



**COUNTY OF
SAN BERNARDINO**

**COUNTY ADMINISTRATIVE
OFFICE**

GOVERNMENTAL & LEGISLATIVE
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GREGORY C. DEVEREAUX
Chief Executive Officer

April 7, 2014

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

Re: SB 1270 (Pavley) – As introduced February 21, 2014 – OPPOSE

Dear Senator Pavley:

The County of San Bernardino must oppose SB 1270. This bill would make significant changes to the Surface Mining and Reclamation Act (SMARA), with the effect of dramatically eroding local control and agreements, causing staffing cuts and significantly increasing costs to local mine operators.

As proposed, SB 1270 would have a significant adverse effect on the County’s SMARA program. San Bernardino County is the largest mining lead agency in California with more than 100 mines under its jurisdiction. The proposed legislation will diminish the County’s autonomy and its relationship with the mining industry. The County has cultivated this relationship with partner agencies over the years to ensure effective environmental protections are fully implemented as mining companies carry out operations essential for local and regional economic well being.

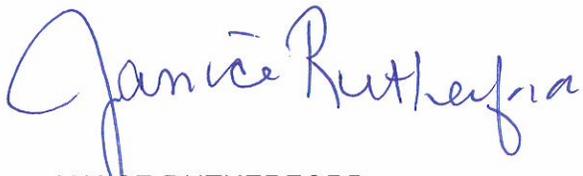
This bill would, among other provisions, transfer traditional authority of local government to a new State Mine Inspector office at the Department of Conservation. Given the diversity in California in terms of geography, geology, and socio-economic factors, it is imperative to retain jurisdiction, including the authority to conduct mining inspections and approve financial assurances. Local lead agency staff are typically the most qualified to effectively keep operators in compliance, while accounting for unique circumstances in particular regional settings. Our cost-recoverable inspections fund professionally licensed staff, which this bill would un-fund. These positions are becoming an important supplemental resource for our Planning staff developing SMARA-like mitigations for land-disturbing activities, such as building new State-mandated renewable energy projects.

The County is not prepared to absorb the liability of reclamation in the event an operator abandons a mine when the State is responsible for its termination. This would result in a loss of jobs and associated services and taxable assets. The County would lose control of determining liability risk and, therefore, cannot be supportive of transferring this responsibility to the State.

The bill also creates an uncapped fee based on disturbed acres and invites other third-party lawsuits under SMARA, increasing costs to our local operators with no concomitant benefit to the environment or public safety. San Bernardino County continues to trail the nation and the State in its recovery from the Great Recession, and mining is one of the County's most important industries for creating good-paying jobs—both blue-collar and professional. And in the broader sense, access to local sources of minerals is better for the economy and the environment considering costs and emissions created when transporting minerals long distances.

For the reasons stated above, San Bernardino County must oppose SB 1270 as written. Please contact Josh Candelaria, Director of Governmental and Legislative Affairs, at (909) 387-4821 if you have any questions.

Sincerely,



JANICE RUTHERFORD
Board of Supervisors Chair
Second District Supervisor
County of San Bernardino



ROBERT LOVINGOOD
First District Supervisor
County of San Bernardino

c: County of San Bernardino State Delegation