County of El Dorado

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Legislation Details (With Text)

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Title:	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.		
Sponsors:			
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Attachments:	1. 2A - Revised Suction Dredge Letter, 2. 2B News Article from the EDC Chamber of Commerce.pdf, 3. 2C- Suction Dredge letterspdf, 4. 2D -Fully executed letter from the El Dorado County Board of Supervisors.pdf, 5. A - EIR 1994 DF&G.pdf, 6. B - Crittenden paper.pdf, 7. C - Feb 2009 S.F. Amer. River Watershed Plan.pdf, 8. D - C. Wise paper.pdf, 9. E - CABY.pdf, 10. F - Sept 2009 ICMJ Journal.pdf, 11. G - J. Green paper.pdf, 12. H - 2004 BLM SF Amer River Mgmt Plan.pdf, 13. I - SB670.pdf, 14. J- Resolution Suction Dredge Gold Mining.pdf, 15. K - Presentation of Images.pdf, 16. Letter submitted by James Foley att'd 10-5-09, 17. Exhibit 1 submitted by J. Foley att'd 10-5-09.pdf, 18. Letter submitted by Martin Schumann att'd 10-5-09, 19. Newspaper Article from Auburn Journal att'd 10-5-09, 20. Assemblymember Gaines Newletter submitted by Kathryn and Steve Tyler att'd 10-5-09, 21. Email submitted by Jim Foley att'd 10-5-09.pdf, 22. Letter from R. Eddy att'd 10-5-09, 23. Email from Jan and Stan Makiney att'd 10-5-09, 24. Email from George Clerici att'd 10-5-09.pdf, 25. Email from Laurie Brown att'd 10-5-09.pdf, 26. Email from Ron Swenson att'd 10-5-09.pdf, 27. Email from Jim Aubert att'd 10-5-09.pdf, 28. email from Makiney att'd 10-5-09.pdf, 29. Resolution 223-2009 signed.pdf, 30. Conaty letter.pdf, 31. Miner's News.pdf, 32. Letter to Governor.pdf, 33. Fish On attached 11-10-09.pdf, 34. Letter to Fish and Game attached 11-16-09.pdf, 35. Letter regarding mercury attached 11-17-09.pdf, 36. PLP letter to Dept. Fish and Game 11-21-09, 37. Letter to DFG from Steve Tyler attached 11-25-09, 38. Zitzelberger letter, 39. Columbo letter, 40. SB 670, 41. Second Declaration of J. Greene, 42. email from Dangerdust		

Date	Ver.	Action By	Action	Result
3/12/2013	2	Board of Supervisors	Approved	Pass
10/6/2009	1	Board Of Supervisors	Adopted As Amended	Pass

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.

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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.

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