

14 DECEMBER 2017

TO: Roger Chase, Chairman, Idaho Water Resources Board

FROM: Gary Bowling, P.O. Box 142, Elk City, ID 83525 (gb16737@yahoo.com)

SUBJECT: Comments on Recreational Suction Dredging Special Conditions SFCR

RECEIVED

DEC 18 2017

DEPARTMENT OF  
WATER RESOURCES

Thank you for taking my comments. My name is Gary Bowling, I attended the public meeting 5 Dec 17 and I am new to mining. I have owned property in Elk City since 1993 and recently retired there. I have a small business (Freedom River Adventures), I own a claim on the South Fork and I personally recreate on the South Fork.

I am writing to defend suction dredging. As a "new guy", I sense there is a stigma attached to anyone who claims to be a miner. It seems the miners of this generation are being held accountable for the transgressions of prior generations. Thus, the assumptions used to regulate mining by government agencies including your department are SO bias it is obvious to even a "new guy" like me.

Reading through the MEMO for Special Conditions for suction dredging, I was struck by the number of studies referenced as "proof" of detrimental effects dredging cause. I could site the same studies in an argument against fishing, wading, swimming, rafting basically any activity a human could do in a river. I can see the point of using this data for stream alterations like Crooked River (see attached pictures). Is it possible your office and other government agencies are misinterpreting this data and strictly applying it to an activity for which there is minimal application, for personal bias reasons?

From what I have observed, miners are mom and pop operations, working people who don't have the time or money to challenge government rulings especially ones backed by "professional" groups. That's why we depend on YOU to be objective, honest and fair in your decisions. My initial inclination is that miners are not getting those 3 things from government agencies. The feeling is one that your folks have an agenda and we are just a bump in the road. If true, you and your staff are doing our country a major disservice.

A perfect example was how your department picked the number 15 as the number of permits to issue, I listened intently to the guy explaining in the public meeting how he arrived at 15..... They looked at the past number of requests .... they figured a max acceptable amount of turbidity in the water...they assumed working 8 hours a day, 30 days, moving 3-4 times the amount of material a human can move .... Etc etc .. as I listened to this explanation, it was obvious even to me, these guys have never run a dredge and don't know what they are talking about. I did hear him say they realized their assumptions were flawed but I never heard him say he was going to increase the number of permits. There are two reasons for that, either they are so bias they are willing to compromise their integrity to achieve their personal agenda or they are ignorant on the subject. For now, I prefer to think the latter.

I am for regulations, realistic regulations, lest we repeat the mistakes of the past. As a retired Air Force fighter pilot and retired Southwest Airlines captain, I know about rules and regulations. I also know BS when I see it and hear it, and let me tell you, Mr. Chase this whole suction dredging thing has a big stink to it. The bias from government offices on mining in general is alarming.

I have no desire, interest or intention of harming any aquatic animal, fish or plant OR harming the river I recreate in and around. This is MY backyard. The key definition here is harm, if I wade in the creek and stir up sediment, am I harming the aquatic life....yes, when I catch a fish, even if I release it, did I harm that fish ...yes. Why are we willing to "accept" this form of "harm" but draw the line on mining, especially dredging?

Perhaps it is because no one in your agency has any experience (as evidenced from your staff ruling on the 15 dredge limit) with dredging. During a break, I asked you personally if you have ever been dredging. You replied, "no" and it appeared no one at your table had any experience with dredging. Anybody can say NO or make unrealistic rules out of ignorance, I invite you or anyone from your staff to come to Elk

City this summer, I will feed you and provide you a place to stay, bring the kids, make a long weekend of it. I expect nothing in return, my only request is for you to try dredging, talk to miners and become familiar with the activity.

The more I learn, the more obvious it becomes there is virtually no one advocating mining activities in any government office and there are an abundance of positions filled with individuals who are adamantly against it. Why is that? If you are aware of any government employee who is an advocate for mining I would appreciate his or her name and position.

After reading through the Special Conditions, I have to ask....Have the people making the rules ever seen the South Fork from early March until mid May? The power in the river is incredible. It would be virtually impossible using hand tools or a small dredge to disturb the streambed anywhere from mean high water mark down that the river doesn't erase every spring. Turbidity levels are mentioned in multiple conditions, can you explain how the aquatic life in the stream survives the spring runoff when the entire river is chocolate brown or a summer thunder storm that makes the entire river cloudy for a day or two?

