly in comparison to other recreational user groups.</td>
<td>See applicable response above. IDWR generally agrees that all recreational activities that modify stream channels should be regulated equitably.</td>
</tr>
<tr>
<td>4</td>
<td>Brian Koch</td>
<td>N/A</td>
<td>Oral</td>
<td>06/02/21</td>
<td>Mr. Koch commented that the Idaho Conservation League (&quot;ICL&quot;) does not &quot;make the rules&quot; in Idaho and they do not &quot;enforce the rules&quot; in Idaho.</td>
<td>See applicable response above. IDWR agrees with this comment, however, the rulemaking process is negotiated and involves all parties desiring to participate.</td>
</tr>
</tbody>
</table>

**Comment IDWR Response to Comment**

- **IDWR** concurs.
- IDWR interprets this comment as support for the draft rule.
- IDWR acknowledges the support.
- IDWR agrees that it has historically used the minimum standard rule for dredge mining to permit high banking activity conducted below the MHWM. The Proposed Rule will continue to allow this practice and rule 61.01 authorizes the issuance of an expedited permit for "power sluicing." Rule 61.01 further states, "[a] power sluice and high banker are synonymous for the purposes of this rule." 
- In its Proposed Rule, IDWR modified the definition of powered equipment from previous drafts to be, "[e]quipment which is powered by means other than human strength such as a gasoline engine or electric motor." 
- IDWR agrees that high banking activity is authorized under the minimum standard rule and should be limited to the area below the MHWM. IDWR modified Rule 61.03 to clarify this issue.
- See previous comments.
- See previous comments.
Mr. Bowling generally supports the draft rules as written.  

Mr. Bowling noted dredges will "not" typically move the amount of material claimed by the manufacturers.  

Mr. Bowling noted that "wilderness restrictions" should not apply to Rule 61.  

Mr. Bowling supports the draft rule language on "powered equipment."  

Mr. Bowling supports the delineation of acceptable machinery between human powered and non-human powered machines.  

Mr. Bowling supports regulation of filling current dredge hole before moving to another one as adequate.  

Mr. Bowling supports the regulation of mining to the point that is "impossible to do."  

IDL supports the draft rule language on "powered equipment."  

IDWR agrees with this comment and will keep reference to non-powered equipment in proposed Rule 61.02.  

IDWR agrees the rules need to address high-banking and has modified Rule 61.01 to clarify that power sluicing and high-banking are synonymous activities. The use of a gravity syphon, therefore, would depend on whether it was powered or non-powered. Rule 61 clarifies when the use of powered equipment is permitted below the MHWM.  

He commented that on-site claim surveys should be expanded so that the survey includes the whole claim with multiple identified segments so that when the permitted segments don’t bare gold, and they want to move to a new segment, they don’t have to wait for another site survey before they can move.  

Mr. Bowling's comment was to Strawman V.1. Rule 60.01 was updated in subsequent rule drafts. In the Proposed Rule draft, rule 25.05 clarifies that an exemption from permitting requirements exists for certain qualifying non-powered activities as set forth in the rule.  

Mr. Bowling notes that the "a" IDL proposes is unnecessary as stream channels is plural in the proposed rule.  

IDWR does not consider "wilderness restrictions" in drafting its Proposed Rule.  

IDWR views IDL's concurrence in this rulemaking effort as essential as a result of the agencies' shared permitting responsibilities related to stream channel alteration.  

It is through the negotiated rulemaking process that stakeholders may provide input on rulemaking. The comments provided are used to alter and amend and affect the rules governing the regulated activity. However, to avoid confusion in proposed Rule 61.01, the clause "and all applicable rules" has been removed.  

IDWR acknowledges the support.  

IDWR agrees to remove reference to "mechanized" equipment and instead draw a regulatory distinction between "powered" and "non-powered" equipment. The key is whether the equipment is human powered or not.  

IDWR interprets this comment as support for the draft rule.  

IDWR interprets this comment as support for the draft rule.  

IDWR interprets this comment as support for the draft rule.  

IDWR agrees that non-powered mining activities such as panning do not require a permit when moving less than 1/4 cubic foot per hour as stated in Rule 25.03.  

