

# Mining bill fails passage

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SACRAMENTO – Late last week, Senate Bill 1270 (Pavley) failed to pass out of the Assembly Appropriations Committee at the Committee’s Suspense File hearing.

The Rural County Representatives of California (RCRC) was opposed to SB 1270, as the legislation sought changes to surface mining permitting and regulation, would have undermined local land use planning authority, and could have proven detrimental to the financial health of local governments that operated their own mines for public works projects.

The Surface Mining and Reclamation Act of 1975 (SMARA) currently requires a local lead agency (county or city) to review and approve a reclamation plan and financial assurances before an entity can begin surface mining operations.

SB 1270 represented a threat of a major shift in land use responsibility from experienced lead agencies to a state agency, an action unnecessary, costly, and duplicative of current law.

The existing system of mining inspections and regulations under SMARA makes sense, as California’s counties have a long history of effectively governing themselves, and administering state laws and local ordinances in a manner that is effective and appropriate to that jurisdiction.

“We commend the committee for recognizing the importance of local land use planning authority in mining regulations, and identifying the unnecessary local and state costs intrinsic to SB 1270,” said Nate Beason, RCRC chair and Nevada County supervisor. “This legislation was unnecessary under current law, which correctly places local government in the lead agency role, leaving the state with the authority to remove a jurisdiction from this role if they are not meeting specific requirements. If anything needs changing, it is simply that of better implementation of the current law, not changes to SMARA itself.”

Even if the current implementation of SMARA is somewhat flawed, as proponents of the legislation claim, the current system already allows for the ability of the state to claim authority in jurisdictions that are not following the provisions required by SMARA, making SB 1270 a duplicative, unnecessary, and costly measure to implement at both the state and local levels.