

MEMO

State of Idaho

Department of Water Resources

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Date: April 21, 2020
To: IDWR Stream Channel Alteration Staff
From: Tim Luke, Water Compliance Bureau Chief *TJL*
Copy: Mat Weaver, P. E., Deputy Director, Idaho Department of Water Resources
Garrick Baxter, Deputy Attorney General, Idaho Department of Water Resources
Subject: South Fork Clearwater River Special Supplement and Joint Application Approval
Limits - Small Scale Suction Dredging

Purpose of Memo

This memo gives direction to Idaho Department of Water Resources (“IDWR”) staff regarding the number of South Fork Clearwater River (“SFCR”) Special Supplement and Joint Application for Stream Channel Alteration Permit (“Joint Permit”) applications that can be approved for small scale suction dredge mining on the SFCR. This guidance memo was originally issued on April 16, 2018 and was specific to processing and authorization of SFCR small scale suction dredge applications in 2018. IDWR continued the same guidance in 2019. IDWR should continue the same guidance in 2020 and ensuing years unless further notice is given.

Background

Minimum standards for suction dredges apply to dredges with a nozzle diameter size of five inches or less and powered equipment (engines or motors) rated at 15 horsepower or less, and non-powered sluice equipment moving more than one-quarter cubic yards per hour. *IDAPA 37.03.07.061.01*. Any mining operation meeting these standards is referred to as small scale suction dredge mining.¹

The Idaho Water Resource Board’s (“IWRB”) *South Fork Clearwater River Basin Comprehensive State Water Plan, 2004* (“SFCR Plan”) allows limited small scale suction dredge mining on the SFCR subject to IDWR approval and upon requests by miners using the Special Supplement application. The SFCR Plan limits dredge mining to a season of use from July 15 to August 15 and dredges conforming to the minimum standard size equipment described in *IDAPA 37.03.07.061.01*. Starting in 2016, IDWR limited the total number of SFCR Special Supplement approvals to 15 dredges on the SFCR.

¹ Mining operations meeting the minimum standards defined by *IDAPA 37.03.07.061.01* is also known as “Recreational Mining.” IDWR uses the term “small scale suction dredge mining” on the SFCR Special Supplement.

The SFCR Total Maximum Daily Load (“TMDL”) waste load allocation (“WLA”) for small scale suction dredge mining established by the Idaho Department of Environmental Quality (“IDEQ”) and the United States Environmental Protection Agency (“EPA”) is 316 tons per day (or 240 cubic yards per day) for the entire SFCR watershed above Harpster Bridge,² including tributaries. *South Fork Clearwater River Sub-basin Assessment and Total Maximum Daily Loads, October 2003*. This daily total volume of sediment was established to prevent increased bedload movement and surface fine sediment downstream of suction dredges. The allocation is from July 15 through August 15 consistent with the SFCR Plan.

Actual daily small scale suction dredge loads may vary depending on the number of dredges operated, the size of dredges used, hours of operation, and condition of streambeds dredged. Based on a recent review of available data and small scale suction dredge monitoring reports, IDWR finds that the average daily dredge operation is about 5.2 hours per day and small scale suction dredge discharge rates may range from 0.36 to 1.37 cubic yards per hour depending on conditions. *IDWR Memorandum: Review of the 15 Special Supplement Permit Limit for Small Scale Suction Dredge Mining on the South Fork Clearwater River, November 16, 2017*. At these rates, the daily volume of sediment processed from operating 15 small scale suction dredges per day may be in the range of 28 to 107 cubic yards per day. The daily volume of sediment processed from 33 dredges operating at 5.2 hours per day and the maximum rate of 1.37 cubic yards per hour would equal nearly 240 cubic yards per day.

Based on the above analysis, IDWR concludes that current small scale suction dredge loads within the SFCR above Harpster Bridge are well below the 240 cubic yards per day SFCR TMDL WLA. IDWR concludes it can approve more than 15 SFCR Special Supplement applications each season and still maintain compliance with the SFCR TMDL WLA.

The total number of IDWR small scale suction dredge authorizations for the SFCR is dependent on the number of applications received, the extent of operations proposed, and availability of IDWR staff and state or federal fisheries biologists who must inspect proposed mining sites as required by the SFCR Plan. IDWR is committed to maintaining the established TMDL WLA for suction dredging in the SFCR. IDWR authorization of small scale suction dredging in the SFCR will ensure that the SFCR TMDL WLA is maintained by implementing the following procedures:

1. Continue use of the SFCR Special Supplement application as required by the IWRB SFCR Plan. The Special Supplement requires applicants to submit information including site locations, dredge sizes, and operation schedule;
2. Maintain current SFCR dredge permit conditions in accordance with the SFCR Plan and IDWR Rules, including limiting dredges to a season of use from July 15 through August 15, and limiting dredges to a nozzle diameter of five inches or less and a rating of 15 horsepower or less;
3. Condition the number of approvals upon the extent of operations (dredge size, operation schedule, rate of sediment processed) such that combined operations of all dredge operations will not exceed the SFCR TMDL WLA.

² The SFCR TMDL WLA for suction dredging is limited to the SFCR and tributaries above Harpster Bridge. Harpster Bridge is located on the SFCR about 13 miles upstream from the mouth of the SFCR.

