

**Karuk Tribe • Pacific Coast Federation of Fishermen's Associations
•Environmental Law Foundation**

P R E S S R E L E A S E

For Immediate Release: February 5, 2009

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TAXPAYERS FILE SUIT TO STOP RECREATIONAL GOLD MINING
Taxpayers sue Cal Fish and Game for misuse of tax dollars

Oakland, CA – Today taxpayers filed suit against California Fish and Game for using taxpayer dollars to fund an illegal recreational gold mining program in Alameda County Superior Court.

“Its morally reprehensible and illegal for California Fish and Game to use tax dollars to subsidize the destruction of our fisheries in the midst of a budget crisis,” said Dave Bitts, a commercial salmon fishermen from Humboldt Bay.

Suction dredges are powered by gas or diesel engines that are mounted on floating pontoons in the river. Attached to the engine is a powerful vacuum hose which the dredger uses to suction up the gravel and sand (sediment) from the bottom of the river. The material passes through a sluice box where heavier gold particles can settle into a series of riffles. The rest of the gravel is simply dumped back into the river. Often this reintroduces mercury left over from historic mining operations to the water column threatening communities downstream. Depending on size, location and density of these machines they can turn a clear running mountain stream into a murky watercourse unfit for swimming.

In 2005 the Karuk Tribe sued Fish and Game for allowing the practice of suction dredge mining to occur in areas known to be critical habitat for endangered and at-risk species such as Coho salmon, Pacific lamprey, and green sturgeon. At the time, Fish and Game officials submitted declarations to the Court admitting that suction dredge mining under its current regulations violates CEQA and Fish and Game Code §§5653 and 5653.9 (the statutes which authorize the Department to issue permits for suction dredging under certain conditions) because the activity causes deleterious harm to fish – including endangered fish, such as the Coho salmon.

The suit ended in a court order directing Fish and Game to conduct a CEQA review and amend its regulations by June 20, 2008. Fish and Game has yet to initiate the process.

“Looks like DFG actually stands for Department of Frontier Greed,” said Leaf Hillman, Vice Chairman of the Karuk Tribe. “While legislators are cutting basic programs for our

children and elders in an effort to balance the budget, DFG is subsidizing hobby mining. Miners should not be allowed to mine in critical habitats and they should pay their own way if they mine at all.”

Specifically, the suit charges that the suction dredge program violates: (1) the previous court Order; (2) CEQA, for failure to conduct a subsequent or supplemental EIR in order to provide protections for endangered and threatened fish listed since 1994; and (3) Fish and Game Code §§5653 and 5653.9, for failure to promulgate regulations in compliance with CEQA and for issuing permits when it has determined that the activity causes deleterious harm to fish.

The suit comes two weeks after Fish and Game Director Don Koch rejected a petition from the Karuk Tribe, PCFFA, and others to use emergency rule making authority to enact modest restrictions on where and when suction dredging could take place.

“Fish and Game is quick to kick California’s 2.4 million fishermen off the river, but they continually go to bat for 3,000 hobby miners,” said plaintiff Craig Tucker. “As a taxpayer I am sick and tired of government handouts to hobby miners that are destroying California’s rivers.”

Arguments for a preliminary injunction will likely be heard in early spring.

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Editor’s note: for a picture of a suction dredge in action, email request to ctucker@karuk.us