

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JANUARY 6, 2009**

ITEM 9

SUBJECT

CONSIDERATION OF A 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

DISCUSSION

In the 1990's, DFG promulgated regulations for in-stream suction dredging of gold. DFG is now beginning an effort to update these regulations, in response to a lawsuit. The Fiscal Year 2008-09 Budget Act provided DFG with a \$1.0 million General Fund allocation to prepare an EIR as supporting documentation for this regulatory update.

The primary goal of the EIR is to determine whether or how the regulations should be revised to prevent deleterious effects on fish from suction dredging. The EIR must also analyze water quality effects of suction dredging in detail.

DFG staff has indicated that the \$1.0 million allocated for the EIR may not be sufficient to evaluate the effects of suction dredging on fish as well as on water quality. Consequently, they have requested that the State Water Resources Control Board consider providing supplemental funding for the EIR. This funding is intended to ensure that water quality effects are analyzed in detail in the EIR, so that measures to protect water quality can be developed.

POLICY ISSUE

Should the State Water Board:

Approve \$500,000 from the CAA to DFG to more fully address water quality concerns in its EIR to support revision of suction dredge regulations?

FISCAL IMPACT

Sufficient funds are available in the account for this project. As of December 2008, the latest data available, the uncommitted CAA balance is estimated to be no less than \$11 million.

REGIONAL BOARD IMPACT

No.

STAFF RECOMMENDATION

Recommend approval.

State Water Board action on this item will assist the Water Boards in reaching Priority 1 of the Strategic Plan Update: 2008-2012 to protect and restore surface water quality. In particular, approval of this item will assist in fulfilling Objective 1.3 to take appropriate enforcement actions and innovative approaches as needed to protect and restore all surface waters.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

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

WHEREAS:

1. The Fish and Game Code requires DFG to promulgate suction dredge regulations.
2. DFG is now beginning to prepare an EIR to serve as the technical basis for updating these regulations.
3. DWQ staff is coordinating with DFG in the preparation of the EIR so that it addresses the effects of suction dredging on water quality.
4. The effects of suction dredging on water quality are of concern to the State Water Board.
5. DFG has indicated that it needs to augment its \$1.0 million General Fund allocation in the amount of \$500,000 in order to more fully address water quality concerns related to suction dredging.
6. The requested allocation is consistent with the purposes of California Water Code (CWC) §13442. CWC §13442 provides that the State Water Board may order moneys to be paid from CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist in cleaning up the waste or abating its effects on waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves additional funds of \$500,000, from the CAA to DFG so that its EIR will fully address water quality concerns related to suction dredging.
2. Directs DWQ staff to work with DFG to prepare an interagency agreement that identifies the work to be completed with these funds.
3. The funds will be available until June 30, 2011. Any unexpended funds, as of June 30, 2011, shall revert to CAA, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

CERTIFICATION

The undersigned Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on January 6, 2009.

Jeanine Townsend
Clerk to the Board