



# California Regional Water Quality Control Board Los Angeles Region

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Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

March 5, 2012

Suction Dredge Program  
California Department of Fish and Game  
Northern Region  
601 Locust Street  
Redding, CA 96001

Dear Sir/Madam:

## COMMENTS RE REVISIONS TO PROPOSED AMENDMENTS TO SUCTION DREDGE PERMITTING PROGRAM

We have reviewed the proposed revised regulations governing suction dredge mining in California under the Fish and Game Code. The proposed regulations, released on February 17, 2012, are intended to avoid and substantially lessen to the extent feasible any significant impacts with suction dredging that may be authorized by the California Department of Fish and Game.

As we noted in our comment letter of April 19, 2011, on the Subsequent Environmental Impact Report for the Suction Dredge Program, the United States Environmental Protection Agency's Healthy Watersheds Initiative and Health Watersheds Technical Document (both issued in 2011) provide clear evidence of recent and ongoing declines in our aquatic resources. Overall, two-thirds of the nation's streams were characterized as being in poor or fair biological condition. Recent studies of the benthic macroinvertebrate community in California's perennial streams show that approximately 45% of perennial streams statewide support degraded biological communities.

In our opinion, an activity such as suction dredge mining, which extensively modifies the natural structure of the aquatic habitat, would be inappropriate within streams or other waterbodies that already are in decline and probably would produce unacceptable adverse impacts within most streams that remain in good condition within the Los Angeles Region. While the proposed revised regulations will provide protection to many of the rivers and streams within the jurisdiction of the Los Angeles Regional Water Quality Control Board (LARWQCB), we believe that additional changes should be incorporated to strengthen the regulations and prevent adverse impacts to sensitive habitats and beneficial uses of certain waterbodies within the Los Angeles region.

*California Environmental Protection Agency*

The LARWQCB recommends the following modifications to the proposed suction dredging regulations:

- 1) Require suction dredge permit applicants to apply for a Section 401 Water Quality Certification from the appropriate Regional Water Quality Control Board for any proposed suction dredging operations in lakes or reservoirs. This will ensure that Regional Board staff can review the proposed activity to ensure that no adverse impacts to water quality or beneficial uses will occur in local lakes and reservoirs, many of which support important habitat and aquatic life uses.
- 2) For Los Angeles County rivers and streams [section 228.5 (b) (19)], reclassify Big Tujunga Creek: Mainstem and all tributaries from Hansen Flood Control Basin upstream to Big Tujunga Reservoir, from the proposed Class E to Class A (no dredging permitted at any time). This section of the stream supports high quality habitat and healthy biological communities and should not be allowed to degrade, as would likely be the case if suction dredging were allowed in this area.
- 3) For Los Angeles County rivers and streams, reclassify Malibu Creek: Mainstem and all tributaries, unless otherwise noted, from the proposed Class E to Class A. The lower section of Malibu Creek, from the Pacific Ocean upstream to Rindge Dam, already is classified as class A. Rindge Dam is scheduled to be removed over the next few years, providing access to steelhead (an endangered species) to the upper reaches of Malibu Creek and its tributaries. Consequently, it will be inappropriate to allow suction dredging in these areas, given the high probability that such activities would degrade habitat and adversely affect steelhead and other sensitive aquatic life resources in the upper reaches of Malibu Creek.
- 4) For Los Angeles County rivers and streams, reclassify San Gabriel River, East Fork: Mainstem and all tributaries from San Gabriel Reservoir upstream to Cattle Canyon Creek, from the proposed Class E to Class A. Habitat destruction from past mining activities is evident in many areas of Cattle Canyon Creek. This creek provides habitat for steelhead and other sensitive aquatic life resources and should be protected from the degradation caused by suction dredging.
- 5) For Los Angeles County rivers and streams, add the following waters with Class A protection: Solstice Canyon Creek, Las Flores Canyon Creek, Zuma Canyon Creek, Ramirez Canyon Creek, Bull Creek, Arroyo Seco, San Jose Creek and Walnut Creek. Many of these creeks provide habitat for steelhead and/or other sensitive aquatic resources and should be protected from the degradation caused by suction dredging.

- 6) For Ventura County rivers and streams [section 228.5 (b) (56)], reclassify Malibu Creek: Mainstem and all tributaries, unless otherwise noted, from Class E to Class A. The lower section of Malibu Creek, from the Pacific Ocean upstream to Rindge Dam, already is classified as Class A. Rindge Dam is scheduled to be removed over the next few years, providing access to steelhead (an endangered species) to the upper reaches of Malibu Creek and its tributaries. Consequently, it will be inappropriate to allow suction dredging in these areas, given the high probability that such activities would degrade habitat and adversely affect steelhead and other sensitive aquatic life resources in the upper reaches of Malibu Creek.
  
- 7) For Ventura County rivers and streams, add the following waters with class A protection: San Antonio Creek, Big Sycamore Canyon Creek, Matilija Creek, Sisar Creek, Timber Creek, Bear Canyon Creek, Trout Creek, Piedra Blanca Creek, Lion Canyon Creek, Rose Valley Creek, Howard Creek, Conejo Creek, Arroyo Conejo, Arroyo Las Posas, Arroyo Simi and Tapo Canyon Creek. Many of these creeks provide habitat for steelhead and/or other sensitive aquatic resources and should be protected from the degradation caused by suction dredging.

Thank you for the opportunity to comment on the Proposed Revised Suction Dredge Regulations. If you have any questions, please telephone Michael Lyons at (213) 576-6718 as he is the staff person most familiar with these issues.

Sincerely,



Samuel Unger, P.E.  
Executive Officer