IDWR interprets this comment as support for the draft rule.  

IDWR acknowledges the support.  

Eric Wilson  

IDL support the retention of the 5-inch diameter nozzle standard to keep dredging activities to a "de minimis level."  

IDL supports the draft rule language on "powered equipment."  

IDL noted that Rule 61 "does not conflict with IDL authorities."  

Mr. Bowling interpreted the proposed rule 61.01 to require a permit for any non-powered operation, which would be a departure from IDWR's historical practices. To address his concern, he suggested removing "non" from "non-powered" at the end of rule 61.01.  

Mr. Bowling commented that he supports and "is good with" the rule distinction as written.  

Mr. Bowling's comment was to Strawman V.1. Rule 60.01 was updated in subsequent rule drafts. In the Proposed Rule draft, rule 25.05 clarifies that an exemption from permitting requirements exists for certain qualifying non-powered activities as set forth in the rule.  

Mr. Bowling's comment was to Strawman V.1. Rule 60.01 was updated in subsequent rule drafts. In the Proposed Rule draft, rule 25.05 clarifies that an exemption from permitting requirements exists for certain qualifying non-powered activities as set forth in the rule.  

Eric Wilson  

Gary Bowling  

Gary Bowling N/A Written 06/02/21  

He commented that in 61.01, and the language "and non-powered equipment" be interpreted to mean a permit is required to "pan" or "hand sluice"? He commented that 61.01 should not limit or require a permit for panning or hand sluice boxing.  

Mr. Bowling noted that "wilderness restrictions" should not apply to Rule 61.  

Mr. Bowling commented that there needs to be additional number, language, or paragraph to address high banking and its limitations on moving rocks.  

Mr. Bowling's comment was to Strawman V.1. Rule 60.01 was updated in subsequent rule drafts. In the Proposed Rule draft, rule 25.05 clarifies that an exemption from permitting requirements exists for certain qualifying non-powered activities as set forth in the rule.  

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Eric Wilson  

Mr. Bowling testified that he generally supports the draft strawman rule as written.  

Mr. Bowling noted dredges will "not" typically move the amount of material claimed by the manufacturers.  

Mr. Bowling noted that "wilderness restrictions" should not apply to Rule 61.  

Mr. Bowling supports the regulation of filling current dredge hole before moving to another one as adequate.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

No response.  

Mr. Bowling supports the draft rules as written.  

He questioned, where is the line, how can we word the rule, to address/define what is mechanized.  

