

Miner refund bill dies in committee

David Smith, Siskiyou Daily News, 6-30-10

SACRAMENTO — A Senate Bill aimed at refunding suction dredge miners for permits that were invalidated last year has died in committee through a procedural mistake, according to William Bird, communications director for Sen. Sam Aanestad (R-District 4).

Senate Bill 889 was introduced by Aanestad in January in response to Sen. Patricia Wiggins' (D-District 2) Senate Bill 670, which suspends the issuance of suction dredge mining permits and suction dredge mining under previously-granted permits until the California Department of Fish and Game completes an environmental review of the state's dredge mining regulations.

Suction dredge mining involves the vacuuming of materials from the beds of streams and rivers into a filtered container in order to separate gold or other valuable minerals from debris.

Suction dredgers are required by law to obtain a permit each year before engaging in the practice at a cost of \$47 for residents and \$185.25 for out-of-state miners. Aanestad's bill, as introduced, would have allowed those who obtained permits in 2009 to receive a full refund of the fee upon request due to the suspension of suction dredging.

While the bill passed to the Assembly Committee on Water, Parks and Wildlife with the refund amount unaltered, it is noted on <http://www.leginfo.ca.gov> that opponents to the bill were supportive of issuing a refund pro-rated for the portion of the year until SB 670 went into effect on July 9, 2009.

According to comments in the bill analysis, 40 percent of 2009 was still remaining when the moratorium on dredging went into effect, although it is noted that most mining takes place in August and September, both of which fall in the final 40 percent of the year.

"The committee may wish to consider whether authorizing a standard pro-rated amount, such as [two-thirds] of the amount paid, to be refunded makes more sense, in recognition of the fact that permit holders were authorized to make use of the permits for a portion of the year. This would also minimize the revenue loss to DFG, which incurred administrative and enforcement costs," read the comments in the bill analysis.

The estimated cost of making the full refund, according to the analysis, would be \$270,000, which would include \$253,000 in permit refunds and the remainder in administrative costs.

Also included, in the "arguments in opposition," is the suggestion that new legislation is not needed if the governor directs the DFG to provide refunds in the same manner as was done in 2008 and 2009 for the commercial fishing industry.

Bird stated in an interview Tuesday that members of the Assembly Committee on Water, Parks and Wildlife had wanted to follow the earlier suggestion and amend the bill with a pro-rated refund amount, an amendment Aanestad had declared "hostile," as the committee intended to pass the amendment without his consent.

Bird explained that rather than vote to amend the bill and then take a vote on its passage, the committee cast votes on the passage first, where it failed six to four. While the committee then voted to amend the bill, he said, it was later informed that the procedure, as followed, killed the bill, disallowing further amendment by the committee.

Bird stated that the bill can be revived if the group lobbying for its passage, the New 49ers, is willing to pursue it further. The office of Conate and Associates, the lobbyist group employed by the New 49ers, was contacted Tuesday and a representative indicated that it may be too late in the current legislative session to introduce a new bill.

Registered supporters of the bill were the New 49ers and Siskiyou County, while registered opponents were the Friends of the River, the Klamath Tribe of California, the Klamath Riverkeeper and the Pacific Coast Federation of Fishermen's Associations.

In a press release issued soon after the committee's decision, Aanestad cites a Los Angeles small claims court ruling in favor of the issuance of a refund, adding that he believes further lawsuits will be "almost guaranteed" in light of the committee's decision.