

Comment on Proposed Changes to IDAPA 37.03.07 Stream Channel Alteration Rules

Dear IDWR Official,

Thank you for allowing me to comment regarding the proposed changes to the Stream Channel Alteration Rules as written in IDAPA 37.03.07. I attended the meeting (virtually) on April 27, 2021 whereby the proposed changes were explained and discussed. I appreciate the effort to strengthen or clarify regulations. In my opinion, the proposed changes as shown in the 'strawman' that was discussed are of little consequence and I do not object to these. However, I strongly object to continued use of the LETTER PERMIT in its present form (2021 Idaho Recreational Mining Authorization (LETTER PERMIT) April 1, 2021 – March 31, 2022).

Although the LETTER PERMIT application clearly states in the second paragraph that it does not authorize suction dredge mining on the South Fork of the Clearwater River, a misleading sentence in the third paragraph and other information on the associated website leads the applicant to believe the Main Salmon River, from Cherry Ck. to Hammer Ck., is open to recreational suction dredge mining pursuant to the LETTER PERMIT. This statement reads - ***“The authorized holder of this LETTER PERMIT may operate recreational mining equipment in stream channel segments of the state designated OPEN as described in the IDWR Instructions referenced above and available at IDWR’s website: <https://idwr.idaho.gov/forms/streams.html>.”***

Following the displayed link leads to another;

<https://idwr.maps.arcgis.com/apps/webappviewer/index.html?id=2ac2909cc49f4945becfdb1edbac8dd0>) that reads ***“View a map of Streams Open for Recreational Mining as per IDWR Instructions.”*** Opening this link displays a map that clearly indicates the Salmon River, from Cherry Ck. to Hammer Ck. is open seasonally (to mining with a LETTER PERMIT).

Pursuant to the Federal Endangered Species Act (ESA), this entire reach of the Salmon River is included as critical habitat for Threatened and Endangered Species including, Snake River spring/summer run Chinook salmon, Snake River fall run Chinook salmon, Snake River sockeye salmon and Snake River steelhead. In contrast to the IDWR website, the Idaho Department of Environmental Quality (DEQ) clearly shows Endangered Species Habitat Areas under the heading **“Closed Waters”** on their website (<https://www.epa.gov/npdes-permits/npdes-general-permit-small-suction-dredge-placer-miners-idaho#open-waters>).

As you are aware, the Idaho DEQ, a State of Idaho Agency, now holds the responsibility for permitting and enforcement of the Federal Clean Water Act via the Idaho Pollutant Discharge Elimination System (IPDES) permit. Pursuant to the 2012 determination by the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (FWS) that suction dredge mining adversely affects ESA listed salmon, steelhead and bull trout, suction dredge mining is only allowed in Endangered Species Habitat with a valid IPDES permit which may be issued following an environmental review by respective Federal land management agencies and formal consultation with NMFS and FWS.

I have personally observed significant numbers of suction dredge miners who operated in the Salmon River and insisted they only needed an IDWR, LETTER PERMIT. I personally observed and documented significant and unrestored streambed alteration caused by this unlawful activity in the main Salmon River. If IDWR chooses to leave the grossly misleading ambiguities in the LETTER PERMIT application, it exposes the State of Idaho to significant liability under the Endangered Species Act and the Clean Water Act.

Sincerely,

/s/Pat Finnegan
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