No response.
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<td>43</td>
<td>ICL</td>
<td>N/A</td>
<td>Written</td>
<td>05/14/21</td>
<td>She supports the &quot;recession of Rule 61 in [total], with NO replacement.&quot;</td>
<td>IDWR continues to conclude that suction dredge mining alters stream channels and should be permitted pursuant to the Stream Channel Alteration Act. See I.C. 42-3801 et seq. As a result of its conclusion, IDWR notes that the removal of Rule 61 would not result in the elimination of the permitting of these activities. Instead, the removal of Rule 61 would likely result in IDWR using the Joint Application Permit (3804B) as the de facto permitting process.</td>
</tr>
<tr>
<td>44</td>
<td>Jeff Bowman</td>
<td>Mount Pigsah Mining District</td>
<td>Written</td>
<td>05/14/21</td>
<td>She supports the legislative revision of the word &quot;alter&quot; to exclude &quot;suction dredge mining,&quot; because the activity does not permanently alter the stream channel.</td>
<td>Modification of the statutory definition of &quot;alter&quot; (I.C. 42-3802[b]) is outside the scope of this rulemaking. Further, IDWR continues to conclude that suction dredge mining alters stream channels and should be permitted pursuant to the Stream Channel Alteration Act. See I.C. 42-3801 et seq.</td>
</tr>
<tr>
<td>45</td>
<td>Jeff Bowman</td>
<td>Mount Pigsah Mining District</td>
<td>Written</td>
<td>05/14/21</td>
<td>MMPD supports the &quot;standard regulation of 5&quot; and 15 horse power.&quot;</td>
<td>IDWR interprets this comment as support for the draft rule.</td>
</tr>
<tr>
<td>46</td>
<td>Jeff Bowman</td>
<td>Mount Pigsah Mining District</td>
<td>Oral</td>
<td>06/02/21</td>
<td>Mr. Bowman commented that his mining district met (38 members/claim owners) and they agreed to support the 5'/15 hp minimum standards included in the rule. And they have submitted a letter stating their support of the draft rule.</td>
<td>The Proposed rule maintains the 5&quot; and 15 hp standard.</td>
</tr>
<tr>
<td>47</td>
<td>Jeff Bowman</td>
<td>Mount Pigsah Mining District</td>
<td>Oral</td>
<td>06/02/21</td>
<td>Mr. Bowman commented that he wants to reinstate the &quot;letter permit&quot; process on McCoy Creek for qualifying dredging activities. He commented that miners have to use the standard joint application permit for activity in excess of 5'/15 hp. Don stated the Forest Service would support reinstating the letter permit process. He commented that the FS has issued a new EA that loosened restrictions.</td>
<td>The scope of this rulemaking is limited to Rule 61 and does not address the opening or closing of specific waterways. However, IDWR staff are open to meeting with miners, the forest service, and other interested parties to explore changes to current permitting limitation on McCoy Creek.</td>
</tr>
<tr>
<td>48</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL noted it is important that the rule be written to ensure protection of public resources from the more intensive mining operations and activities that could be permitted pursuant to the short form Letter Permit.</td>
<td>IDWR agrees with this comment and concludes that the Proposed Rule will continue to facilitate the expedited permitting of certain qualifying mining activities that meet an acceptable level of de minimis impact to the stream.</td>
</tr>
<tr>
<td>49</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL noted the current &quot;1/4 cubic yard per hour&quot; limit is an important protection and the removal of this protection may result in direct impacts to Public Trust Water and Submerged Lands.</td>
<td>The 1/4 CY per hour limitation in the current Rule 61.05 is a limitation applied to non-powered equipment. In the proposed rule, this limit has not been removed but relocated to Rule 25.05 where it is still used as a de minimis threshold permit requirement for non-powered equipment.</td>
</tr>
<tr>
<td>50</td>
<td>Jonathan Oppenheimer</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL commented, the definition of powered &quot;equipment&quot; should properly include any connected cables, ropes, pulleys, or connections.</td>
<td>The current and proposed Rule 61.03 limits the use of powered equipment below the MHWM to the suction dredge or power sluice, and any human life support equipment necessary to operate the dredge or power sluice. Proposed Rule 61.03 does not authorize the use of any ropes, cables, chains, and the like, attached to the dredge or power sluice (powered equipment). IDWR agrees with ICL that ropes, cables, chains, and the like located below the mean high water mark (&quot;MHWM&quot;) and attached to any powered equipment, whether the powered equipment is located above or below the MHWM, is prohibited under Rule 61.</td>
</tr>
<tr>
<td>51</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL noted, IDWR should provide information on the evaluation of current use of winches, whether hand, or powered.</td>
<td>IDWR does not have record of any specific or general impacts to stream channels from past winching associated with dredge mining conducted under Rule 61. IDWR staff has not observed the use of hand or powered winches when inspecting suction dredge operations although some miners have anecdotal told staff they occasionally use hand winches or come along to move larger rocks. Several miners commented at the April 27, 2021 public meeting that most miners do not use hand or powered winches to move larger rocks or boulders because it is not practical to do so.</td>
</tr>
<tr>
<td>52</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL commented, the definition of &quot;powered equipment&quot; should appropriately include hand-operated mechanical winches, pulley, or other instruments.</td>
<td>IDWR disagrees with ICL's comment. The proposed rule attempts to distinguish un-permitted (Rule 25.05) and prohibited activities (Rule 61.03), associated with Rule 61, on the basis of whether the piece of mining equipment is &quot;powered&quot; or &quot;non-powered.&quot; Where proposed rule 61.11 defines &quot;non-powered&quot; as &quot;equipment which is powered by only human strength,&quot; hand operated &quot;winches,&quot; &quot;pulleys,&quot; or &quot;come-along&quot; are powered by human strength and therefore are defined as &quot;non-powered&quot; equipment under the proposed rule.</td>
</tr>
<tr>
<td>53</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL noted, IDWR is modifying Rule 61 without adequate justification, analysis, or consideration.</td>
<td>IDWR is only considering changes to the long standing rule governing minimum standards for small scale suction dredging where such activity can be approved using the Letter Permit.</td>
</tr>
<tr>
<td>54</td>
<td>ICL</td>
<td>Idaho Conservation League (&quot;ICL&quot;)</td>
<td>Written</td>
<td>05/08/21</td>
<td>ICL commented, the published rules should be updated to include legible figures and diagrams on pages 15-23 of the rules in Appendix B through Appendix P.</td>
<td>IDWR agrees that all figures and diagrams in the proposed rule should be legible and will work with the Office of the Administrative Rules Coordinator to ensure the final published rule is legible throughout.</td>
</tr>
</tbody>
</table>
ICL commented that the proposed rule change would authorize the use of mechanical equipment below the ordinary high water mark ("OHWM") that is prohibited by the current rule. Current rule prohibition applies to winches, come-alongs, cables, ropes, chains, ties, hooks, pulleys, and other attachment to the mechanical equipment are part of the equipment.

