



April 6, 2011

The Honorable Fran Pavley  
Senate Natural Resources and Water Committee  
State Capital Room 4035  
Sacramento, CA 95814

**Re: SB 657 (Gaines) Suction Dredge Mining Moratorium Repeal – OPPOSE**

Dear Chairwoman Pavley:

The undersigned organizations strongly oppose SB 657 (Gaines). This bill proposes to repeal the current prohibition on the use of suction dredge mining equipment, which was approved by the California Legislature by more than a two-thirds majority in 2009. The bill exempts the issuance of mining permits from the California Environmental Quality Act (CEQA), even though the California Department of Fish and Game (CDFG) is analyzing this program under CEQA.

SB 657 refunds permit fees paid when the suction dredge moratorium was established, even though the CDFG has acknowledged that this program costs hundreds of thousands of dollars more than it collects in permit fees. The bill also requires the completion of an economic impact report on the suction dredge prohibition, even though an economic analysis is included in the current CEQA review.

The need for the moratorium is well documented and is as important today as it was two years ago.

The former 1994 suction dredge regulations contributed significantly to the decline in commercial and sport fisheries and the local jobs and economies that depended on these fisheries. In addition, the old regulations do not adequately protect threatened and endangered fish and wildlife, and their habitat, as they exist today. The current moratorium must continue to protect commercial and sport fisheries, as well as threatened and endangered species, until the current CEQA analysis is completed and new regulations are adopted.

Since the 1994 regulations were adopted, government studies have found that suction dredging mobilizes toxic mercury, creating a significant water quality problem and human health risk. Many of California's drinking water reservoirs in the Sierra Nevada are already mercury-impaired and continued suction dredging will likely add to this problem. The current moratorium on suction dredging remains necessary to ensure that significant and adverse impacts to human health and water quality are avoided until new regulations are adopted and become effective.

The much-needed new regulations are not in place. The CDFG released draft regulations and its accompanying CEQA document for public comment this spring. Unfortunately, the draft regulations are simply not ready for adoption and implementation. As currently drafted, the regulations inadequately protect threatened and endangered species and their habitat and fail to meaningfully address water quality impacts and human health threats from mercury pollution. Many of the proposed county and river-based regulations appear arbitrary, capricious, and unsupported by CDFG's analysis. For example, the regulations permit destructive suction dredge mining in State and National Parks, Wild & Scenic Rivers, Wild Trout Streams, Indian Reservations, and other sensitive areas.

Given its severe budget and staffing constraints, it seems unlikely that CDFG will be able to revise the proposed regulations and complete a legally compliant CEQA review by its target date of November 2011. The moratorium must remain in place until meaningful, effective, and lawful regulations are adopted to protect the health of our citizens and environment.

Our organizations particularly object to SB 657's exemption of suction dredge mining permits from CEQA review. This provision simply hides a serious problem by changing the law and prevents Californians from participating in an important government decision that affects public health and the environment. In addition, we oppose the proposed reimbursement of paid fees, which would cost the state an estimated \$270,000 and add to the multi-billion dollar budget shortfall.

Finally, passage of this bill will not actually lift the moratorium on suction dredge mining. A Superior Court has enjoined the issuance of any suction dredge permits until the court rules on a lawsuit challenging the adequacy of the former regulations. Given this court-mandated legal injunction, further consideration of this bill seems to be an inappropriate use of limited legislative resources.

In 2009, the suction dredge moratorium bill won the bipartisan support needed to bring an urgency measure to the Governor. It passed the Senate Natural Resources & Water Committee with 8 votes, the Senate floor with 31 votes, and won unanimous support in the Assembly policy and appropriations committees before its passage. The urgent need for this moratorium remains. Please do not roll back the progress achieved in protecting human health and the environment.

For all of these reasons, the undersigned organizations strongly oppose SB 657 and urge the Committee to reject this blatant attempt to reopen many of California's most sensitive rivers and streams to the costly, destructive, and polluting practice of suction dredge mining.

Thank you for your consideration.

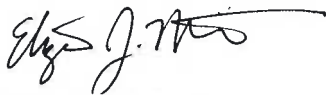
Sincerely,



Steven L. Evans  
Friends of the River



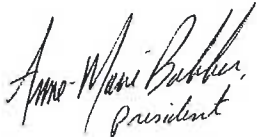
Jonas Minton  
Planning & Conservation League



Elizabeth Martin  
The Sierra Fund



Bill Jennings  
California Sportfishing  
Protection Alliance



Anne-Marie Bakker  
Northern California Council  
Federation of Fly Fishers



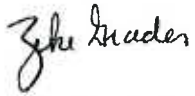
Byron Lydecker  
Friends of the Trinity River



Jonathan Evans  
Center for Biological Diversity



John Buckley  
Central Sierra Environmental  
Resource Center



Zeke Grader  
Pacific Coast Federation of  
Fishermen's Associations



Jason Rainey  
South Yuba River  
Citizens League



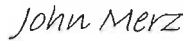
Andrew Orahoske  
Environmental Protection  
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Kim Delfino  
Defenders of Wildlife



Chris Wright  
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John Merz  
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