Finally, I bring to your attention 4 attached pictures of the Crooked River project taken 1 Oct 17. My family and I spent many a day fishing and recreating on Crooked River the past 20 years. It will never be the same, at least not in my lifetime. How can you, with a straight face, tell me this is OK and prospecting my claim with hand tools and a little suction dredge is not OK?? ..... Seriously...

Your office requested written comments by 19 December. Here are my comments on the Special Conditions: Please keep in mind I am new to this and I am not a bright man ....

#1. Wetted perimeter, below mean high water mark, This condition is TOO RESTRICTIVE. The area of "dry" stream channel from the mean high water mark to the summer low level is one of the best places to prospect. My proposal is to allow prospecting anywhere from the mean high water mark down. If you want to make a restriction on under cutting the bank, make it from the mean high water mark.

#2. IDWR, fish biologist inspection, This condition is acceptable with a couple restrictions. Dates must be coordinated well in advance with several options and if there is a disagreement on mining locations there should be an appeal process that takes place within a set time period of the disagreement with Ten Mile Mining in attendance, if requested.

#3. I have no comment on #3 at this time.

#4. I have no comment on #4.

#5. I have no comment on #5. Night diving can be scary anyway.

#6. Two separate locations 150 linear feet,. This condition is TOO RESTRICTIVE. What if I test in both areas and find nothing and want to move to another location? I only dredged 2 small areas and now I'm done for the season? You are already sending a biologist out to approve my location, why do you have to limit how much area I can mine?

#7. Holes shall be filled in with the same material, can you explain this one, how am I supposed to get the same material back in the hole, the material that came out of the hole is 20 feet down stream do you mean fill the hole with the same type of material that came out.

#8. Alter stream channel, physical barrier to prevent fish movement. At my claim I need to block some of the water flow because it is moving too fast to work safely, Recommend change to a specific number allowing miners to restrict flow of 1/2 the width of the channel as long as the restriction is removed at the end of the season, this allows the fish 1/2 of the river channel for unimpeded movement and the miners the

ability to restrict flow just above their working location to ensure safety.

#9. Exclude areas 100 feet upstream and 300 downstream. This restriction doesn't apply to my claim but I understand it significantly affects others. .

#10. No dredging on gravel bars and tail ends of pools. This condition is TOO RESTRICTIVE. Gravel bars are excellent places to mine, we need some options here.

#11. No dredging within 2 feet of the stream bank. This condition is TOO RESTRICTIVE. I need to be able to work up to the waters edge especially on my claim. I have a rock cliff as one bank that goes vertical down into the water, parts of that rock face have flats and rock ledges that I would like to work. It would be impossible for me to undermine the bank as it is solid rock, but by definition is the stream bank. I would like to discuss this restriction and request relief. Also there are several large (4 to 5 feet in diameter boulders on my claim I want to work around that are within 2 feet of shore, it is possible they may move a little and from a safety aspect I may need to be able to move them a little. Need to rework this condition to reflect safety concerns.

#12. No disturbance to stream bank. This is a repeat of conditions #1 and #11 IT SHOULD BE DELETED.

#13. Removal or relocation of material in the river including rocks 12". This condition is TOO RESTRICTIVE. Mining by definition is moving rocks. Size of rock requiring IDWR approval to move needs to be increased to 3 feet in diameter or larger.

#14. Visually monitor stream 150' downstream. This condition is TOO RESTRICTIVE. How does a miner working alone dredge under water and monitor downstream from the sluice box at the same time?

#15. I have no comment on #15 at this time.

#16. 800' spacing between dredges. This condition is TOO RESTRICTIVE. By your own conditions, miners must monitor their turbidity plums out to 150' and shut down if the plum extends past that. Given that how did you arrive at the number 800'? It seems only logical that dredges could be as close as 150' apart. If you want to make sure there is a stretch of "clear" water between dredges, why not make the spacing 300'. My recommendation is to change this condition to 300' between dredges.

#17. I have no comment on #17.

#18. I have no comment on #18.

#19. I have no comment on #19.

#20. I have no comment on #20.

#21. Securing of dredge. This condition is TOO RESTRICTIVE. On some occasions it is necessary to have a rope across the river for safety. Make it permissible to have ropes from bank to bank as long as they are not a safety hazard to others.

