



# California Regional Water Quality Control Board Lahontan Region



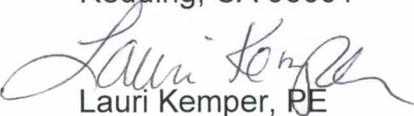
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Edmund G. Brown Jr.  
Governor

## MEMORANDUM

**TO:** Suction Dredge Program Draft SEIR  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96001

**FROM:**   
Lauri Kemper, PE  
Assistant Executive Officer  
**LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** APR 08 2011

**SUBJECT: COMMENTS ON DRAFT PROPOSED REGULATIONS AND DRAFT  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE  
SUCTION DREDGE PERMITTING PROGRAM (SCH #2009112005)**

This letter provides comments on the above-referenced SEIR and Draft Proposed Regulations for suction dredging.

The SEIR and Draft Proposed Regulations should be substantially supplemented to adequately address suction dredging in: 1) water bodies impaired by sediment and/or mercury, and 2) water bodies that are of "reference" quality. These situations lie at the two extremes of the waterbody-condition scale, and both deserve special attention to address key environmental and regulatory considerations.

At one end of the waterbody-condition scale are those water bodies listed as impaired pursuant to Section 303(d) of the Clean Water Act. For water bodies so listed as impaired due to sediment and/or mercury, the SEIR and Draft Proposed Regulations should explicitly prohibit suction dredging within or upstream of the listed water body segment(s), unless suction dredging is explicitly allowed and regulated under a Total Maximum Daily Load (TMDL) adopted by the State Water Resources Control Board.

At the other end of the waterbody-condition scale are those high-quality water bodies which are undisturbed, or minimally disturbed, and which may serve to define or preserve reference conditions and/or qualify for designation as Outstanding National Resource Waters (ONRWs). The SEIR and Draft Proposed Regulations should be supplemented to: 1) acknowledge recent developments in federal-state programs to

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provide adequate protection for remaining high-quality aquatic ecosystems; and 2) prohibit the practice of suction dredging in "reference quality" water bodies in California.

The USEPA recently released its final **Clean Water Strategy** (USEPA 2011) which places fundamental emphasis on the needs to define baseline conditions, to increase protection for existing high-quality (i.e., "healthy") waters, and to emphasize strict adherence to antidegradation policies in order to prevent the incremental degradation of high-quality waters over time. The State Water Resources Control Board is implementing the USEPA's Clean Water Strategy in part via a **Reference Condition Management Program** (RCMP) for California (Ode and Schiff 2009). Scientists working on the RCMP could provide the CDFG with information to identify high-quality or "reference-condition" water bodies in California. We suggest that you contact the authors of that report for more details, and to request assistance in identifying reference-quality water bodies. For such water bodies, the SEIR and Draft Proposed Regulations should explicitly prohibit suction dredging unless a Regional Water Board, after a public hearing, makes the requisite nondegradation findings (i.e., under State Water Resources Control Board Resolution No. 68-16) to allow degradation due to suction dredging.

As you may know, the State Water Resources Control Board, along with the Regional Water Boards and other stakeholders, is now developing biological objectives for wadeable streams and rivers throughout California. The maintenance of reference-quality waters is crucial to the success of this project. In order to adequately protect California's high-quality waters into the future, known high-impact activities such as suction dredging should be prohibited in reference-quality streams and rivers unless the findings required under Resolution No. 68-16 are explicitly made.

Please contact Thomas Suk of my staff at (530) 542-5419 if you have any questions regarding these comments.

## References

Ode, P., and K. Schiff. 2009. Recommendations for the development and maintenance of a reference condition management program (RCMP) to support biological assessment of California's wadeable streams: Report to the State Water Resources Control Board's Surface Water Ambient Monitoring Program (SWAMP). Technical Report 581, March 2009.

U.S. Environmental Protection Agency. 2011. Coming Together for Clean Water: EPA's Strategy for Protecting America's Waters. USEPA, Washington, DC. March 2011.

cc: Mark Stopher/CA Dept. of Fish and Game

