

Auburn store faces closure if dredging legislation signed

Downtown's Pioneer Mining Supplies offers gear for gold seekers

BY GUS THOMSON
JOURNAL STAFF WRITER

The clock is winding down on a living link to Auburn's Gold Rush past.

And the closure of Pioneer Mining Supplies could be hastened by the stroke of Gov. Arnold Schwarzenegger's pen.

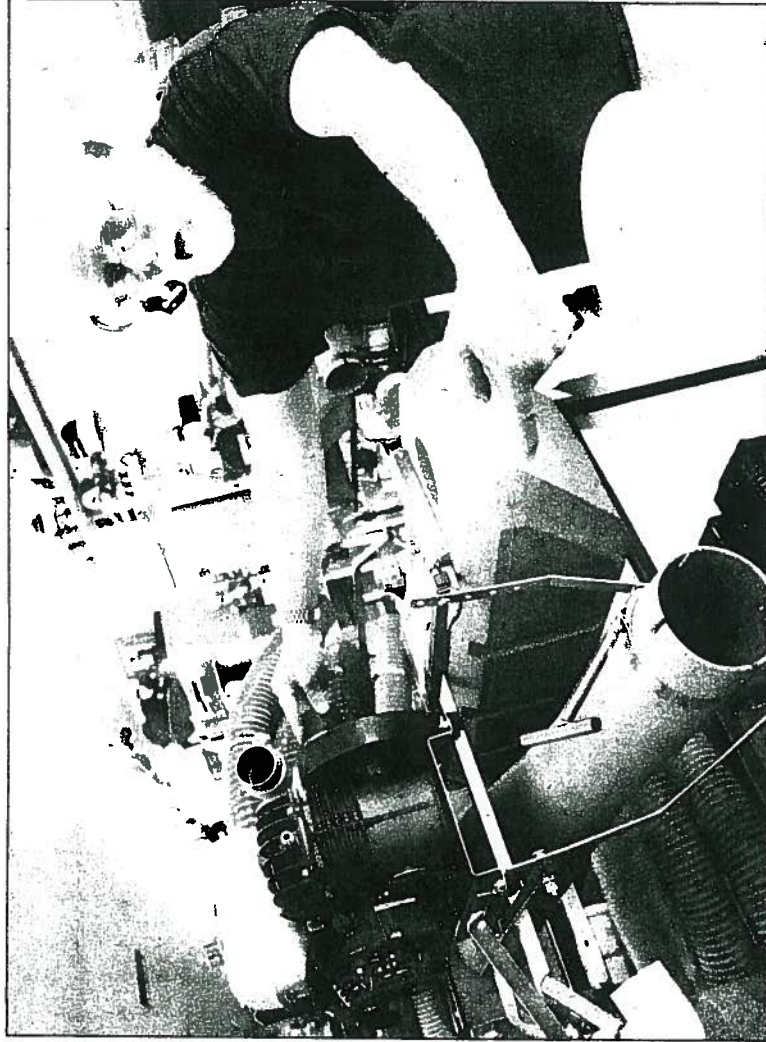
Frank Sullivan and Pioneer Mining Supplies have been selling dredges, pans and other gold mining supplies from a Downtown Auburn storefront for the past 28 years.

In a store loaded with everything a gold-seeker needs to set out in search of fortune, Sullivan and his staff of two other full-timers and a part-time worker are watching the steady march in Sacramento of Senate Bill 670.

The bill would shut down dredging and take away what he said would be 40 to 50 percent of his business.

The state Senate and Assembly have both passed the bill and — with the Senate's 28-7 vote Monday — it could be signed by Schwarzenegger.

The bill places a moratorium on suction dredge mining in all California rivers, streams and tributaries until a state envi-



GUS THOMSON • AUBURN JOURNAL

Frank Sullivan of Pioneer Mining Supplies is concerned that a suction dredging ban would put his Downtown Auburn store out of business.

ronmental review is completed.

Sullivan said his business — already stung by lower revenues because of the recession — is hoping the governor will hold off signing the bill so dredging can continue through the current dry season. A state Department of Fish & Game environmental review would eventually provide new

ment store in the area — it would mean closure, he said.

