

**From:** [Luke, Tim](#)  
**To:** [Wayne Crowder](#)  
**Cc:** [Golart, Aaron](#); [Weaver, Mathew](#); [Costello, Sean](#); [Thorneycroft, Kensie](#)  
**Subject:** RE: 37.03.07.60\_Strawman2.0\_20210609.pdf  
**Date:** Wednesday, June 16, 2021 1:00:08 PM

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Mr. Crowder,

Thank you for your questions regarding the proposed rule change. My responses to your questions are as follows:

**1. What do you consider to be a power sluice with a nozzle diameter of 5 inches or less? (Referenced in 61.02 below.)**

A power sluice (aka highbanker) typically does not include a nozzle but rather a hose intake or foot valve for pumping water into the sluice box. When a power sluice is operated in a stream channel (below the mean high water mark), stream material is usually hand-shoveled into the sluice box or sluice hopper. However, we are aware that some miners use a power sluice/suction dredge combination that includes a tapered nozzle connected to a hose to suction or vacuum streambed material directly to the sluice box, plus a separate water intake hose or foot valve that discharges water to the sluice box. We consider the power sluice/suction dredge combination to be a suction dredge operation.

We realize the wording or placement of words in proposed Rule 61.02 may cause some confusion about the distinction between a suction dredge and a power sluice, so some further clarification or revision of Rule 61.02 may be necessary.

**2. Is the Small Scale Mining Permit the same as an Expedited Letter Permit?**

Yes, the Small Scale Mining Permit is the same as the Expedited Letter Permit. We are essentially changing the name "Letter Permit" to "Small Scale Mining Permit." The current rule references an "Operating Permit" but is not clear or specific on which IDWR stream channel permit is required. Under the current rule, the Letter Permit serves as the Operating Permit for suction dredges and other activities meeting the minimum standards in Rule 61. We thought it would be better to give a more specific permit name. We therefore propose the name "Small Scale Mining Permit." We considered using the name "Recreational Mining Permit" but some miners have expressed concern about using the term "recreational."

**3. What operations will be covered by the Letter Permit?**

Under the latest proposed rule (Strawman 2.0), and as explained in my response to question 2 above, we propose to replace the term or name "Letter Permit" with "Small Scale Mining Permit." The Small Scale Mining Permit will cover the same mining operations that have been covered by the Letter Permit, or those operations described by proposed sub-Rules 61.02 and 61.05.

I hope my responses have addressed your questions. Please contact us again if you have further

questions.

Best Regards,

**Tim Luke**

**Idaho Department of Water Resources**

Water Compliance Bureau Chief

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**From:** Wayne Crowder [mailto:1976nracs@gmail.com]

**Sent:** Monday, June 14, 2021 2:59 PM

**To:** Luke, Tim <Tim.Luke@idwr.idaho.gov>

**Subject:** 37.03.07.60\_Strawman2.0\_20210609.pdf

My questions are: 1. What do you consider to be a power sluice with a nozzle diameter of 5 inches or less? (Referenced in 61.02 below.)

2. Is the Small Scale Mining Permit the same as an Expedited Letter Permit?

3. What operations will be covered by the Letter Permit?

RE: 061. SMALL SCALE MINING WITH SUCTION DREDGES, POWER SLUICES, AND OR NON-POWERED SLUICE EQUIPMENT (RULE 61).

01. Small Scale Mining Permit. The Director may issue a permit for the operation of a powered suction

dredge or power sluice, or certain qualified non-powered mining activities that follow minimum standards (Rule 61),

within stream channel designated as open by the Department of Board, or as otherwise determined by the Director. A

powered suction dredge or power sluice shall only be operated in accordance with the conditions of the Small Scale

Mining Permit and all applicable rules.

02. Standards for Suction Dredges Small Scale Mining Permit. The following standards shall apply

only to uses of suction dredges and powered sluices with nozzle diameters of five (5) inches or less and rated at fifteen

(15) HP or less below the mean high water mark, or the use of and ~~non-powered sluice equipment below the mean~~

~~high water mark moving more than one-quarter (1/4) cubic yard per hour.~~

Wayne

Pullman, WA