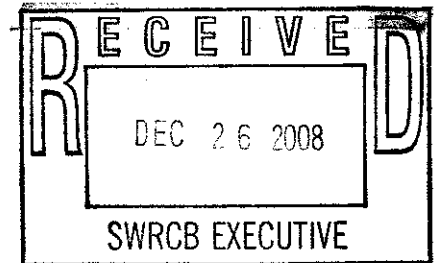


**KARUK TRIBE OF CALIFORNIA
CALIFORNIA TROUT
FRIENDS OF THE NORTH FORK**

December 26, 2008

Tam M. Doduc, Chair
State Water Resources Control Board
1001 I. Street
Sacramento, CA 95814



**SUBJECT: 1/6/09 BOARD MEETING - UNCONTESTED ITEM #9:
CONSIDERATION OF A PROPOSED RESOLUTION TO
ALLOCATE \$500,000 FROM THE CLEANUP AND ABATEMENT
ACCOUNT (CAA) TO THE DEPARTMENT OF FISH AND GAME
(DFG) TO AUGMENT DFG'S ENVIRONMENTAL IMPACT
REPORT (EIR) FOR SUCTION DREDGE REGULATIONS.**

Dear Board Chair Doduc:

We are writing you in connection with the January 6, 2009, board meeting agenda item #9, a proposal to allocate \$500,000 from the Cleanup and Abatement Account (CAA) to the Department of Fish and Game (DFG) to augment a departmental environmental impact report (EIR) to be prepared on DFG's existing suction dredge mining regulations.

First, we would urge that this allocation not be approved unless it is made contingent upon the DFG Director approving an emergency petition we are filing today. The petition requests DFG to establish interim restrictions to minimize and mitigate the impact of suction dredging regulations on coho salmon, green sturgeon and lamprey within segments of the Klamath, Scott and Salmon Rivers, plus enumerated tributaries, specifically to avoid and minimize the potential for such operations that would otherwise cause "take" of these species in violation of the California Endangered Species Act (CESA) and violations of Section 5653 of the Fish and Game Code. Additionally, the petition requests that sections of five streams along the western slope of the Sierra Nevada be temporarily closed to suction dredge mining operations for the protection of resident populations of native trout from the adverse affects of instream mining activities.

Second, we request an opportunity to address the board on these matters when it considers the \$500,000 allocation from the CAA on January 6, 2009, notwithstanding its status on the agenda as an "uncontested item."

As board members are aware, the department is conducting a statewide review of its existing suction dredge mining regulations as a result of a court order issued in December 2006 pursuant to litigation filed by the Karuk Indian Tribe of California. That court order required DFG to complete this review and adoption of new statewide regulations by July, 2008, a deadline that has not been met.

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Under the budget change proposal (BCP) that accompanied the \$1 million General Fund augmentation DFG received in the 2008 Budget Act to conduct the EIR and regulatory overhaul, it is contemplated that new regulations will not be in place for two or more years. We understand that the proposed \$500,000 allocation from the CAA is intended to allow water quality issues to be evaluated as part of the EIR to be prepared by DFG.

For the record, we believe these water quality considerations would be better served by the board adopting its own regulations and permitting process, particularly to address the impact of instream mining on sediment- and mercury-impaired water bodies. It is also our position that until such regulations are in place, suction dredge mining should be totally prohibited and DFG should cease issuance of suction dredging permits.

We are also concerned that the two-year timeframe envisioned by DFG to conduct its EIR and rulemaking process leaves the regulatory status quo in place which the department admits is causing harm to fish and probably causing "take" of listed species in violation of CESA. We are concerned that adding water quality issues to the DFG regulatory process will cause even further delays benefiting recreational mining interests.

So that the board's action will not inadvertently exacerbate the harm being caused to fishery resources and endangered aquatic species under the regulatory status quo, we hereby request that you not approve the proposed \$500,000 allocation unless the interagency agreement governing these funds make their expenditure contingent upon DFG adopting the emergency petition we have filed today. We would be pleased to provide a copy of this petition and discuss it further detail when Agenda Item #9 is considered on January 6, 2009.

Thank you for considering our request.

Sincerely,

EARL CROSBY, Acting Director
Department of Natural Resources
Karuk Tribe of California

JEFF SHELLITO, Govt. Affairs Manager
Government Affairs Manager
California Trout

MICHAEL GARABEDIAN, President
Friends of the North Fork