

Public comments and WDFW responses to public comments received during the State Environmental Policy Act (SEPA) public comment period for DNS 19-018: Suction Dredge Rule Making 2019 from February 25, 2019, through April 8, 2019.

Comment	Response
<p>We concur with the issuance of the DNS regarding the initiation of rulemaking pertaining to suction dredging in Washington State waters, and understand that it is the responsibility of individual prospectors to comply with applicable state and federal cultural resources laws and statutes.</p>	<p>Comment noted</p>
<p>Question No. A 10 does not list that government approvals are required from US Fish and Wildlife Service, National Marine Fisheries and Washington State Department of Ecology. Approvals and/or permits required are an “incidental take” permit under the Endangered Species Act (as acknowledged by WDFW’s own consultants in 20061) and a programmatic NPDES permit from Washington Department of Ecology.</p>	<p>While the person who is suction dredging may need approvals or permits, these are not required for the proposed action.</p>
<p>While the description of the proposal in Question No. 11 is accurate, it is still of enormous concern that WDFW refuses to address its failure to obtain the required permits under the ESA and CWA.</p>	<p>Comment noted</p>
<p>The answer to question No. A 12 is intentionally vague. WDFW has full knowledge of the locations of suction dredge mining activities throughout the state. In fact, a vast majority of suction dredge activity takes place in waters listed as Critical Habitat by the federal wildlife agencies as well as critical for rearing and spawning by Washington DOE.</p>	<p>WDFW acknowledges that there is a higher probability that suction dredging occurs on federal mining claims. However, WDFW doesn't have sufficient information to determine exactly where all dredging occurs statewide. WDFW does not expect that the proposed actions will change the existing location where suction dredging occurs. However, the proposed actions (application and reporting requirement) will provide documentation so WDFW can determine this in the future.</p>
<p>The answer to question No. B 1(f) is also intentionally vague. Current regulations which will not be changed in this rule making allow miners to use motorized winches and other tools to remove down woody debris and boulders in stream, thereby completely altering the insitu refugia for salmonids and the critical stream morphology. Any so-called restoration work done by the miners is artificial at best and does not in any manner whatsoever remediate the impacts to the stream by this activity.</p>	<p>The checklist response is appropriate for the proposed action. The proposed action will not change stream morphology.</p>
<p>The answer to question No. B 3 is incorrect. If you place a motorized suction dredge into water there will be changes to the water. These changes include but are not limited to: turbidity, increase stream temperature, increased sediment load, release of mercury and other metals. The same issue is with question No. B 6.</p>	<p>The checklist response is appropriate for the proposed action. The proposed action will not adversely affect water quality.</p>

<p>The answers to all parts of question No. B 4 are also vague. WDFW is well aware that suction dredge mining activity has a tremendous impact on riparian vegetation. Many, if not all, miners “encamp” at their mining sites for lengthy periods of time. In most cases, human and animal fecal material are not properly disposed, vegetation is removed to transport the suction dredges to the stream and for use as firewood, there-by disturbing critical riparian habitat for invertebrates and other wildlife.</p>	<p>The checklist response is appropriate for the proposed action. The proposed action will not adversely affect riparian habitat.</p>
<p>The answers to all parts of question No. B 5 are vague. While WDFW acknowledges suction dredge activities occur in streams critical for endangered salmonids and Bull trout, the Department asserts because there is “no change” in the actual activity, there are no impacts. Frankly, that simply does not make sense. In addition, the Department fails to answer what mitigation activities they would take, which should include consultation with Federal wildlife agencies.</p>	<p>The purpose of SEPA is to ensure that governmental agencies give proper consideration of environmental matters in making decisions on actions that may impact the environment. The action, in this case, are the proposed rule changes.</p>
<p>You guys already changed size of dredge etc. So I went and purchased to make dredge legal. Now you want us to be burdened with permits. We only have short season now to dredge. This state is becoming dysfunctional. With all of your rule changes!</p>	<p>Comment noted</p>
<p>Suction dredge regulation should be comprehensively strengthened to ensure protection of fish life and water quality, with benefit of full analysis under SEPA.</p>	<p>A full SEPA environmental review occurs with every rule making activity. We think you mean that a full EIS should be required whenever substantive changes are made to rules that protect fish life. The proposed changes are primarily administrative in nature and do not substantively change the technical provisions that protect fish life.</p>

Note: WDFW’s response to the comments received during the Notice of Proposed Rule Making (CR-102) comment period and public hearing are in the Concise Explanatory Statement. This document will be available at <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking> before the adopted rules are filed with the code reviser.