ICL commented that the current rules allow "take" of ESA species and this new rule would propose to "modify and weaken" the rules and could cause "more take."

ICL commented that it is concerned with the draft Rule 61.01 because the removal of the "1/4 CY per hour" limit will lead to increased impact to the waters of Idaho as it relates to the Clean Water Act, the Endangered Species Act, and other concerns.

ICL commented on high banking, noting that DEQ's general permit for small scale placer mining in Idaho does not cover high banking. And any discharge from a high banking operation to waters of the US will require an individual IDES permit.

ICL commented that the issuance of permits by IDWR, which conflict with permits issued by other agencies, is prohibited as determined by the ISC in its Shokal v. Dunn decision, 1979.

ICL commented that the IDEQ's IPDES "Suction Dredge Inter-Agency Coordination Meeting Agenda" permit documents states "high banking is not covered under the suction dredge permit. Return water should not be directly routed to water of the United States or could require a permit."

ICL commented on high banking, noting that IDEQ's general permit for small scale placer mining in Idaho does not cover high banking. And any discharge from a high banking operation to waters of the US will require an individual IDES permit.

ICL commented that IDWR has authority under Title 42, Chapter 38, Idaho Code, to regulate the alteration of stream channels for the health, safety, and welfare of the public and to protect stream channels from alteration for protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality.

ICL commented that IDWR did not provide any evidence of the effects of current winching practices associated with Rule 61 activities, specifically whether winching has obstructed the "free navigation of the channel."

ICL commented that IDWR has not demonstrated how the agency can better meet its statutory duties by loosening existing rules and restrictions related to suction dredge mining and moving large rocks in stream channels. Specifically, IDWR has authority Under Title 42, Chapter 38, Idaho Code, to regulate the alteration of stream channels for the health, safety, and welfare of the public and to protect stream channels from alteration for protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality.

IDWR disagrees that the current rule clearly prohibited the use of all mechanical equipment below the OHWM. The term "mechanical equipment" was not defined in the previous rule, and was interpreted differently by different parties. Dredge miners have informed IDWR in the past of the use of varying degrees of hand powered mechanical equipment such as a come-along. The lack of clarity and uniform enforcement of the use of mechanical equipment is why IDWR is proposing a new standard of "powered" vs. "non-powered" equipment in the proposed rule. Dredge miners have reported that the use of hand operated mechanical equipment is sometimes a necessary safety precaution.

IDWR disagrees that the changes to the rule would necessarily result in increased "take" of ESA species. IDWR regulates the impacts of dredge mining activities on ESA species through the opening or closing of waterways. Refer to IDWR responses above to related comments by NOAA.

IDWR disagrees that it is "loosening" existing rules and restrictions. IDWR's intent with this rulemaking is to clarify the minimum standards related to small scale dredge mining in Idaho. While IDWR has reframed certain terms (i.e., mechanized vs. powered), it has not substantively changed the underlying meaning and intent of the rule which is to establish an expedited de minimus dredging activities permit process.

