



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Text

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Supervisor Nutting recommending the Board authorize the Chair to sign a letter to David Young, Esq., an attorney representing various miners and mining organizations and their lawsuit against the State of California and the prohibition on suction dredging mining.

On October 6, 2009 the Board of Supervisors adopted Resolution 223-2009 in opposition to the State of California's prohibition of suction dredge mining. Mr. David Young is an attorney representing various interests in litigation against the State of California's suction dredge mining ban, now codified in California Fish and Game Code ("CFGC") § 5653.1. Although the lawsuit involves numerous grounds against the prohibition on suction dredge mining, the primary ground is that the prohibition is unconstitutional. Plaintiffs argue that CFGC § 5653.1 is preempted by the Federal Mining Laws which allow suction dredge mining on Federal lands, for Federal miners, possessing Federal mining claims. This applies even to prospectors on Federal lands who have yet to file claims.

In addition, Mr. Young and his clients intend to file an amended Preliminary Injunction, asking the Court to set aside the enforcement of CFGC § 5653.1, pending completion of judicial proceedings. They are also filing an amended Petition for Writ of Mandate to set aside the recently enacted 2012 Regulations, promulgated by the Department of Fish and Game, which places severe restrictions on suction dredge miners, when and if, they are ever allowed to engage in suction dredge mining in California.

The proposed letter details the economic impacts to the County of El Dorado as a result of the suction dredge ban.

Because the case will be heard in court on March 15, 2013, the attorney has requested it be emailed no later than March 13, 2013. Please have letter signed immediately and return to Supervisor Nutting's office to be e-mailed.