



Mining



We have a demonstrated expertise in the area of mining, including California's State Mining and Reclamation Act of 1974 (SMARA). We have represented cities through the process of negotiating and issuing mining entitlements, the creation of mining ordinances to effectively regulate mining operations, and the enforcement of such regulations. Our attorneys have successfully handled litigation challenging lead agency decisions to limit mining operations, implemented appropriate reclamation plans to secure responsible and beneficial uses following the completion of mining activities. We have represented mining lead agencies before the State Mining Board and developed mining legislation and secured its adoption. We have developed mining taxation ordinances and secured voter approval to defray the environmental costs of mining and raise revenue for cities.

ATTORNEYS

DAVID J. ALESHIRE
FRED GALANTE
LONA N. LAYMON

Expertise

- Land use matters concerning mining entitlements
- Developing and revising reclamation plans for full reclamation
- Financial Assurances and creative security mechanisms
- Development Agreements with mining operators
- Legislation concerning lead agency regulatory authority
- State regulatory oversight and administrative proceedings
- State Mining and Reclamation Act of 1970
- Pre and Post SMARA mining operations
- Developing tax and fee programs and securing their adoption, including by voters
- Guidelines for excavation and fill standards and slope stability
- Litigation concerning all aspects of mining entitlements, taxes, regulations and implementation of reclamation plans
- Enforcement actions
- CEQA and NEPA matters



Expertise in Action

We have overseen Irwindale's decade-long effort to determine and correct the effects of mining in the 17 pits which occupy one-half of the City. This has included developing a mitigation program involving monitoring, taxation, and fees; and the development of corrective measures dealing with dust, noise, slope stability, water quality, road reconstruction, and construction of infrastructure. Through this process, we have appeared frequently before the State Mining Board and we have worked extensively with state mining staff. We have developed several regulatory ordinances for lead agencies. We have represented the City in extensive litigation and in state administrative procedures to overcome the mining industry's efforts to block city regulations, and have drafted major legislation to revise SMARA to strengthen lead agency regulatory control. We successfully advised the City during its development of programs to ensure mining companies would bear the costs of impacts from mining operations, including the preparation of an extensive impact study, defense of the City's increase in mining fees and negotiation of agreements to secure reclamation of mining pits for beneficial end uses.

Financial assurance requirements of state mining law of multi-millions of dollars have discouraged mining operators from being willing to carry out reclamation. We created a joint powers entity and developed a financing plan involving mining operators bonds, contributions from mining taxes, and a pooling approach to induce operators to revise their reclamation plans to assure proper and thorough reclamation.

We have participated in the creation of state-of-the-art guidelines for the proper reclamation of mining pits in the City of Irwindale, which guidelines have achieved concurrence from all stakeholders - the city, the mining operators, the California Department of Conservation and other regulatory agencies. We have presented lectures on the issues of proper regulation and reclamation of mining operations, including at the annual conference of the California Chapter of the American Planning Association. Few firms have our depth of experience with mining issues.

We have worked with a number of municipal clients to update their ordinances and regulations following years of lax enforcement. We have developed mining taxation ordinances such as for the City of Banning to raise revenue to mitigate mining impacts and to support general fund activities, developed community educational programs, and secured adoption by the voters.