IDWR is not aware of any specific or general impacts to stream channels from past winching associated with dredge mining conducted under Rule 61.

IDWR is not aware of any specific or general impacts to stream channels from past winching associated with dredge mining conducted under Rule 61.

Consistent with I.C. 42-3803(3), IDL was offered, and did participate in the rulemaking effort. IDL provided specific comment regarding Rule 61. IDWR's response to these comments are included in this Comment and Response Summary Table.

IDWR commented that the planning was driven by the project and did not have any specific or general impacts to stream channels from past winching associated with dredge mining conducted under Rule 61.

Consistent with I.C. 42-3803(3), IDL was offered, and did participate in the rulemaking effort. IDL provided specific comment regarding Rule 61. IDWR's response to these comments are included in this Comment and Response Summary Table.

IDWR agreed that the changes to the rule would necessarily result in increased “take” of ESA species. IDWR regulates the impacts of dredge mining activities on ESA species through the opening or closing of waterways. Refer to IDWR responses above to related comments by NOAA.

IDWR disagrees that it is "loosening" existing rules and restrictions. IDWR's intent with this rulemaking is to clarify the minimum standards related to small scale dredge mining in Idaho. While IDWR has reframed certain terms (i.e., mechanized vs. powered), it has not substantively changed the underlying meaning and intent of the rule which is to establish an expedited de minimus dredging activities permit process.

IDWR is not aware of any specific or general impacts to stream channels from past winching associated with dredge mining conducted under Rule 61.
Mr. Byers noted, overall the first rulemaking meeting achieved what was intended to present a rule that stands to refer to IDWR's responses above that address comments submitted by NOAA regarding ESA takings.

Mr. Wist noted, moving a cubic yard of material comprised of boulders is no less "disruptive than moving a cubic yard of material without boulders."

Mr. Edmondson noted that he does not support a rule 10.01 definition of "alteration" that is ultimately determined by the director.

Mr. Byers commented that when a dredge miner is dealing with big boulders, a winch is the safest way to move large boulders. Without the ability to safely move large rocks, dredge miners could get killed.

Mr. Byers commented that when dredging is done efficiently only 1/10th of the nozzle diameter is sucking up material. He acknowledged that spill bag requirements are not part of Rule 61.

Mr. Byers commented that he doesn't agree that dredge mining activities constitute a "taking" of endangered species.

Mr. Byers commented that he doesn't agree that dredge mining activities constitute a "taking" of endangered species. He noted, when dredging is done efficiently only 1/10th of the nozzle diameter is sucking up material.

Mr. Byers commented that in "boulder filled" streambeds it would be hard to meet the 1/4 CY per hour limit. He also commented that he does not support any limit because it is an "unenforceable regulation" because staff can't confirm the rate of material moved by a dredge miner.

Mr. Byers commented that there is a lot of confusion on which rivers are closed and by which agency.

Mr. Byers commented that generally, IDWR should not promulgate rules that are unenforceable. He noted, dredge nozzles typically suck up material considerably smaller in diameter than the nozzle diameter.

Mr. Byers commented that he doesn't agree that dredge mining activities constitute a "taking" of endangered species. He noted, when dredging is done efficiently only 1/10th of the nozzle diameter is sucking up material.

Mr. Edmondson commented that he does not support the idea that the mere use of a dredge "alters a stream channel and should be permitted pursuant to the Stream Channel Alteration Act. See I.C. 42-3801 et seq."

Mr. Domingo testified that he supports the draft strawman rule as written. "You've done a good job."

Mr. Wist noted that, if rule does not allow boulders to be moved, dredging will not be feasible on many claims.

Mr. Wist noted, on streams with few boulders its possible to move up to one cubic yard of material an hour, but on other claims you can't move the same amount of material without moving boulders. He noted, when dredging is done efficiently only 1/10th of the nozzle diameter is sucking up material.

Mr. Byers commented that in "boulder filled" streambeds it would be hard to meet the 1/4 CY per hour limit. He also commented that he does not support any limit because it is an "unenforceable regulation" because staff can't confirm the rate of material moved by a dredge miner.