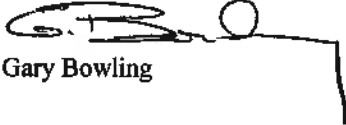
#22. I have no comment on #22.

#23. Permits canceled. The Ten Mile Mining District should be consulted before any cancellation of permits for all miners for a season.

Finally, two major issues not addressed in the special conditions are season length and the number of permits allowed. The season should begin at least 2 weeks earlier and extend at least until the end of September. The number of permits should be at least one for each claim along the river plus some

additional number 10% lets say. As a miner I have to pay the BLM to keep my claim, I have to spend X number of hours improving my claim, picking up trash along the road and generally trying to make things better for the river and ecosystem. Miners are actually doing something to make things better.

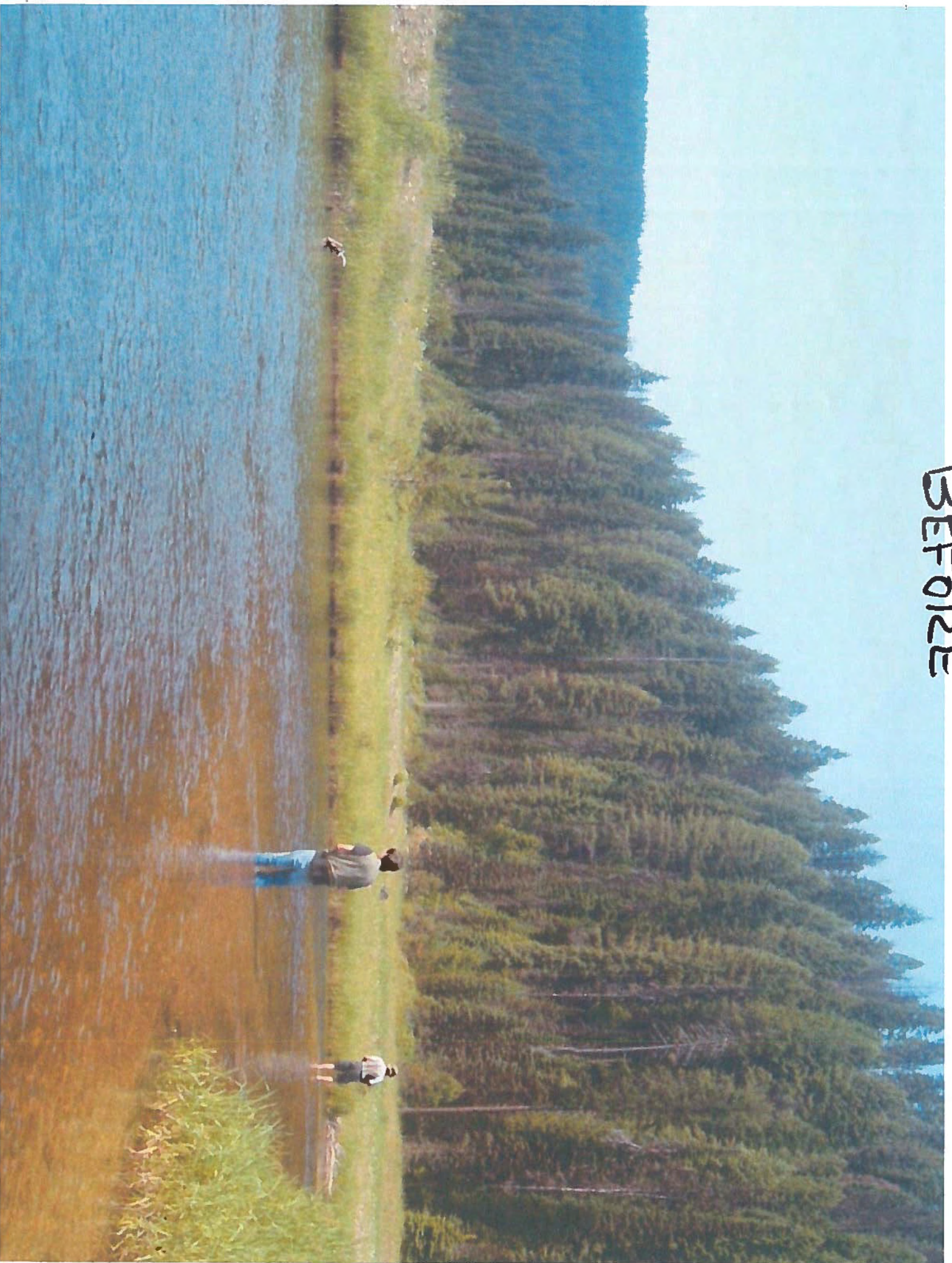
Again, Mr. Chase thank you for taking my comments. I would appreciate being added to your email list for any activities or proposals affecting the South Fork drainage. My email address is [gb16737@yahoo.com](mailto:gb16737@yahoo.com). I have been very impressed with the Ten Mile Mining District work in this area. I sincerely hope you will work with them to establish the final rules for this season. I look forward to working with you and your office on mining and dredging this season and in the future. I was serious about the invitation to join us this summer. 208 842-2910 for reservations.



