

SUCTION DREDGE

Newsletter

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suctiondredge/](http://www.dfg.ca.gov/suctiondredge/)

Introducing the DFG Suction Dredge Newsletter

Welcome to the first Suction Dredge Newsletter! The purpose of this newsletter is to provide information on the progress of the Subsequent Environmental Impact Report (SEIR) being developed by the California Department of Fish and Game (DFG) for the Suction Dredge Permit Program.

As many of you already know, a court order issued in 2006 requires DFG to conduct further environmental

review of its suction dredge mining regulations, and adopt updated regulations as necessary. In response to the court order, the Department is preparing a SEIR to the 1994 environmental impact report.

This newsletter gives you additional information about the current process. Future editions will let you know about opportunities for public involvement in the environmental review process.

Scoping Report Now Available

Three public scoping meetings were held in Fresno, Sacramento, and Redding between November 16th and 18th, 2009. The purpose of the scoping meetings was to provide information on DFG's suction dredge permitting program and the subsequent environmental review process underway. Over 500 people attended the meetings.

The public was invited to submit written comments on the information presented in the Literature Review, Initial Study, and Notice of

Preparation. The comments will help to determine the scope and content of the SEIR. Two hundred and sixteen written comments were received during the scoping period that ended December 3, 2009. A Scoping report summarizing the comments received by DFG is available on line at <http://www.dfg.ca.gov/suctiondredge>. Printed copies of the report and appendices are available for inspection at the following locations:

Dept. of Fish & Game
Region 1 Headquarters
601 Locust Street
Redding, CA

Dept. of Fish & Game
Region 2 Headquarters
1701 Nimbus Road
Rancho Cordova, CA

Dept. of Fish & Game
Region 4 Headquarters
1234 E. Shaw Avenue
Fresno, CA

Public Advisory Committee Process Completed



Based on suggestions received during the public scoping process, DFG has convened a Public Advisory Committee (PAC) for the Suction Dredge Program. The overall goal of the PAC is to assist DFG in exploring potential regulatory approaches that will help with development of updated regulations for suction dredging. By establishing a collaborative environment, DFG hopes the PAC will provide input on technical issues relevant to the regulatory development effort. DFG is committed to considering recommendations of all stakeholders and recognizes the unique contributions that the PAC, in its advisory capacity, can make to the overall consideration of alternatives. Ultimately the responsibility to develop new regulations belongs to DFG.

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Environmental Review Process

As previously mentioned, DFG is preparing a Subsequent Environmental Impact Report (SEIR) which builds upon a 1994 environmental impact report. This article briefly describes what is involved in the environmental review process to be conducted for the SEIR under the California Environmental Quality Act (CEQA), as well as the rulemaking process for any updated regulations under the Administrative Procedures Act (APA).

CEQA Process

CEQA is the basis of environmental law and policy in California. It applies to all projects receiving any form of state or local approval, permit, or oversight. With certain limited exceptions, CEQA requires state and local agencies within California to follow a protocol of analysis and public disclosure of a proposed project's environmental impacts before taking action. Proper implementation of CEQA also allows for multidisciplinary interagency coordination and public participation in the planning process and the review of projects.

The first step is to assess the extent and range of potential impacts that may occur. This is often completed through an Initial Study assessment. For any project with potentially significant environmental impacts, CEQA requires the preparation of an Environmental Impact Report (EIR)

where feasible mitigation measures and reasonable alternatives are considered to avoid and/or reduce environmental damage. Other key requirements include developing a plan for implementing and monitoring the success of the identified mitigation measures, and carrying out specific noticing and distribution steps to facilitate public involvement in the environmental review process. (For further details see CEQA Guidelines, 14 CCR 15121[a]).

A SEIR is prepared when, after having prepared and certified an earlier EIR for the same project, new information, changed circumstances, or project changes are proposed that involve new significant or substantially more severe environmental effects not previously addressed in the earlier EIR. It is important to note that the SEIR does not recommend approval or denial of a project. It is rather a decision-making tool.

