



NOTICE TO PERMIT HOLDERS AND APPLICANTS REGARDING MORATORIUM ON INSTREAM SUCTION DREDGE MINING

On August 6, legislation placing an immediate moratorium on instream suction dredge mining throughout California became effective. The moratorium applies regardless of whether the operator has obtained or is in possession of a permit issued by the Department of Fish and Game (DFG).

The new law, SB 670 (Wiggins), prohibits the use of vacuum or other suction dredging equipment for instream mining in any California river, stream or lake. Suction dredging operations performed for the regular maintenance of energy or water supply management infrastructure, flood control, or navigational purposes are not subject to the moratorium. The restrictions on instream vacuum or suction dredge mining imposed by SB 670 remain in effect until DFG completes a court-ordered environmental review of its suction dredge permitting program and updates, as necessary, existing DFG regulations governing the program. The court-ordered environmental review required by the California Environmental Quality Act (CEQA) is currently underway, and DFG expects to complete that effort and adopt changes to the existing regulations, if necessary, by summer 2011.

Neither the new law nor any other provision of law authorizes DFG to issue refunds to current permit holders.

A violation of the ban on instream suction dredge mining is a misdemeanor, punishable by up to \$1,000 in fines and six months in jail.

Consistent with moratorium, DFG has ceased issuing suction dredge permits. In addition, DFG is also currently subject to a court order prohibiting the issuance of suction dredge permits. (*Leon Hillman et al. v. California Dept. of Fish and Game*, Super. Ct. Alameda County, Case No. RG09-43444 (order issued July 9, 2009).) The order will remain in effect as long as the *Hillman* lawsuit is pending or until further order of the Court.

Additional information can be found at www.dfg.ca.gov.