Outside the Capitol, the dredge debate pits gold seekers against Indian tribes, fishing advocates and environmental groups.

The Karuk tribe of Northern California initiated the attempt to ban suction dredging in response to what it says is damage to its wild-

salmon food fishery.

Craig Tucker, Karuk tribal spokesman, said Tuesday that there are an estimated 3,000 suction dredgers around the state going up against fishing hobbyists who are issued 2.4-million permits a year.

The tribe has "every reason to think" the governor will sign the bill, he said.

The tribe, which occu-

"This bill will cause economic hardship to the rural communities and the small business owners who depend on this industry as a source of income."

State Sen. Sam Aaenestad, R-Grass Valley

plies the Klamath River basin, had an Alameda County judge grant a preliminary injunction against issuance of new suction dredge permits last Friday.

The order doesn't prohibit dredgers who already have permits to continue but Schwarzenegger's signature would.

State Sen. Sam Aaenestad, R-Grass Valley, said in a statement he's "extremely disappointed" with a vote that could result in closed businesses and lost jobs in his 4th Senate District.

"This bill will cause economic hardship to the rural communities and the small business owners who depend on this industry as a source of income," Aaenestad said.

The Journal's Gus Thomson can be reached at gust@goldcourtymedia.com or comment at Auburnjournal.com

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encouraged to make their suggestions as specific as possible and also to limit the suggestions to those that will implement or make specific the provisions of Proposition 65 while furthering the purposes of the Act. Suggestions for changes to the law itself are beyond the scope of this project. Interested parties may also submit their ideas on the regulatory update project by 5:00 p.m. on November 16, 2007. All submissions should be directed to: Carol J. Monahan—Cummings Chief Counsel

For any of you who have not yet heard the news, here is Gov. S's veto message and the link to this message on the web is : http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1001-1050/ab_1032_vt_20071013.html

BILL NUMBER: AB 1032
VETOED DATE: 10/13/2007

To the Members of the California State Assembly:

I am returning Assembly Bill 1032 without my signature.

The purpose of this bill is to protect fish and wildlife from the potential deleterious effects of suction dredge mining. Although I appreciate the author's intent and the need to protect our fish, wildlife, and water resources, this bill is unnecessary.

Current law gives the Department of Fish and Game (Department) the necessary authority to protect fish and wildlife resources from suction dredge mining. It has promulgated regulations and issues permits for this activity. Permits for suction dredge mining must ensure that these operations are not deleterious to fish and allow the Department to specify the type and size of equipment to be used. In its regulations, the Department may also designate specific waters or areas that are closed to dredging.

It is unclear why this bill specifically targets a number of specific waterways for closure or further restrictions. The listed waterways represent only a small fraction of the waters in our State where suction dredging is occurring. The benefit or protection from such a minor closure is negligible and supports the notion that scientific environmental review should precede such decisions.

Sincerely,

Arnold Schwarzenegger

----- Original message -----

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VIEWPOINTS

ROGER NIELLO | Special to The Bee

Quit hammering state's small businesses

This just in: California businesses are overregulated. No, really - they're really overregulated. But don't take my word for it. In 2006, the Legislature passed a bill with bipartisan support to request an independent report on the total cost of regulation to the California economy.

The study was headed by Sanjay Varshney, professor of finance and dean of the College of Business Administration at California State University, Sacramento. Unlike existing qualitative studies on the topic, this groundbreaking quantitative study focused on actual losses in economic output, losses in jobs, indirect losses in business taxes and finally, losses in income. The study sought to replicate a federal study that measured the cost of regulation and its impact on small business on a national scale.

Well, the numbers are in: \$492.99 billion is the figure the study arrived at through this in-depth analysis; nearly five times the state's general fund budget and almost a third of the state's gross product. And that doesn't include the recently enacted AB 32 carbon tax regulations.

Roger Niello is a Republican assemblyman from Fair Oaks.



shouldn't be surprised that our state's economy is still tanking as other states begin to show signs of recovery.