Suction Dredge Permitting Program

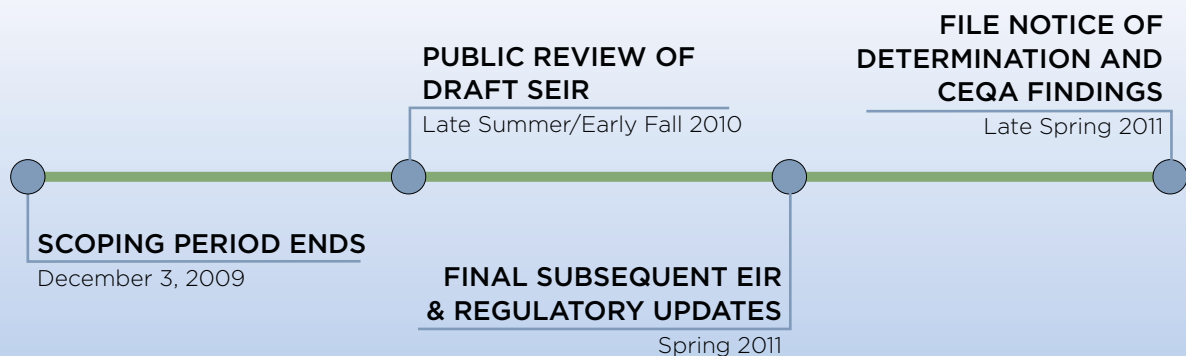
The Department completed and publically released the Initial Study/Notice of Preparation (IS/NOP) in November of 2009. The Initial Study can be found at <http://www.dfg.ca.gov/suctiondredge/>. This document presents the general background information on suction dredging, the scoping process, the environmental issues to be addressed in the SEIR, and the anticipated uses of the SEIR.

Though not a CEQA requirement, a literature review was conducted for this project to develop a better understanding of the existing information associated with suction dredging and its effects (both beneficial and negative) on the environment. In particular, the literature review focused on information that has become available since the previous environmental analysis was completed in 1994. During this step, all relevant information was gathered, reviewed, and assessed, with the resulting body of data used for the Initial Study assessment. The Literature Review can be found at: <http://www.dfg.ca.gov/suctiondredge/>

Using the literature review, the IS/NOP narrowed the range of environmental issues to be addressed in the SEIR to include only those topics with potentially significant effects. Scoping meetings were held in November 2009. Scoping allows the public and local, state, and federal agencies to help identify issues and concerns that should be analyzed in the SEIR. Two hundred sixteen (216) comments were received during the scoping period. Review of the scoping comments assisted in further refining the environmental issues. As a result, the environmental topics to be analyzed in the SEIR include: Hydrology and Geomorphology, Water Quality and Toxicology, Biological Resources, Hazards and Hazardous Materials, Air Quality,

Timeline

CEQA TIMELINE



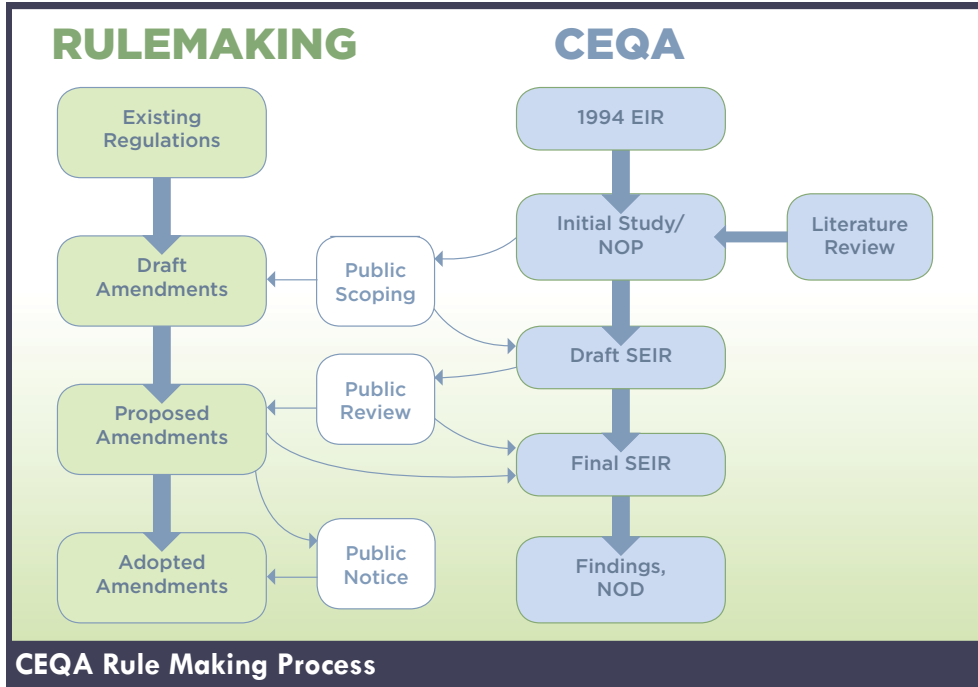
Environmental Review Process (Continued from Page 2)

Cultural Resources, Aesthetics, Noise, Recreation, Transportation and Traffic, Land Use and Planning, and Mineral Resources.

A Draft SEIR will be completed and circulated for a 60-day public comment period. This review period will occur in a

similar manner as the public scoping period, and once again, public meetings will be held. At these meetings, public comments will be invited on the analysis and conclusions set forth in the Draft SEIR. Written comments will also be encouraged.