Gary Bowling

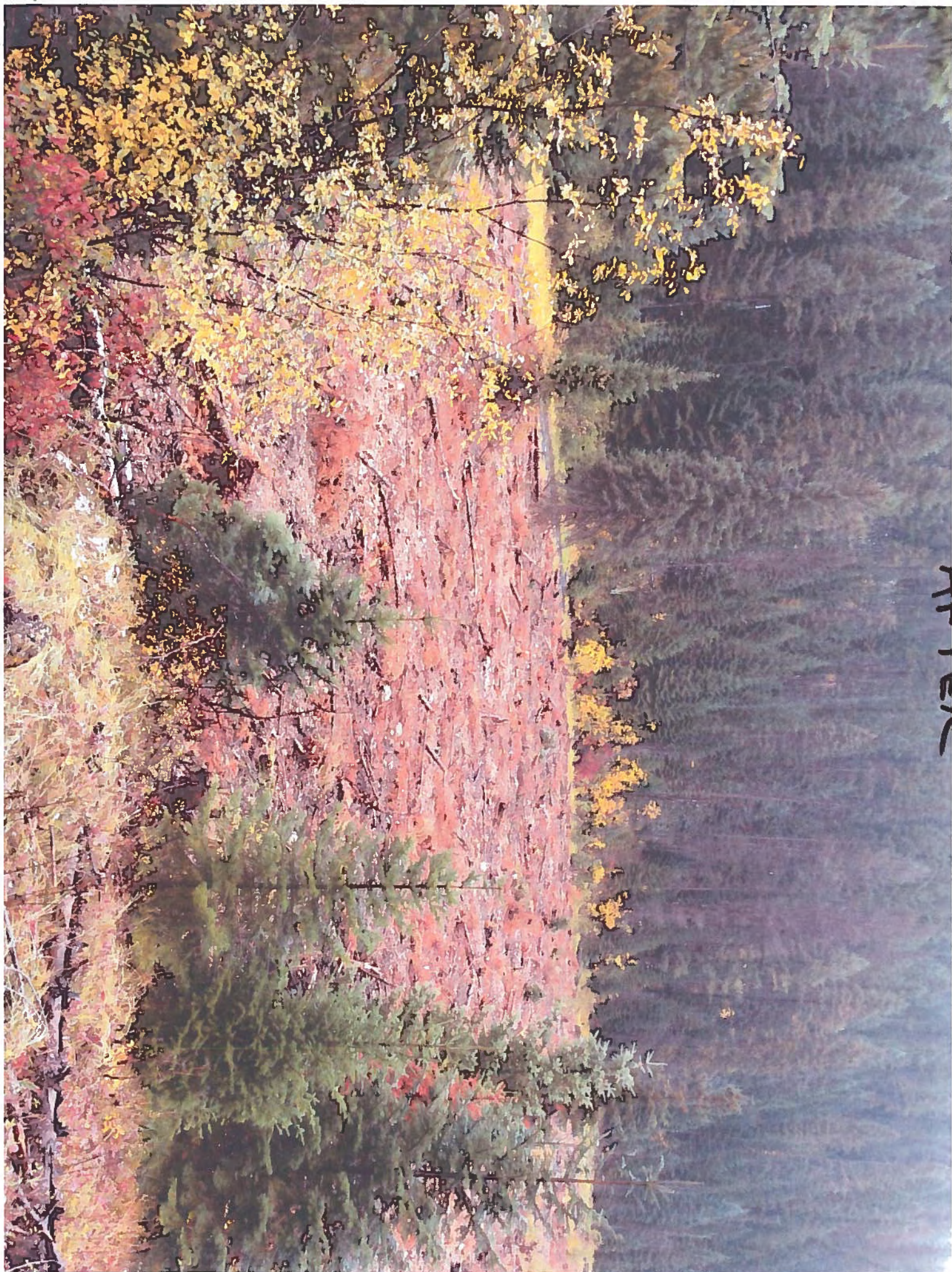


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