Thorneycroft, Kensie

From:	David Arthaud - NOAA Federal <david.arthaud@noaa.gov>
Sent:	Friday, May 14, 2021 5:13 PM
To:	Golart, Aaron; Thorneycroft, Kensie
Cc:	Kenneth Troyer - NOAA Federal; Aurele LaMontagne - NOAA Federal
Subject:	comments suction dredge rules

Aaron, Kensie,

Please consider these comments on the proposed suction dredging rule changes.

OVERVIEW
Generally, these rules promoting instream suction dredge mining and its discharge of metals and sediment pollutants are expected to cause take of ESA-listed salmonids and degradation of their critical habitat. Section 9 of the ESA prohibits the unpermitted take of listed species and destruction of their designated critical habitat.

RULE 61.
061. Deleting "sluice" does not technically prevent the use of machines. As proposed in 061.03, mechanized equipment would be allowed to alter stream channels. Machines (pulleys, winches, wires, sluices, etc.) are not precluded by the proposed language and together could be allowed to work with suction dredges to excavate/fill/disturb 33% (061.06) of critical habitat throughout large reaches of rivers and streams. Engines of unlimited size above the OHWM would technically also be allowed to power such machines.

IDWR suction dredge permits would be issued at a drainage basin scale or at a large portion thereof (061.02). If spawning/incubation areas exist anywhere within a drainage basin, the proposed language would not limit harm to these critical habitats or the sensitive life stages of listed fish that may be present.

Proposed deletion of the text "moving more than one-quarter (1/4) cubic yard per hour" from 061.01, ensures there would be no limit to the amount of mechanical excavation/fill allowed in ESA-listed species critical habitats. [FIX: keep the ¼ cy per hour limit to excavation/fill/discharge, which would at least provide some limit to the well-documented adverse impacts of suction dredging].

061.04. Preventing "undercutting" of streambanks addresses only one of the many ways that suction dredge mining damages and destroys streambanks. [FIX: prevent damage to streambanks; require revegetation and reclamation].

Thanks,
David