All written and oral comments received in response to the Draft SEIR will be addressed in a Final SEIR. The Department will use the comments to revise or refine, as necessary, the analysis presented in the Draft SEIR. A Final SEIR will then be prepared which contains responses to comments and an updated version of the Draft SEIR. Once completed, the Final SEIR will inform the Department as the lead agency under CEQA in deciding whether or how to approve the Proposed Program as prescribed by the Fish and Game Code.



Rulemaking Process

Any updates to the Department's current suction dredge mining regulations will occur in parallel with the CEQA process. Draft regulations will be circulated along with the Draft SEIR, and the Final SEIR will contain proposed regulations. As part of this process, a socioeconomic assessment of the effects of the proposed regulations will be conducted. Following completion of the Final SEIR, the Director of the Department will consider whether to adopt the regulations and approve the Proposed Program.

Public Advisory Committee (Continued from Page 1)

The PAC is comprised of individuals who are knowledgeable regarding suction dredging, the environmental processes found in streams where dredging activities occur, and/or regulatory issues associated with suction dredging and streams. The members provide a local perspective – as well as topical and on-the-ground knowledge – and have the ability to work collaboratively with people with views different from their own.

The PAC has a diverse membership, including 25 individuals representing federal agencies, county governments, environmental/conservation and mining interests, private industry, the Karuk Tribe, and retired scientists. The group met on February 11th and 25th, and on March 11, 2010. All three meetings to date have included presentations on a variety of topics. Topics have included existing regulations, geomorphology, water quality, mercury, an overview of dredge mining,

power sluicing, and high banking, what's changed since the 1994 regulations were adopted, DFG enforcement history and capabilities, and tribal fish allocations and harvesting techniques. All the presentations were provided to help increase the PAC's collective understanding of issues pertinent to suction dredging. The discussions and questions that followed each of the presentations have been very informative for DFG.

With three meetings completed, the PAC has already provided valuable input for DFG's consideration. Specifically, the PAC has provided specific suggestions on which components of the 1994 regulations should be considered for inclusion in a future regulatory program. In addition, a few PAC members have provided ideas as to how to evaluate potential impacts to fish and the environment. The PAC has provided a forum for sharing information and knowledge

on a wide range of topics that collectively is offering particularly helpful insights for DFG's consideration. DFG appreciates the time and commitment of PAC members to assist the project team as DFG develops the proposed regulations.



USGS Mercury Removal Study Undertaken

The Bureau of Land Management (BLM) and the U.S. Geological Survey (USGS) are participating in a study to assess the effects of mercury removal options. Field work for the study was conducted from September 2007 through May 2009 on the South Yuba River in the vicinity of the Humbug Creek confluence.

The BLM intends to systematically remove mercury-rich sediments from a known "hot spot." The purpose of the study is to understand the benefits and shortcomings of using various removal techniques, including suction dredging, to remove mercury from the contaminated sediments. During October 2007, an in-stream test was conducted in the South Yuba River using a 3-inch diameter suction dredge. Water quality was monitored before, during, and after the test at locations upstream and downstream from the dredge. The original study design called for an additional in-stream test with an 8-inch diameter suction dredge, however the scope of the project was changed based on concerns expressed by the Regional Water Quality Control Board. The revised project scope includes characterization of mercury-contaminated sediment samples that were excavated from the Humbug Creek confluence area during September 2008. With additional funding from the State Water Resources Control Board, the USGS has conducted some experiments with the excavated material that are designed to evaluate the potential impacts of suction dredging on downstream environments with regard to transport, change in reactivity, and methylation of mercury in fine-grained sediment.

USGS is currently evaluating the data from these studies and is preparing draft reports for peer review. Once the final reports are published by the USGS (expected in summer, 2010), the information is anticipated to be used in the SEIR to analyze potential environmental impacts of suction dredging on mercury fate, transport, and bioaccumulation in the environment.

Suction Dredge Survey

The Department is conducting a survey of suction dredge permit holders. This survey is an update of a similar survey conducted in 1994. The survey is designed to gather current information regarding the general characteristics of suction dredging, and the expenditures made by suction dredgers as part of the activity. The information generated by the survey will be used to support the CEQA and rulemaking processes that are currently underway.

The survey was sent to a random selection of 1,100 individuals who purchased suction dredge permits in 2008. Those receiving the survey are encouraged to complete it to the best of their ability. Specific survey answers will be confidential, and no personal information will be disclosed or shared as part of the survey process.

*Update on the Suction Dredge Permitting Program
Website: www.dfg.ca.gov/suctiondredge*

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