But where does all this regulation come from? Like so many other things, it began with good intentions. In our zeal to "protect" things, (consumers, workers, the environment, etc.) some of which are necessary, we are protecting California to death in a risky game of "we know better." For example, it seems ironic that in an effort to "protect" labor, we're losing 2.8 million jobs a year - a tenth of the state's population. Some regulation is necessary and contributes to the environmental, labor and consumer protection standards we enjoy here in California. But we have gone too far.

Take labor laws, for instance. Legislators who vote against allowing technology workers to work four 10-hour days instead of five eight-hour days are surely thinking of the farmer working toiling in the fields. But who are we to tell the two-hour commuter he can't arrange an alternative workweek with his employer to spend an extra day with his family? One size clearly does not fit all.

Americans with Disability Act laws are another example: well intended to protect access for physically disabled individuals, but anyone who's been following the news lately has no doubt seen countless examples of businesses that have gone under because they couldn't afford the legal costs to deal with an ADA lawsuit.

An additional consequence of excessive regulation is that those businesses with the wherewithal to adapt - likely bigger businesses - will do so, and the regulator will always be one step behind. Those who can't - likely smaller businesses - will be forced to move out of the state, or if they stay, will stop expanding. As this study shows, in an "It's a Wonderful Life" way, we'll never really know what might have been for them.

It's tough to pinpoint precisely which regulations should stay and which should go. It's truly a "death by a thousand cuts" that plagues small businesses; a nip here, a tuck there, and before you know it, a compliance labyrinth.

That said, we need to adopt legislation like that proposed by Sen. Rod Wright, D-Inglewood, this past session. Senate Bill 366, of which I am a

co-author, would simply ask small businesses how proposed regulations would affect them. Seems like a good idea to me.

Another proactive step we can take as a legislative body is to put a "sunset clause" in any and all new regulations we pass. This would allow us to consider the cost-benefit balance of a particular protection. We might also consider Arizona's approach, wherein a commission oversees regulatory authorities.

Additionally, it might not be a bad idea to take the "bounty hunting" aspect away from regulatory bodies; fines charged would be redirected to the general fund, not to the agency in charge of levying the fines.

So next time the Legislature rises on "Small Business Day" to publicly honor these drivers of our economy with fancy resolutions, the Legislature should also vow to show restraint when no one's looking.

What's good for small business is good for California, and it's time we started behaving as such. If our economy is to do a 180-degree turn, it will be because we treat California's businesses as our partners in recovery, not as subjects in our fiefdom.

Assemblyman Gaines, an avid car enthusiast, is also the chairman of the Legislative Automotive Study Group, a bipartisan caucus of legislators that promotes the automotive industry in California. For photos and video of the race, visit Assemblyman Gaines' website.

"An elite, few number of teams make it as far as the Lakeside Little League team did in the championship series this year," Gaines said. "This is an incredible accomplishment for the Lakeside team and we are proud to honor the players and coaches here at the State Capitol with the certificates and recognition they deserve."

STUDY REVEALS IMPACT OF REGULATIONS ON SMALL BUSINESS

I recently joined a group of Assembly Members at an event at the State Capitol to discuss an important study recently released by the Governor Schwarzenegger's administration highlighting the cost of state regulations on businesses and taxpayers in California. What we learned from this report was truly startling, and underscores the need for the Legislature to change its attitude when it comes to growing our economy and encouraging job creation in our state. Consider these statistics from the report:

- The total cost of regulation to the state is \$492.994 billion, almost five times the State's General Fund
 - The total cost of regulation was \$134,122.48 per small business in California in 2007
 - The total regulatory cost of \$492.994 billion translates into a total cost of \$38,446.76 per household, or \$13,052.05 per resident
- There is no doubt that the cost of doing business in California is one of the highest in the nation and this study shows that the over-regulation small businesses face contribute to the soaring costs. As a small business owner myself, I know how much our hard-working citizens are over-taxed, over-burdened, and continue to drown in the overload of government requirements and restrictions. We need to bring jobs and opportunity back to our state and that can be done by relieving the burden on our small businesses. Until we relieve the pressure, we will continue to see these soaring costs and disappointing statistics on how regulation is killing jobs in our state. I will be working hard in the coming months along side my colleagues to find ways we can give business this much-needed relief. The full study can be found by clicking here.