4. Inspect dredge mining sites during the season to ensure dredges operate within permit conditions; and
5. Require annual reporting by the holder of each authorized Special Supplement or Joint Permit that records the dates of dredge operation, the number of hours each dredge operates per day, and the amount of stream bed material processed per day. Miners may satisfy this reporting requirement by submitting to IDWR copies of annual reports that they submit to the US Forest Service (“USFS”) or EPA assuming those report forms include the information described herein. Annual reporting will aide IDWR in evaluating compliance with the SFCR TMDL WLA.

Guidance for SFCR Special Supplement Authorizations

Authorizations shall be determined as follows:

- IDWR may approve Special Supplement applications on the SFCR above Harpster Bridge if requests are made using the SFCR Special Supplement. As required by the SFCR Plan, all mining sites proposed in Special Supplement applications must be inspected by a state or federal fisheries biologist prior to dredging. Suction dredge operations on the SFCR above Harpster Bridge count towards the SFCR TMDL WLA. Accordingly, IDWR will include them in its SFCR TMDL WLA evaluation.
- Consistent with the SFCR Plan, IDWR may consider small scale suction dredge mining authorizations on SFCR tributaries if requests are made using the Joint Permit. All mining sites proposed in SFCR tributaries must be inspected by a state or federal fisheries biologist prior to dredging. Approvals for dredges operating in SFCR tributaries shall include the same special conditions for IDWR Special Supplement authorizations on the SFCR. Additional conditions may be included for authorizations on these waters if necessary. Suction dredge operations on SFCR tributaries above Harpster Bridge count towards the SFCR TMDL WLA. Accordingly, IDWR will include them in its SFCR TMDL WLA evaluation.
- IDWR does not normally receive dredge requests on the SFCR below Harpster Bridge. The SFCR Plan requires all suction dredge requests on the SFCR, regardless of location, be made using the SFCR Special Supplement and that all SFCR dredge sites be inspected by IDWR with a fishery biologist. Therefore, IDWR may approve Special Supplement applications on the SFCR below Harpster Bridge provided requests are made using the SFCR Special Supplement and the proposed dredge sites are inspected by a state or federal fisheries biologist prior to dredging. Suction dredge operations on the SFCR below Harpster Bridge do not count towards the SFCR TMDL WLA. Therefore, IDWR will not include them in its SFCR TMDL WLA evaluation.

It is IDWR’s understanding that the Federal agencies (USFS, BLM and EPA) or other agencies that authorize dredge mining operations under Federal law will consider permitting up to 15 dredge mining operations on the SFCR above Harpster Bridge. It is IDWR’s further understanding that the EPA or other agencies that authorize dredge mining operations under Federal law will not consider authorizations on SFCR tributaries under the current National Pollution Discharge Elimination System (“NPDES”) General Permit for Small Scale Suction

Dredge Miners in Idaho unless applicants submit an individual NPDES permit application. IDWR does not anticipate that federal fisheries biologists will inspect proposed mining sites on lands not managed by the federal government, or waters other than the main SFCR above Harpster Bridge. The Idaho Department of Fish and Game (“IDFG”) has advised IDWR that they may not commit their fisheries biologists to assist with site inspections in the SFCR basin. IDWR’s Stream Channel Protection Coordinator, Aaron Golart, shall conduct necessary site inspections if IDFG or Federal fisheries biologists are not available. Although IDWR may consider authorization of more than 15 dredge operations in the SFCR basin, it may not be able to complete necessary site inspections for sites other than the SFCR above Harpster Bridge (tributaries not included). Given the potential difficulty to authorize other site locations, staff are directed to prioritize Special Supplement requests on the SFCR above Harpster Bridge. IDWR staff will coordinate with IDFG to request site inspections from an IDFG fisheries biologist for all other requested sites on an application-by-application basis. IDWR staff will prioritize site visits to locations other than the SFCR above Harpster Bridge based on dates applications are received, whether the applications are complete, and whether a fisheries biologist is available to inspect the site. Incomplete applications may result in processing delays and lost opportunities to schedule site inspections.

Transition from EPA NPDES Permitting to IDEQ IPDES Permitting

The Idaho Department of Environmental Quality (“IDEQ”) will assume primacy of the NPDES General Permit for Small Scale Suction Dredge Miners in Idaho starting July 1, 2020. Permits issued by IDEQ for small scale suction dredges after July 1, 2020 are referred to as IPDES permits. IDEQ essentially inherits the EPA NPDES General Permit for Small Scale Suction Dredge Miners in Idaho since the General Permit does not expire until early 2023. IDEQ therefore will likely maintain the same criteria and conditions as the EPA General Permit for water bodies statewide and the SFCR. Again, IDWR anticipates that IDEQ will continue authorization of up to 15 dredge mining operations on the SFCR through at least 2022.

REFERENCES

IDEQ and EPA. *South Fork Clearwater River Sub-basin Assessment and Total Maximum Daily Loads, October 2003.*

IWRB. *Stream Channel Alteration Rules. IDAPA 37.03.07.*

IWRB. *South Fork Clearwater River Basin Comprehensive State Water Plan, 2004.*

IDWR Memorandum. *Review of the 15 Special Supplement Permit Limit for Small Scale Suction Dredge Mining on the South Fork Clearwater River. November 16, 2017.*