



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

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Mark Stopher
Suction Dredge Program Draft SEIR Comments
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW, SUCTION DREDGE PERMITTING PROGRAM - CALIFORNIA DEPARTMENT OF FISH AND GAME, REDDING OFFICE

Dear Mr. Stopher:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) have reviewed the Draft Subsequent Environmental Impact Report (DSEIR) for the proposed "Suction Dredge Permitting Program" (Project) that is to be implemented statewide by the California Department of Fish and Game (CDFG). The DSEIR is a court-ordered environmental review assessing potential impacts of suction dredge mining operations within streams and lakes, as well as proposed amendments to related CDFG regulations. The current moratorium on suction dredge mining and on CDFG-issued permits, established in 2009 by Senate Bill 670, will remain in effect until the DSEIR review and any updates to the regulations have been completed.

The Regional Board has permitted large scale suction dredge operations in lakes, bays, estuaries, and nearshore coastal waters for projects to mine aggregate, maintain navigation, and conduct environmental restoration. We understand that projects of this type would not be prohibited by the moratorium or addressed by this DSEIR. However, Board staff recognizes that suction dredge mining operations could occur in streams and lakes in the San Gabriel and San Bernardino Mountains that are partly within the Regional Board's jurisdiction.

Regional Board staff concur with the DSEIR (Executive Summary ES-17) that the CEQA Environmentally Superior Alternative (and our preferred alternative) is the "No Program Alternative," which would continue the moratorium on suction dredge mining for an indefinite period. This in-stream method of mining (defined in ES-4 and 5) causes gross and indiscriminate disturbance to the stream or lake bottom available to the suction dredge operator, summarily upsetting, removing, and/or destroying the benthic habitat and ecology of the stream segment or area of lake being worked.

Board staff recognizes that suction dredge mining mobilizes fine sediment and causes it to become dispersed in the receiving water. Unless controlled, fine sediment dispersed in this manner causes undesirable sedimentation adjacent to and/or downstream of the area being worked, to the detriment of the benthic environment beyond the dredge site. Excessive sediment and turbidity, and in areas of historic mining, elevated levels of suspended metals,

elemental mercury and methylmercury formation, are reported downstream of suction dredge mining operations, and are cited by the DSEIR (ES-11, -12, -14) as being significant and unavoidable impacts. At suction dredging sites, dams and other diversions are commonly created by the operators to float dredges and otherwise facilitate their operations, contributing to the discharge of these pollutants.

The conditions described above will cause or contribute to violations of the water quality standards (water quality objectives and beneficial uses) specified for the waters affected by suction dredging activity. Beneficial uses recognized in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Basin Plan) that are likely to be adversely impacted by suction dredge mining include:

- COLD (cold fresh water habitat);
- WARM (warm fresh water habitat);
- SPWN (waters that support high quality aquatic habitat for reproduction and early development of fish and wildlife);
- RARE (waters that support habitat necessary for the survival and maintenance of plants or animal species designated as rare, threatened or endangered);
- WILD (waters that support wildlife habitats);
- REC1 (water contact recreation); and
- REC2 (non-contact water recreation).

Basin Plan water quality objectives that may be violated as a result of suction dredge mining in the Santa Ana Region include:

Excessive algal growth	Coliform Bacteria
Color	Floatables
Dissolved Oxygen	Suspended and Settleable Solids
Sulfides	Turbidity
Metals	Nutrients
Toxic substances	

Both the California Porter-Cologne Water Quality Control Act and the Federal Clean Water Act strive to protect water quality standards. If suction dredge mining cannot be carried out in a manner that assures no significant impacts to water quality standards, Regional Board staff opposes it. Furthermore, Staff believes that if suction dredge mining is allowed, it should be regulated appropriately, including water quality permitting. However, unless the Regional Board is provided with sufficient resources to comprehensively administer and enforce a suction dredge mining permit program to protect water quality, our preference is a Program alternative that does not allow suction dredge mining.

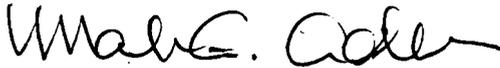
We believe the "No Program Alternative" is superior to the DSEIR's three other Programmatic Alternatives:

- "1994 Regulations Alternative," which returns the situation to pre-moratorium regulations;
- "Water Quality Alternative," which closes dredging in water bodies that are listed under CWA Section 303(d) as impaired for sediment and mercury; and
- "Reduced Intensity Alternative," which would restrict both permits issued and certain methods of operations.

However, ES-17 states that with the "No Program Alternative" selected as the Environmentally Superior Alternative, another action alternative still must be selected (or created) for DSEIR consideration. The Regional Board listing process, pursuant to CWA Section 303(d), will not be able to evaluate all Region 8 water bodies subject to the potential dredging permit program prior to action on the DSEIR. Only two water bodies in the mountainous parts of the Santa Ana Region where suction dredge mining is most likely to occur are currently 303(d)-listed for either mercury or sediment. Therefore, of the action alternatives presented, we prefer the Reduced Intensity Alternative among those alternatives presented, because it offers uniform operational control measures for all water bodies, and as such, the lowest potential to cause or contribute to violations of water quality standards.

If you have any questions, please contact Glenn Robertson of my staff at (951) 782-3259, or grobertson@waterboards.ca.gov, or me at (951) 782-3234, madelson@waterboards.ca.gov

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

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State Water Resources Control Board – Rick Humphreys
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