

Comment Suction Dredge Permitting Program
, Proposed Regulations dated: February 17,2012

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General Comment:

It is clear that these proposed regulations have been written with a complete disregard to Federal and State Constitutional protections. Furthermore; it illustrates your lack of even the most rudimentary grasp of mining law! This is a clear abuse of power and an abridgment of the “oath of office” to uphold and defend the Constitution, State and Federal.

This is a clear and prejudicial attempt to placate environmental interests that have to date, failed to show harm by the mining community.

These proposed regulations are also, an over enforcement and misinterpretation of AB120! AB120 requires that “new regulations fully mitigate all identified significant environmental impacts”. The draft EIS has failed to identify any significant impact. Most if not all impacts were identified as “de minimis” or, of little impact. Instead you have chosen to regulate for “might”, “may” or “could”. This is not in keeping with the intent nor spirit of the law.

Specific Comments

ss 228 (g)

Limits the number of permits to a maximum of 1,500 annually. This in effect limits the number of people that can earn or attempt to earn a livelihood via section dredging. This is an abridgment of our Federal Constitutional Rights as enumerated under the First Amendment and, California Constitutional Rights as enumerated under Article 1, Section 1!!

When did the People grant you, the right to regulate what vocation we work in and how many may work in any particular vocation?

AB120 requires that “a fee structure is in place that will fully recover all the costs to the department related to the administration of the program”. To limit the number of participants, places an undue financial burden on each of the participants. You are in effect, taxing us out of existence!

ss 228 (h)

Suction Dredge Reporting. To what end will this “report card” be used? I appears to be an inordinate about of record-keeping. If it is used or, may be used for any enforcement activity; it is or will be an abridgment of our Federal Constitutional Rights as enumerated under the Fifth Amendment !!!!

ss 228 (k) (1)

This section in effect, requires a 1602 permit if we request permission to use a nozzle larger than 4 inches. The only justification alluded to in the draft EIS to limit nozzle size was, a noise ordinance in

one of the counties. It is illegal for you to subject me to an ordinance from another jurisdiction!

ss 228 (k) (E) (3)

Pump screening. No justification has been presented for this draconian restriction.

ss 228 (k) (1)

Winching, another unjustified requirement of 1602 permit.

ss 228 (k) (1) (2)

Material may only be moved within the the current waterline. No boulders or other material may be moved outside of the current waterline. This precludes the removal of locatable minerals from our claims! This is a regulative taking without compensation and is an abridgment of our Constitutional Rights as enumerated under the Fifth Amendment!!

ss 228 (k) (1) (3)

No person shall operate the nozzle of a suction dredge and remove material within three feet of the lateral edge of the current water level,.... Why not? Is there no values within that three foot zone? This is once again a regulatory taking without compensation and is an abridgment of our Constitutional Rights as enumerated under the Fifth Amendment!!

ss 228 (k) (1) (3)

No person shall remove or damage stream-side vegetation during suction dredge operations. So if I step on a blade of grass; I am in violation of the regulations and am subject to to prosecution? Are fishermen, rafters and swimmers subject to this same rule? If not, this is a violation of equal protection of justice

ss 228 (k) (1) (21)

No person shall operate a suction dredge within 500' of another operating dredge. If an adjacent claim owner is working the lower section of there claim I can't work the upper section of my claim? Can you say; an abridgment of our Constitutional Rights as enumerated under the Fifth Amendment?

ss 228 (k) (p)

Timing of Activity. Active suction dredging operations may only be conducted between 10:00 am and 4:00 pm. I am not a banker nor do I work for the Fish & Game; why am I limited to an 6 hr day? Another unreasonable restriction on my attempt to make a living.

ss228.5

River & Stream Closures: This represents a gross taking without compensation and is an abridgment of our Federal Constitutional Rights as enumerated under the Fifth Amendment and California

Constitutional Rights as enumerated under Article 1 Section 19!!