LEGISLATIVE SESSION WRAP-UP: THE WORST OF THE WORST

More than 900 bills were passed in the Legislature this year. Here is a highlight of a few of the year's worst bills.

Ammunition Restrictions
Assembly Bill 962 by Democrat Kevin De Leon of Los Angeles, requires all handgun ammunition sales to be made in face-to-face transactions and with specified documentation. Unfortunately, criminals don't follow the law and restricting the purchase of ammunition won't do anything to stop crimes and lower the crime rate.

Suction Dredge Mining Ban
Senate Bill 670 by Democrat Sen. Pat Wiggins of Santa Rosa imposes a temporary moratorium on new suction dredging permits. The bill aims at protecting the salmon population, though no scientific information pointing to suction dredging as the cause of the collapse of the salmon population has been provided. Instead, a ban on new permits will only hurt rural small business owners and miners. Unfortunately, this bill was signed by the Governor.

Early Prisoner Release
Senate Bill 18xxx, a prison bill presented at the end of the Legislative session, was a dangerous and irresponsible measure that puts the rights of prisoners above the rights of law-abiding citizens. The Democrat plan paves the way for the early release of thousands of dangerous criminals into communities across the state before they have completed their sentences. This bill has yet to be signed by the Governor.

Harvey Milk Day
Senate Bill 572 by Democrat Sen. Mark Leno of San Francisco declares May 22 as Harvey Milk Day, and encourages schools to conduct commemorative exercises remembering the life of Harvey Milk. It is not the role of state government to declare a special holiday for people based on their sexual orientation. This irresponsible bill is awaiting the Governor's signature.

COMMUNITY CORNER

Assemblyman Gaines will be hosting a series of mobile district office hours and community coffees to get in touch with you directly.

Supervisors vote to support dredge mining

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By Dale Andreasen
Daily News
Mon Jan 26, 2009, 09:07 AM PST

Yreka, Calif. -

By two unanimous votes, members of the Siskiyou County Board of Supervisors showed their support for county suction dredge miners at last Tuesday's regular board meeting. Most of these miners search for gold in the Klamath River around the Happy Camp area. Many are members of the New 49ers recreational gold mining organization. In the first action, the board adopted a resolution opposing emergency rulemaking by the California Department of Fish and Game to shut down suction dredge mining countywide while it updates its environmental analyses with a \$1.5 million grant to complete a new Environmental Impact Report. The new rule, promoted by a petition from fishing interests and environmental groups including the Karuk Tribe, California Trout, Friends of the North Fork, Sierra Fund and Pacific Coast Federation of Fishermen's Associations, would immediately suspend or substantially limit suction dredge mining pending completion of the renewed EIR process. "This is an issue that we have fought over and over again," district 5 Supervisor Marcia Armstrong said at the meeting. She said that Fish and Game has tried to shut down the miners through repeated legislative attempts. The courts have ruled that an EIR should be done. "Mining does not occur when fish are spawning," Armstrong continued. "Some studies even show that suction dredge mining actually helps create better conditions for salmon." There is currently a petition before Fish and Game requesting an emergency halt to suction dredge mining until the EIR is completed. Fish and Game is required to make its decision on the petition by this week.

"The reason we're being demonized is because we're the last bastion of freedom," said Ken Oliver, who has been mining for 30 years. He called dredge mining a "great economic benefit to the county."

Michael Higby, a member of the New 49ers who lives in Oregon but pays taxes in Siskiyou County, said, "I've never seen any harm to even a single fish."

Board chair Michael Kobseff said that he, too, supports the suction dredge miners.

The resolution that was adopted read in part, "Therefore, be it resolved that the Siskiyou County Board of Supervisors believes that careful consideration [and studies] of the positive and negative impacts asserted to arise from suction dredge mining ... should be completed ... prior to any revisions to the existing suction dredge mining regulations..."

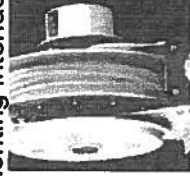
The board then directed natural resources policy specialist Ric Costales to prepare a letter to the director of the California Department of Fish and Game (CDF&G) transmitting the resolution and expressing the board's opposition to rulemaking prior to the completion of appropriate CEQA processes.

