Text of Specific Regulatory Language to be Adopted

Amend California Code of Regulations, Title 14, section 228, subdivision (a), to read:

The Department has adopted this Section and Section 228.5 pursuant to Fish and Game Code Section 5653.9, and to make specific and otherwise implement Fish and Game Code Section 5653, specifically. Pursuant to that authority, the Department finds that suction dredging subject to and consistent with the requirements of Sections 228 and 228.5 will not be deleterious to fish.

(a) ~~Definitions.~~

~~(1)~~ Suction dredging. For purposes of this Section ~~228~~ and Section 228.5, the use of any vacuum or suction dredge equipment (i.e. suction dredging) is defined as the use of a ~~motorized~~ suction system to vacuum material from ~~the bottom of~~ a river, stream or lake ~~and to return all or some portion of that material to the same river, stream or lake~~ for the extraction of minerals. These regulations do not apply to, prohibit or restrict nonmotorized recreational mining activities, including panning for gold.~~A person is suction dredging as defined when all of the following components are operating together:~~

~~(A) A hose which vacuums sediment from a river, stream or lake; and~~

~~(B) A motorized pump; and~~

~~(C) A sluice box.~~

~~(2) Motorized. For purposes of these regulations, "motorized" means a mechanical device powered by electricity or an internal combustion engine.~~

[No amendment to any other subdivision of Section 228 is proposed.]

NOTE: Authority cited: Sections 5653 and 5653.9, Fish and Game Code. Reference: Sections 5653-5653 – 5653.9, Fish and Game Code.