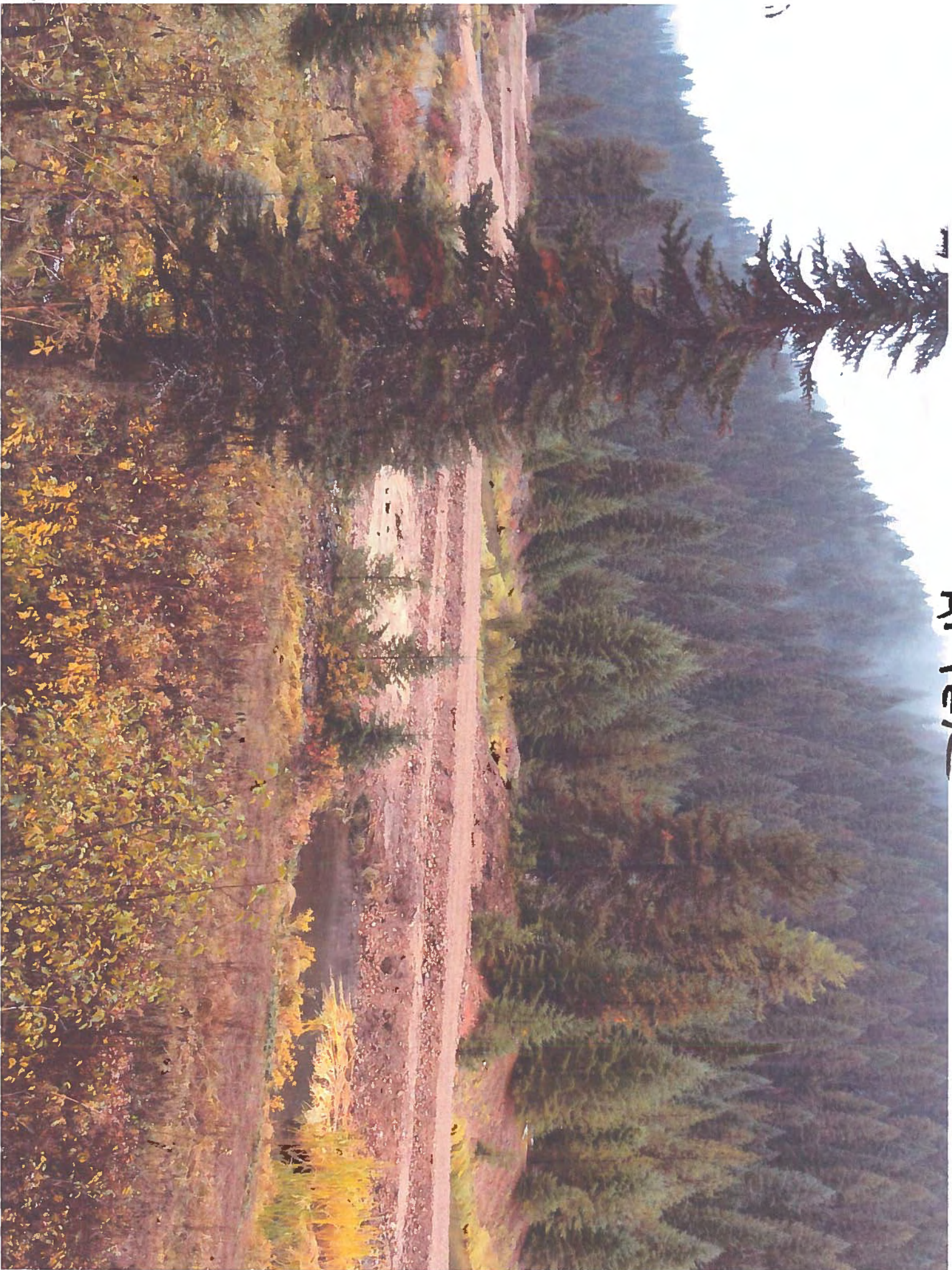


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