

Subcommittee No. 2 April 7, 2008

1. Court Ordered Suction Dredge Program Review

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.

Court Order. 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 under CEQA to consider new information concerning the environmental effects of suction dredge mining on Coho salmon and other fish species of special concern.

Current Fee Structure. The current suction dredge permit fees are set in statute (Fish and Game Code 5653 (c)) and collect about \$150,000 annually.

Governor's Budget. The Governor's Budget proposes \$1 million General Fund for 2008-09 for an environmental review pursuant to the California Environmental Quality Act on the department's suction dredge program and mining regulations. This proposal also includes authority for \$500,000 General Fund for 2009-10.

Staff Recommendation. Staff recommends that the Subcommittee approve the funds with trailer bill language that establishes a moratorium on the Department of Fish and Game issuance of further suction dredge permits until the CEQA document is completed.