

To: Matt Weaver
Tim Luke
Aaron Golart
Kensie Thorneycroft

13 May 2021

From: Gary Bowling (gb16737@yahoo.com)

Subject: Comments on IDWR Public Meeting Regarding Negotiated Rulemaking
27 April 2021

1. Mr. Weaver and board members, I live in Elk City and I have a business here. (I'm the guy who recommended Aaron watch "Gold Rush, Whitewater"). I'm mostly retired, so I spend a lot of time on the Southfork of the Clearwater. Thanks for the invitation to attend, this was my first Negotiated Rulemaking Meeting and thank you for listening.
2. From my understanding of the discussion, all the proposed changes should be incorporated as written. The changes seem pretty basic and add a little more clarity to basic definitions. I was a little surprised at the "discussion" and the direction of the "debate". I got the impression there is a vocal contingent who would regulate small scale mining to make it impossible.
3. My first question would be, what are the Objectives/Goals of the mining Regulation? Do we want to make this so restrictive it is basically impossible or is the goal to allow small scale operations under specific guidelines that allow it to continue as a viable small scale activity. There seems to be a strong objection from some to any mining activity, a desire to make the rules so restrictive it is impossible to accomplish. I hope you don't let that happen.
4. There was a lot of discussion about how much material a 5" dredge will move. In an open water mining environment, I can say with confidence it will NOT move what the manufacturer claims. There are so many variables; how many miners are working, type of material moving, water speed, how many times the hose clogs, just to name a few. But even with a professional crew in optimal conditions in my opinion (as an experienced dredger) manufacturer claims are unrealistic. I found it interesting that all of the attendees who have actual experience mining stated how overrated the manufacturer estimates are and the attendees who have no experience mining kept with the manufacturer data. Then the comment was made about potential improved motors, possible more efficient pumps.....sounds like a lot of might, maybe's and could be's to me, how about when this new dredge is invented, you can change the rule and make it more restrictive.....for now it's restrictive enough.
5. There was a lot of discussion on mechanical advantage. It's a deep discussion when you spend 30 minutes talking about mechanical advantage over a rock. I got the impression IDWR had previously decided anything powered by human muscle (except the dredge and air system) was acceptable. Where do you draw the line on mechanical advantage.....a shovel is mechanical advantage, a pick is mechanical advantage.....a gold pan is mechanical advantage. The point was made a wheelbarrow was not allowed in the wilderness.....we are NOT in the wilderness and there is no need to operate

under wilderness restrictions. If we are going to restrict anything that provides a mechanical advantage, you better outlaw fishing reels to fishermen, there's a real mechanical advantage. I sure hope you stick with the position of anything powered by human muscle is OK, it can have pulleys and it can be a lever.

6. The point was made about altering the river bottom by moving rocks and not returning them back to their previous exact locations.....I find that an incredible position. If that's where we are with our rivers in Idaho, why are we allowing rafting, swimming, fishing, wading, etc.....all those activities have the potential to move rocks on the bottom of the river. Granted, dredging IS moving rocks, but we put them back in the same hole, just not necessarily in the same order. Under current policy of refilling your dredge hole before digging another, seems "regulating enough". Further, I just found out today the BLM is moving forward with a reclamation project on the Southfork next summer, just above my claim, where an excavator will be working in the stream channel moving more material in one summer, stirring up more sediment, destroying fish eggs, destroying lamprey habitat.....you get the idea....than I will dredging in 3 lifetimes. I'm all for reclamation and I understand this is for the "long term" good for the environment, but you must be kidding, when a guy objects to my using a crowbar or come a long and he's OK with an excavator 100' upstream from my dredge location?
7. I realize you need to regulate, and I think Aaron made the point, if you leave guys an opening they will figure a way to "beat the system"....we're Americans, that's what we do! That's why we have Regulatory Boards to keep us all honest. During the dredging season, rarely does a day pass that someone doesn't "check on" my operation. The Forest Service, BLM, Aaron, Friends of the Clearwater, ICL....it is a rare day when someone isn't out watching me or taking pictures of me in the river working my claim. (Which is an entirely separate issue) There is no other activity I participate in, hunting, fishing, snowmobiling, ATVing, hiking, shooting.....no other activity I do in the forest with this kind of scrutiny. It's tough to "beat the system" with that many people watching. I sincerely hope you don't regulate mining to the point where it is impossible to do. It's hard work and the probability of success is small, but when you see that little piece of gold on the bottom of the sluice box, it's almost as fun as hooking a big steelhead.
8. I have to make one final point, did you guys size up the audience? On one side, you have a bunch of old guys, with not a lot of "schoolin" or financial backing trying to defend an activity as "American" as hunting and fishing. On the other side, a well educated, highly financed, much more "polished" opponent. The old guys were there on their own dime, the well financed guys are professionals (getting paid) to argue their point. Sometimes us old guys don't present our facts as clearly as the other side, but I hope you are getting the jist of the argument.

G. Bowling