



Friends of the Clearwater

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July 3, 2017

Roger Chase
Chair
Idaho Water Resources Board
Boise, ID

Mathew Weaver, PE
Deputy Director
Idaho Department of Water Resources (IDWR)
Boise, ID

RE: Suction Dredging Changes to South Fork Clearwater

Sent VIA Email to rwchase33@gmail.com and Mathew.Weaver@idwr.idaho.gov

Dear Mr. Chase and Mr. Weaver:

The following comments for potential changes in the small-scale suction dredging permits on the South Fork Clearwater for the 2017 season are submitted on behalf of Friends of the Clearwater. Friends of the Clearwater is a conservation organizations concerned about the public wildlands, watersheds, and wildlife in and immediately around the Clearwater Basin in north-central Idaho.

Introduction

Friends of the Clearwater has participated in the recent public involvement processes by the US Forest Service and the Bureau of Land Management (BLM) on suction dredge mining in the South Fork Clearwater as well as the joint state/federal public involvement process for NPDES permits in 2012. We are very concerned about the impacts of section dredge mining, which are documented in our objection comments to the US Forest Service (see attached documents sent to the Forest Service and BLM). Further, the decline of wild steelhead in the Clearwater Basin is of significant concern and the Biological Assessment for the suction dredging on the South Fork made a finding of likely to adversely affect steelhead.

As such, changes in conditions by IDWR, even if the changes are not made by the federal agencies in their permitting processes, could result in considerable confusion. At the very least, it could set up a conflict between the regulating agencies, where none supposedly exists at the current time.

Timing

The timing of the proposal for changes is far too late to obtain meaningful public input. Indeed, the dredging season will begin on July 15 for the South Fork Clearwater. We also question whether the proposal can be pushed through at such a late date and still meet Idaho State law and regulations regarding public notification, open meetings laws and the like.

Rather than entertain the proposals at this late date, consideration of any changes should be deferred until 2018 in order to allow for meaningful public input. That will also give time for IDWR to confer with other state and federal agencies including the Idaho Department of Fish and Game, the Idaho

Department of Environmental Quality, the Environmental Protection Agency, the US Forest Service, the Bureau of Land Management, the US Fish and Wildlife Service and the National Oceanic Atmospheric Administration's fisheries branch (NOAA Fisheries).

If IDWR rushes and accepts any of these changes, it could set up a conflict with other agencies. The current process and existing regulations, though still inadequate to protect the South Fork, provide a consistent policy across several agencies.

Proposed Changes

It is not entirely clear what changes are being considered by IDWR. The matrix sheet suggests that up to 16 of the 25 required conditions could be changed, though almost all lack any alternative language. That is significant change. We give examples below, but they are not all inclusive.

Condition 1- It is highly problematic to remove the language that that suggests the IDWR permit does not exempt miners from obtaining other needed permits. It will set up confusion and possible conflict with other agencies. That language is not redundant and unnecessary. Rather, it fully informs those who wish to undertake suction dredge mining as to their obligations.

Condition 2- Changing the definition of the man water high mark could conflict with terms and conditions in the Environmental Assessment prepared by the US Forest Service and the BLM.

Condition 10- Changing these requirements regarding tributary streams will directly conflict with terms and conditions in the Environmental Assessment prepared by the US Forest Service and the BLM.

Condition 15- This is perfectly clear. There is no need to change this requirement.

Condition 18- These are common sense practices to reduce the possibility of toxic fuel spills into the river. No changes should be made.

Condition 20- There is no reference to mercury (or cyanide) in the TMD letter. As such, the proposal by IDWR would eliminate any accountability regarding this highly toxic metal.

Summary

No changes should be made this year. The thrust of proposal package is to remove protection for the South Fork of the Clearwater from mining activities and to remove accountability of those engaged in that activity. Thus, we oppose these proposals. Further, we expect that IDWR, if it decides to make such changes, will delay any decisions until it engages the public and other agencies in a meaningful public involvement process that is not a done at the last minute.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane", written over a light-colored rectangular background.

Gary Macfarlane