



April 7, 2014

The Honorable Fran Pavley  
Member, California State Senate  
State Capitol, Room 4035  
Sacramento, CA 95814

**RE: Senate Bill 1270 (Pavley) – OPPOSE**

On behalf of the Rural County Representatives of California (RCRC), the League of California Cities, and the California State Association of Counties (CSAC), we regrettably must express our opposition to the current version of Senate Bill 1270 relating to surface mining operations. We recognize that you and your staff are working with stakeholders, but at this time there are still many concerns with the intent and language of the measure.

As you know, under existing law, Surface Mining and Reclamation Act of 1975 (SMARA) requires a local lead agency, usually a county and in certain cases cities, to review and approve a reclamation plan as well as financial assurances for reclamation before an entity can begin surface mining operations.

SB 1270 represents a major shift in land use responsibility from experienced lead agencies to a state agency, an action that seems unnecessary under current law. The state already has the authority to remove a jurisdiction from their lead agency status if they are not meeting the requirements under SMARA. SB 1270 would erode local lead agency authority to regulate local mining operations, setting a dangerous precedent of the state usurping local land use authority from local governments.

California's counties and cities have a long history of effectively governing themselves, and administering state laws and local ordinances in a manner that is effective. A local government can more effectively administer SMARA because local government staff are better able to work closely with mining applicants; thereby more accurately determining the necessary requirements and appropriate mitigation and reclamation of the mining operation based upon local knowledge of the geomorphology and citizenry.

Additionally, locally-based staff can more easily and cost-effectively perform site visits. Counties and cities often have built strong collaborative partnerships with the mining entities in their jurisdictions and strive to ensure that mining operations are in full compliance with SMARA. SB 1270 would decimate these long-standing relationships, potentially creating an unnecessary “disconnect” between the mining industry and the communities in which they operate.

In addition to the damage to local land use planning authority that would be caused by SB 1270, it could also be detrimental to the financial health of these communities. Due to the transfer of responsibilities from local governments to the Office of the State Director of Conservation, the bill proposes to increase fees on surface mine operators. In many counties, especially rural “resource” counties, mining provides stable jobs and economic development opportunities in areas struggling with unemployment; increasing fees on mining operators could lead to lay-offs and even closure of smaller facilities.

Moreover, many County Public Works Departments own and operate their own mines and currently do their own inspections of those mines. There is no exemption in SB 1270 for counties to continue to even maintain SMARA authority over their own mines. SB 1270 would increase the minimum inspection fee to \$1,000 and would authorize the State Mining and Geology Board to charge a per acre fee as well, fees that currently counties aren't paying at all for their own mines and at a rate far higher than the rate now charged to private mine operators.

While local governments recognize the current implementation of SMARA at both the state and local level is not flawless, we contend that the current system already contains the ability for the state to claim authority in jurisdictions that are not following the provisions required by SMARA. We would welcome the opportunity to work with you in developing improvements to that process if needed.

Lastly, we question the need for such broad brush changes to SMARA given recent actions by the Brown Administration and director Mark Nechodom to improve the effectiveness of SMARA. Recent actions include the development of a new and improved annual inspection form, lead agency guidance regarding notices of inspections and the more recent Office of Mine Reclamation Internal Review Panel that was convened by the Director to conduct an independent assessment of the efficiencies and effectiveness of performance of that Office in implementing its internal functions and external communications. We are confident that all of these actions combined will address many of the identified deficiencies and result in significant improvements to SMARA implementation by the state and local lead agencies and compliance by mining operators.

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For all of the above reasons we must oppose SB 1270. Should you have any questions about our position, please do not hesitate to contact Karen Keene of CSAC at (916) 650-8131, Kirstin Kolpitcke of the League of California Cities at (916) 658-8250, or Cyndi Hillery of RCRC at (916) 447-4806. Thank you for considering the local government perspective.

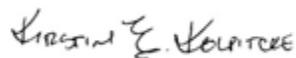
Sincerely,



CYNDI B. HILLERY  
Legislative Advocate  
RCRC



KAREN KEENE  
Senior Legislative Representative  
CSAC



KIRSTIN KOLPITCKE  
Legislative Representative  
League of California Cities

cc: Members, Senate Natural Resources Committee  
Consultant, Senate Natural Resources Committee  
Steve McCarthy, Senate Republican Policy Consultant