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Mr. Byers commented that in "boulder filled" streambeds it would be hard to meet the 1/4 CY per hour limit. He also commented that he does not support any limit because it is an "unenforceable regulation" because staff can't confirm the rate of material moved by a dredge miner.

IDWR disagrees with this comment. It believes the 1/4 CY per hour limit is enforceable and is an appropriate permitting threshold for non-powered equipment. IDWR did however, relocate the 1/4 CY per hour limit from rule 61.01 to rule 25.05.

Mr. Byers commented that when a dredge miner is dealing with big boulders, a winch is the safest way to move large boulders. Without the ability to safely move large rocks, dredge miners could get killed.

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Mr. Byers commented that generally, IDWR should not promulgate rules that are unenforceable. He noted, when dredging is done efficiently only 1/10th of the nozzle diameter is sucking up material.
Robert Taylor N/A Written 05/14/21 Mr. Taylor supports a rule change in favor of using mechanical methods to move rocks "over 24 inches." See IDWR response directly above.

Ron Miller N/A Written 04/28/21 Mr. Taylor supports a rule because "suction dredgers should be allowed... ." IDWR acknowledges the support.

Mr. Finnegan noted that he did not object to the proposed stratum rule. IDWR interprets this comment as support for the draft rule.

Pat Finnegan N/A Written 06/02/21 Mr. Finnegan commented that regarding dredge mining under a "letter permit", IDWR's permit process and guidance are confusing, and perhaps contradictory to other related state and federal permit processes, making it unclear to the public which rivers are open or closed to dredge mining. E.g., Salmon River from Cherry Creek to Hammer Creek.

IDEQ noted that there is no "one quarter (1/4) cubic yard per hour" standard in the current IPDES General Permit but "average of 2 cubic yards per hour... ." IDWR acknowledges differences in permit requirements between its Small Scale Mining Permit process and DEQ's IPDES General Permit for Small Suction Dredge Miners (IDG37000) process.

IDWR looks forward to the opportunity to participate in DEQ's IPDES IDG37000 permit re-issuance process scheduled for 2023. The prohibition of motorized equipment in the IPDES GP is consistent with IDWR's prohibition of powered equipment below the mean high water mark in Rule 61.03 except for the dredge and any human life support system.

Pat Finnegan N/A Oral 06/02/21 Mr. Finnegan noted that he has personally observed dredge miners conducting dredge mining without all required permits. E.g., IPDES/NPDES permit.

Mr. Finnegan noted he has personally observed unclaimed dredge mine sites. In the past, IDWR has brought enforcement action against dredge miners who were mining inconsistent with or contrary to conditions and limitations of their stream channel alteration permit. In the future, IDWR will continue to enforce against miners who violate the conditions of their permit.

Mr. Finnegan testified that he supports IDWR's effort to "strengthen and clarify" the regulation. He does not "object" to the Rule 61 draft. IDWR acknowledges the support.

IDEQ expressed appreciation for being a part of the rulemaking process and working to better align IDWR's rules with IDEQ IPDES permitting processes.

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Troy Smith IDEQ Written 06/02/21 Mr. Smith clarified that high banking that does not return water to the stream does not require an IPDES permit. See IDWR response to IDEQ's 6/22/21 written comments below.

Mr. Smith stated that if high banking activities are returning water to the stream, the activity (1) may be covered under the general permit, or (2) it may require an individual permit. See IDWR response to IDEQ's 6/22/21 written comments below.

IDEQ expressed appreciation for being a part of the rulemaking process and working to better align IDWR's rules with IDEQ IPDES permitting processes.

IDEQ fixed both typos in the Proposed Rule draft.

Troy Smith IDEQ Written 06/22/21 IDEQ commented that "power sluices" that do not "fit the definition of a small suction dredge in the IPDES General Permit IDG37000 and accompanying fact sheet are not covered by the General Permit as currently written" and would "need to apply for an IPDES individual permit." No response.

IDEQ commented that it plans to reissue the current IPDES General Permit IDG37000 before it expires in 2023 and that there will be a public comment and review period before it is issued. IDWR will plan to participate in the review and reissuance process for IPDES General Permit IDG37000 and hopes that it can work to IDEQ to address the "power sluice" permitting issue and more generally align IDEQ and IDWR permitting processes.