



State of California - The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
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EDMUND G. BROWN JR., Governor
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NOTICE OF AVAILABILITY AND OPPORTUNITY TO COMMENT

SUCTION DREDGE PERMITTING PROGRAM

The California Department of Fish and Game (CDFG) is pleased to announce the public release of revisions to proposed regulations governing suction dredge mining in California under the Fish and Game Code. CDFG provided notice of the regulations as originally proposed in February and March 2011. Written comments regarding the revised regulations must be submitted to CDFG in writing as set forth below by no later than **5:00 p.m., Monday, March 5, 2012.**

Background: CDFG regulates suction dredge mining throughout California pursuant to Fish and Game Code section 5653 et seq. As required by court order, CDFG is currently engaged in an environmental review and rulemaking effort under the California Environmental Quality Act (CEQA) and the Administrative Procedure Act (APA), respectively, to update existing regulations originally adopted in 1994. (See generally Fish & G. Code, §§ 5653.1, subd. (a), 5653.9; Cal. Code Regs., tit. 14, § 228 et seq.) CDFG is currently prohibited from issuing suction dredge permits under the Fish and Game Code, and suction dredging is currently prohibited by statute until June 30, 2016. (Fish & G. Code, § 5653.1, subd. (b).)

On February 28, 2011, CDFG released proposed regulations for public review, along with a related environmental analysis prepared under CEQA (State Clearinghouse No. 2009112005). On March 18, 2011, CDFG published notice of the proposed regulations in the California Regulatory Notice Register, commencing formal rulemaking under the APA. (Cal. Reg. Notice Register 2011, No. 11-Z, p. 374; OAL Notice File No. Z2011-0304-02.) The proposed regulations as originally noticed are available on CDFG's web page (www.dfg.ca.gov/suctiondredge/), along with other related information. The original public review period that began in February 2011, closed on May 10, 2011, and CDFG has worked ever since to review comments and related information received from the public. CDFG has determined as part of that effort that revisions to the proposed regulations as originally noticed are appropriate.

Revisions to the Proposed Regulations: The proposed regulations as originally noticed, and now as revised, are intended to implement and comply with Fish and Game Code section 5653, subdivision (b). The proposed regulations, also now as revised, are intended for purposes of CEQA to avoid and substantially lessen to the extent feasible any significant impacts with suction dredging that may be authorized by CDFG. Compared to the proposed regulations as originally noticed, the revisions provide more efficient permit management, account for further evaluation of species distributions and life histories, and make related adjustments to the proposed regulations to ensure that authorized suction dredging is not deleterious to fish.

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Public Review: CDFG's proposed revisions to the regulations as originally noticed accompany this notice. The revised regulations are also available on CDFG's web page (www.dfg.ca.gov/suctiondredge/), upon request at 530-225-2275, and via email at dfgsuctiondredge@dfg.ca.gov. For email requests, please include the following in the subject line: Request for Revisions to Proposed Regulations.

Copies of the revised regulations are also available for public review at the following CDFG offices:

- 601 Locust Street, Redding
- 1701 Nimbus Road, Suite A, Rancho Cordova
- 1807 13th Street, Suite 104, Office of Communications, Sacramento
- 7329 Silverado Trail, Napa
- 1234 E. Shaw Avenue, Fresno
- 3883 Ruffin Road, San Diego
- 4665 Lampson Avenue, Suite J, Los Alamitos
- 3602 Inland Empire Blvd., Suite C-220, Ontario
- 20 Lower Ragsdale Drive, Suite 100, Monterey

To receive future related updates electronically, please subscribe via email at CDFG's webpage (www.dfg.ca.gov/suctiondredge/).

Public Comment: The opportunity for public review of the revised regulations begins on Friday, February 17, 2012. **The public comment period closes at 5:00 p.m. on Monday, March 5, 2012.** All comments must be postmarked or received by CDFG on or before that date and time. The revised regulations, all related written comments received by CDFG, including the names and addresses of commenters, and CDFG's responses to written comments, will be included in CDFG's official public record.

Please mail or hand-deliver written comments to CDFG at: Suction Dredge Program, Revisions to Proposed Amendments, Department of Fish and Game, Northern Region, 601 Locust Street, Redding, CA 96001.

Written comments may also be submitted to CDFG via email at: dfgsuctiondredge@dfg.ca.gov. Please include the following in the subject line for all comments submitted via email: Comments re Revisions to Proposed Amendments.

Finally, if you require reasonable accommodation or require this notice or a copy of the revised regulations in an alternative format, please contact CDFG's Suction Dredge Program at 530-225-2275, or the California Relay (Telephone) Service for the deaf or hearing impaired from TDD phones at 1-800-735-2929 or 711.