Costales presented his letter to Donald Koch, director of CDF&G in Sacramento, asking him to deny the petition based upon the fact that there is no emergency, that the petition presents no scientific evidence of harm done to fish by suction dredge mining and that an emergency rule forcing a halt or severe cutback in suction dredge mining poses "a severe detrimental impact on both the county and state economies."

Costales quoted the conclusion of a 1997 EIR study done by CDF&G: "The effects of suction dredging would appear to be less than significant and not deleterious to fish."

The letter was approved unanimously by the board.

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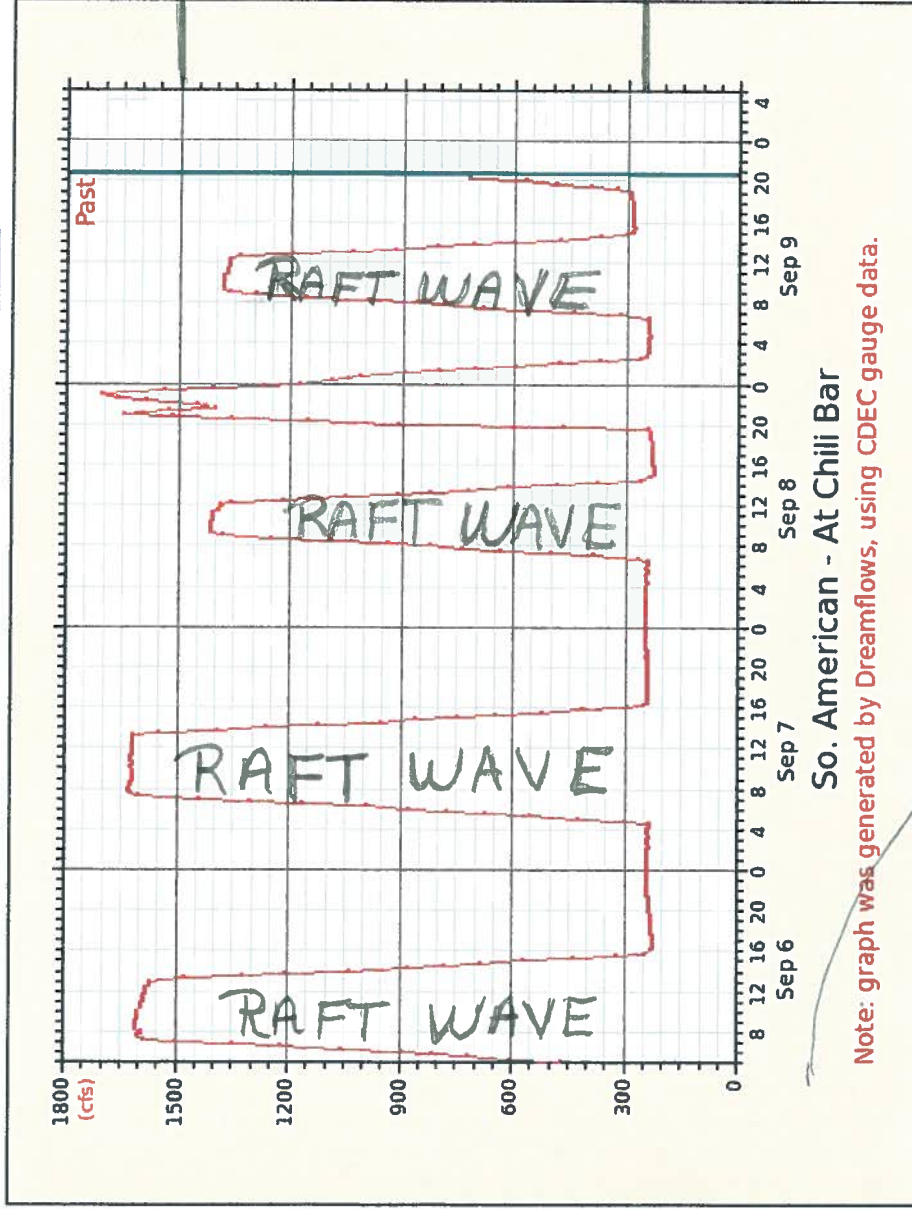
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