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State Water Resources Control Board

**UPDATED**  
**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENTS,**  
**AVAILABLE MAP INFORMATION AND PUBLIC WORKSHOPS**

**PROPOSED STATEWIDE**  
**SUCTION DREDGE MINING GENERAL PERMIT**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) will accept public written comments on the proposed Statewide Suction Dredge Mining General Permit<sup>1</sup> (previously issued for public comments on May 12, 2020). Public written comments must be submitted no later than **12:00 p.m. (noon) on Monday, March 8, 2021**. Public written comments must be submitted per the procedures in the “Submission of Comments” section of this public notice.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that State Water Board staff is providing a draft high-resolution electronic map showing where the proposed Statewide Suction Dredge Mining General Permit would authorize suction dredge mining. Public written comments may address the draft high-resolution electronic map.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that State Water Board staff will hold two public workshops to demonstrate the draft high-resolution electronic map to interested parties. A quorum of the State Water Board may be present at the public workshops; however, there will be no State Water Board action taken at the public workshops.

The public workshops will be held on:

**Wednesday, January 13, 2021 – 1:00 p.m. to 4:00 p.m.**

**and**

**Thursday, January 28, 2021 – 9:00 a.m. to 12:00 p.m.**

No Physical Meeting Location  
Video and Teleconference Only

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<sup>1</sup> Proposed Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Suction Dredge Mining Discharges to Waters of the United States located at [https://www.waterboards.ca.gov/water\\_issues/programs/npdes/docs/draft\\_suctiondredgemining\\_permit.pdf](https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/draft_suctiondredgemining_permit.pdf)

As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, the public workshops are scheduled at this time to occur solely via remote presence. Information for participating in the public workshops will be distributed via the Lyris email list described in the "Future Notices" section below and posted on the program webpage listed in the "Document Availability" section below.

## **BACKGROUND**

Suction dredging is statutorily defined as the use of a mechanized or motorized system for removing or assisting in the removal of, or the processing of, material from the bed, bank, or channel of a river, stream, or lake in order to recover minerals. (Wat. Code, § 13172.5(a).)

Suction dredge mining was statutorily prohibited in California in 2009. Through the 2015 passage of Senate Bill 637, the California Fish and Game Code and Water Code were amended, expanding the definition of suction dredge mining and requiring miners to obtain a Water Board Permit or letter stating no such Permit is required and a Department of Fish and Wildlife Permit to suction dredge mine in California. To protect water quality, the Water Boards may prohibit any use of suction dredge mining equipment or method of suction dredge mining and may specify conditions or areas where suction dredge mining discharges remain prohibited.

Prior to determining what action to take to address the water quality impacts of suction dredge mining, as amended by Senate Bill 637, Water Code 13172.5, subdivision (c)(1) required the State Water Board to conduct public workshops in the vicinity of San Bernardino, Fresno, Sacramento and Redding. The State Water Board conducted these preliminary public workshops, and an additional workshop in Orleans, in January and February of 2017.

The federal Clean Water Act section 402 requires that discharges of any pollutant or combination of pollutants from point sources to waters of the United States be regulated by an NPDES Permit. Although the statutory definition of suction dredge mining includes a wide variety of activities, the proposed Statewide Suction Dredge Mining General Permit only provides the required regulatory coverage for mechanized and/or motorized dredge activities that take place in a waterbody, utilize a single intake suction nozzle, and directly discharge to a water of the United States.

On May 12, 2020, the State Water Board released the proposed Statewide Suction Dredge Mining General Permit for public comment. Staff presented the proposed General Permit to interested parties at a May 28, 2020 public workshop, and to the State Water Board at the August 5, 2020 Board public hearing.

During the State Water Board public hearing, interested parties requested higher resolution maps for detailed identification of areas in which suction dredge mining would be authorized under the proposed General Permit. The State Water Board consequently extended the previously established August 24, 2020 public comment due date indefinitely to allow staff to develop higher resolution maps. Through this public

notice, the State Water Board is providing a draft electronic Geographic Information System map that provides the requested information and establishes a public written comment due date 60 days from the release of the map.

### **DOCUMENT AVAILABILITY**

State Water Board staff has developed a draft interactive Geographic Information System map to serve as a guidance tool for miners and interested parties to identify watersheds and waterbodies in which the proposed statewide Permit either:

1. Allows suction dredge mining activities, or
2. Does not lift the statewide moratorium on suction dredge mining activities.

The proposed General Permit, the draft electronic map, links to enlarged map snapshots of individual counties, and further corresponding permitting information are available on the [State Water Board Suction Dredge Mining NPDES Program page](http://www.waterboards.ca.gov/water_issues/programs/npdes/suction_dredge_mining.html) ([www.waterboards.ca.gov/water\\_issues/programs/npdes/suction\\_dredge\\_mining.html](http://www.waterboards.ca.gov/water_issues/programs/npdes/suction_dredge_mining.html)).

### **SUBMISSION OF COMMENTS**

The State Water Board will accept written comments and evidence regarding this item. Evidence submitted during the August 5, 2020 public hearing are part of the administrative record and need not be submitted again.

Written public comments must be received no later than **12:00 p.m. (noon) on Monday, March 8, 2021.**

Written public comments must be addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (hand-delivery)

Public comments may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate in the subject line: **“Comment Letter – Suction Dredge Mining General Permit.”**

Couriers delivering hard copies of comment letters must check in with lobby security personnel and request to contact Jeanine Townsend at (916) 341-5600.

The State Water Board will not accept any additional written comments after the public comment due date.

**PREVIOUS NOTICES**

The State Water Board previously issued a public notice announcing the release of the proposed General Permit for a 45-day public comment period, the May 28, 2020 public workshop, and a June 17, 2020 State Water Board public hearing. During the May 28, 2020 public workshop, stakeholders requested that the June 17, 2020 public hearing be postponed allowing additional time to prepare comments on the proposed General Permit. On June 5, 2020, the State Water Board released a revised public notice rescheduling the public hearing to August 5, 2020 and extending the public comment due date to August 24, 2020. Based on the comments provided at the August 5, 2020 public hearing, the State Water Board released a second revised public notice extending the public comment period indefinitely to allow staff develop higher resolution maps.

**FUTURE NOTICES**

Any person desiring to receive future notices concerning the proposed General Permit, including any changes to this public notice, must sign up for the Lyris e-mail list as follows: (1) access the email List Subscription Form at the web address listed below, (2) click the "Water Quality" tab, (3) check the box for "Suction Dredge Mining," (4) fill in the required information, and (5) click "Subscribe." The subscription form is located on the [State Water Board email subscription page](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) ([www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)).


**JOE SERNA JR. CALEPA (CALEPA) BUILDING PARKING AND ACCESSIBILITY**

Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. A broadcast of the hearing will be available via internet and can be accessed at <https://video.calepa.ca.gov>.

**ADDITIONAL INFORMATION**

Please direct questions about this notice or requests for a paper copy of the proposed General Permit to Renan Jauregui at (916) 341-5505 or [Renan.Jauregui@waterboards.ca.gov](mailto:Renan.Jauregui@waterboards.ca.gov).

December 30, 2020  
Date

  
Jeanine Townsend  
Clerk to the Board