

April 22, 2014

Senator Fran Pavley
Chair, Senate Natural Resources Committee
State Capitol, Room 4035
Sacramento, CA 95814

Re: SB 1270 (Pavley) Surface Mining Act Reform Act Of 2014 - Support

Dear Senator Pavley:

We, listed below, are writing in support of your SB 1270, the Surface Mining Reform Act (SMARA) of 2014. This bill makes common sense changes to SMARA that aim at modernizing this important environmental protection and land use law and simply getting the law enforced. The pressure to re-open gold mines because of the increase in the price of gold alone means we need SMARA reforms to ensure that water quality, air quality, wildlife, and local communities are protected.

Mines that are not inspected regularly, or are not reclaimed when mining stops, pose a real threat to California's water and air quality resources, as well as to the communities near these mines. The lack of enforcement of SMARA by lead agencies has been documented by the Office of Mine Reclamation (OMR). Some counties do little or no mine inspections. Many mines have woefully inadequate financial assurances posted. According to a study done by the State Mining & Geology Board in 2011, no lead agency has compelled reclamation of an abandoned mine in 19 years. Many mines end operation and never begin reclamation. Without inspections, updated financial assurances, and qualified reviewers, SMARA doesn't work to protect California's natural resources and communities.

This bill will improve enforcement of SMARA by shifting the responsibility for inspections and financial assurances to the state if local governments fail to meet specified conditions, and requires that any violations are remediated in a timely fashion. Local governments that no longer wish to administer their responsibilities under SMARA (except for local land use control) would be able to voluntarily relinquish that role to the state, but also reclaim that role in the future. It also puts a State Mine Inspector in charge of the newly created Division of Mines to help clarify and strengthen SMARA enforcement.

160 years ago unregulated mining created an environmental disaster in this state from the Sierra to the coastline, devastating wildlife and forests, contaminating our water and soil, and reshaping the San Francisco Bay and Delta. While the situation is not as dire as the Gold Rush days, as the reports cited above reveal, modern day mining law needs to be modified to protect these natural resources, and to "level the playing field" for the many miners that do obey SMARA.

Thank you for taking on the historic task of reforming mining in California by introducing SB 1270. We will work with you to ensure that this bill is passed and signed by the Governor this year.

Sincerely,

Elizabeth "Izzy" Martin, CEO
The Sierra Fund

Bill Allayaud, California Director of Government Affairs
Environmental Working Group

S. Craig Tucker, Ph.D., Klamath Coordinator
Karuk Tribe

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Jennifer Krill, Executive Director
Earthworks

Jim Ross, Executive Director
Sierra Nevada Alliance

Rico Mastrodonato, Senior Government Relations Manager
Trust for Public Land

Andria Ventura
Clean Water Action

Vern Goehring
CA Native Plant Society

Konrad Fisher, Executive Director
Klamath River Keeper

Neal Desai, Director of Field Operations, Pacific Region
National Parks Conservation Association

Victoria Rome, CA Legislative Director
Natural Resources Defense Council

Kathryn Phillips, State Director
Sierra Club California