Update on California Suction Dredge Regulation, Legislation, and Litigation

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Suction Dredge Mining in California
Mining Chronology

- 4.54 billion BC: Earth created
- 1849: Gold rush in California
- 1872: Congress passes mining law
- 1884: Federal judge rules California hydraulic mining to be a “public and private nuisance”
- 1961: California Legislature directs CDFG to develop suction dredge regulations to prevent “deleterious” impacts to fish
Mining Chronology continued...

- 1994: Current regulations adopted by CDFG
- 2006: Superior Court judge directs CDFG to develop new regulations in response to Karuk Tribe lawsuit
- July 2009: Superior Court judge enjoins issuance of mining permits pending adoption of new regulations
- August 2009: California Legislature declares a moratorium on mining permits pending new regulations.
- February 2011: CDFG issues draft suction dredge regulations and SEIR
July 2011: California Legislature approves budget language maintaining moratorium until CDFG adopts regulations that mitigate all significant impacts and proposes fee structure to cover state costs.

February & March 2012: CDFG issues revised final regulations and SEIR.

April 2012: More lawsuits filed...
Significant Unmitigated Impacts: *Discharge Pollution*

- Mercury, heavy metals, and sediment pollution from dredge discharge
Significant Unmitigated Impacts: *Mercury Pollution*

- Mercury concentrations discharged from the dredge were more than ten times above hazardous waste levels (State Water Board 2005).
Significant Unmitigated Impacts:

*Mercury Pollution*

- Disturbance of fine-grained mercury-contaminated sediment by dredges would likely mobilize mercury into downstream environments (USGS 2010).
Significant Unmitigated Impacts: *Mercury Pollution*

- 2012 regulations permit suction dredge mining in 17 mercury-impaired rivers or rivers that flow into mercury-impaired water supply reservoirs.
Significant Unmitigated Impacts:

*Wildlife*

- Disturbance of special status bird species dependent on riparian habitat.

- Cumulative impacts on wildlife species and their habitats.
**Significant Unmitigated Impacts:**

*Cultural*

- Substantial adverse changes statewide to historical and archeological resources.
- Exposing the public to noise levels in excess of city or county standards.

![Grinding holes - San Joaquin River](image-url)
Other Significant Impacts & Issues: Threatened & Endangered Fish

- Direct and cumulative impacts on threatened and endangered fish and amphibians, and their habitat.

- “Deleterious to fish” defined by CDFG as impacts at the “community or population” level that persist “for longer than one reproductive or migration cycle.”
Other Significant Impacts & Issues: Threatened & Endangered Fish

- The upper San Gabriel River is the best remaining habitat for the threatened Santa Ana sucker.

- All forks are closed to mining except a three mile segment of the East Fork.
Other Significant Impacts & Issues: 
**Threatened & Endangered Fish**

- Mining is allowed upstream of most Sierra dams.
- The federal government proposes to re-establish threatened salmon and steelhead in these upstream river segments.
Other Significant Impacts & Issues: Threatened & Endangered Fish

• Some critical habitat streams are off limits to mining, and some are open to mining.
Other Significant Impacts & Issues: Threatened & Endangered Fish

- A segment of the Santa Ynez River that provides critical habitat for the endangered California red-legged frog is open to mining.
Other Significant Impacts & Issues: *Cost of Administration*

- CDFG has not proposed permit fees that will cover the state’s costs for administration and regulation.
- The current permit moratorium has saved the state $4.5 million in administration costs since 2009.
Other Significant Impacts & Issues: 

*Mining in Parks*

- Mining permitted in State and National Parks, Wild & Scenic Rivers, Wild Trout Streams, and Indian Reservations.
Other Significant Impacts & Issues: 

* Mega Dredges *

- 8 inch mega dredges allowed on some of our most biologically sensitive rivers, including the American, Cosumnes, Feather, Klamath, Merced, Mokelumne, Scott, Trinity, and Yuba.
Other Significant Impacts & Issues: \textit{Inconsistent Regulations}

- Many river-specific regulations are poorly drafted, simply incorrect, are inconsistent, and will be difficult to enforce.
Other Significant Impacts & Issues: *Incorrect Regulations*

- 2012 regulations attempt to protect the rare McCloud River redband trout but incorrectly place the segment that supports the redband trout in the wrong county.
Other Significant Impacts & Issues: Where & How Many?

• Permits are not site specific and will allow up to 10 dredges operating in one mile of river.
Just One Example:
North Fork American Wild River

• One of the top ten watersheds with the highest biotic integrity in the Sierra Nevada

• Renowned for its wild trout, plus habitat for the Sierra yellow legged frog and foothill yellow-legged frog.

• State and Federally designated Wild River and state designated Wild Trout Stream

• Proposed for Wilderness protection by Senator Barbara Boxer

• Proposed for the reintroduction of threatened salmon and steelhead
Just One Example:
North Fork American Wild River

- 1994 regulations prohibited mining in the Wild River
- 2012 regulations permit mining and allows mega dredges
- Wild River Plan prohibits motorized mining
- Motorized mining prohibited in some segments in the Auburn State Recreation Area
- State designation requires CDFG to protect extraordinary wild trout and water quality/clarity values
- A mercury-impaired river
- Placer County opposes motorized mining in the Wild River
Some Improvements in 2012 Regulations

- Annual permits limited to 1,500 as compared to 4,000 annual permits in 2011 regulations.
- Permits are prohibited in some but not all stream segments providing critical habitat for threatened and endangered fish and amphibians.

San Luis Rey River
Conservation, angler, and Native American coalition files lawsuit

- SEIR does not comply with CEQA
- Violation of Fish & Game Code by adopting regulations that will in fact be “deleterious” to fish
Miners Have Also Filed Lawsuits
Visit www.friendsoftheriver.org for updates on this and other critical river conservation issues in California.

Mining by hand in the NF American River