
Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

June 9, 2009

Dear Governor Schwarzenegger,

We urge you to veto SB 670 when it comes before you.

We've been a California-based business since our inception in 1931. Our customers include thousands of individuals and hundreds of businesses that will be negatively impacted by this bill. For the reasons stated below, we will financially support litigation against the state if any agency attempts to enforce SB 670.

This bill seeks to authorize the California Department of Fish and Game (DFG) to close waters to all suction gold dredging until a new EIR is completed on suction dredging.

Negatively impacted businesses include mining publications, mining equipment manufacturers and retailers, assayers, prospecting clubs, resorts, hotels, motels, private campgrounds and many more.

As you are aware, the Mining Law of 1872 makes it clear that mining is a right subject to reasonable regulation – not prohibition.

However, you may not be aware that suction dredge mining is currently regulated with respect to endangered and threatened species, with seasonal and size restrictions that prevent harm to these species. Suction dredge mining has been subjected to many studies that indicate this activity not only is *de minimis* to fish and their habitat under current regulations, but this is the only activity that occurs in our state waters that provides mitigation.¹

Suction dredge mining creates dissolved oxygen and breaks up compacted gravels, creating the spawning areas, holes and cooler waters necessary for a healthy fish population. The DFG spends millions of dollars to create this same scenario for spawning fish.²

Suction dredge mining removes harmful lead, mercury and man-made debris from our waters. Washington has set up a program, in cooperation with suction dredge miners, to collect harmful metals and debris. Over a 12-month period the Washington Department of Ecology took possession of over 150 lbs. of mercury that had been recovered by suction dredge miners.³

If the bill is enacted, we are committed to joining other California businesses and individuals in litigation against the state to correct the situation.

Respectfully submitted,

Scott Harn
President
California Mining Journal, Inc.
dba *ICMJ's Prospecting and Mining Journal*

cc Honorable California Legislators

¹ *Effects of Small-Scale Gold Dredging on Arsenic, Copper, Lead, and Zinc Concentrations in the Similkameen River*, Washington State Dept. of Ecology, March 2005, Publication No. 05-03-007.

Impact of suction dredging on water quality, benthic habitat, and biota in the Fortymile River, Resurrection Creek, and Chatanika River, Alaska, US Environmental Protection Agency, June 1999.

² *Evaluating the Success of Spawning Habitat Enhancement on the Merced River, Robinson Reach, California Department of Fish and Game, 2002.*

³ *Miners Clean Washington Rivers and Streams*, ICMJ's Prospecting and Mining Journal, May 2007.