

ACTIONS TAKEN

ASSEMBLY BUDGET SUBCOMMITTEE NO. 3 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Assemblymember Ira Ruskin, Chair

WEDNESDAY, APRIL 9, 2008
STATE CAPITOL, ROOM 447
9:00A.M.

3600 – DEPARTMENT OF FISH AND GAME

ISSUE 1: COURT ORDERED SUCTION DREDGE PROGRAM REVIEW

Governor's Budget. The Governor's budget proposes \$1 million General Fund for 2008-09 and \$500,000 for 2009-10 to complete a court ordered environmental review of the Department's Suction Dredging Program pursuant to the California Environmental Quality Act.

Background. Suction Dredging is the practice of vacuuming river or lake bottoms for gold. In 1994 the Department of Fish and Game (DFG) adopted regulations to implement the suction dredge program, as required by statute. Since that time, the DFG and the National Marine Fisheries Service have listed ten fish species as threatened or endangered.

In 2005, the Karuk Tribe of California filed a complaint for declaratory relief against DFG in Alameda County Superior Court alleging DFG's issuance of suction dredge permits in the Klamath, Scott, and Salmon River watersheds violated the California Environmental Quality Act (CEQA) because of the potential for suction dredge mining in these watersheds to result in significant impacts to the newly listed Coho salmon.

On December 20, 2006, the Alameda County Superior Court ordered DFG by June 2008 to "...conduct a further environmental review pursuant to CEQA of its suction dredge mining regulation and to implement, if necessary, via rulemaking, mitigation measures to protect the Coho salmon and/or other special status fish species..." The Court found that DFG has a legal obligation to review the environmental effects of suction dredge mining on Coho salmon and other fish species of special concern.

Current Fee Structure. Annually, DFG processes about 300 permits per year for Suction Dredge Gold Mining. Currently, the Department charges a fee of \$50 for permit, generating total revenues of about \$150,000. Staff understands that it will cost the Department about \$1.26 million to conduct the EIR, administer and enforce this program in 2008-09.

Staff Comments. The Subcommittee may wish to consider raising the Suction Dredge Gold Mining permit fee by an amount that would generate adequate revenue to support more or all of the costs to administer and operate this program. Suction dredge mining poses significant risks to sensitive aquatic and riparian that provide habitat for many State and Federal listed endangered species. Increased revenues to the program would help improve ongoing enforcement of permitted, and non-permitted, mining activities – without which, the State has little control over how this practice is impacting the public trust.

Additionally, staff has concerns that while DFG is completing the EIR of the program, the Department's deficiencies in program enforcement will allow further potential degradation of statewide anadromous fish habitat. Considering the crisis the state is facing with salmon populations, the Subcommittee should discuss potential interim measures such as moratoriums on mining that might be taken to protect habitat from dredge mining.

ACTION: Approve as budgeted with trailer bill language to increase suction dredging fees and place partial moratorium on mining while EIR is being completed.

