

AMENDED IN SENATE MARCH 17, 2015

Senate Joint Resolution

No. 3

Introduced by Senator McGuire

(Principal coauthor: Senator Pavley)

(Principal coauthor: Assembly Member Wood)

(Coauthor: ~~Senator Leno~~)

(Coauthors: *Senators Allen and Leno*)

(Coauthors: Assembly Members Dodd, Levine, Mark Stone, and
Williams)

January 21, 2015

Senate Joint Resolution No. 3—Relative to the Smith River watershed.

LEGISLATIVE COUNSEL'S DIGEST

SJR 3, as amended, McGuire. Smith River watershed protection.

This measure would urge the President of the United States and Congress to permanently safeguard the currently unprotected North Fork of the Smith River watershed in Oregon from any mining activities that would have the potential impacts on water supplies, economies, or the environment in California's portion of the Smith River watershed.

Fiscal committee: no.

1 WHEREAS, The Smith River watershed of approximately 610
2 square miles in California and 115 square miles in Oregon is
3 considered the prize of the California wild and scenic river system
4 since it was included in the California Wild and Scenic Rivers Act
5 in 1972, and then later included in the ~~Federal~~ *National* Wild and
6 Scenic Rivers System in 1981; and

1 WHEREAS, The Smith River is the indirect primary source of
2 drinking water for the majority of Del Norte County's 28,000
3 residents, with the largest user being the City of Crescent City;
4 and

5 WHEREAS, The Del Norte County Board of Supervisors and
6 the City Council of Crescent City have voted unanimously to
7 oppose the issuance of a limited water use license for the Cleopatra
8 Check Drilling Program based on the potential to cause significant
9 adverse environmental impacts within the overall watershed of the
10 Smith River and subsequent impacts on drinking water for residents
11 and thousands of annual visitors; and

12 WHEREAS, The California North Coast Regional Water Quality
13 Control Board, the Department of Fish and Wildlife, the Natural
14 Resources Agency, and the Oregon Water Resources Department
15 have also opposed any mining within the Smith River watershed
16 because of the detrimental effects of strip mining; and

17 WHEREAS, The Smith River is unparalleled for its ~~free-flowing~~
18 *free-flowing* status, large and abundant salmon and steelhead stock,
19 and extraordinary botanical diversity, and is the only major
20 undammed river in California; and

21 WHEREAS, The Smith River National Recreation Area Act,
22 passed by the 101st United States Congress in 1990 (Public Law
23 101-612), amended the *federal* Wild and Scenic Rivers Act of
24 1968 and permanently protected all federal lands of the Smith
25 River watershed within California by establishing the Smith River
26 National Recreation Area; and

27 WHEREAS, The Oregon portion of the North Fork of the Smith
28 River was not included in the act and remains vulnerable to mining;
29 and

30 WHEREAS, Any strip mining activities on the North Fork of
31 the Smith River could have devastating and irreversible impacts
32 to the entire National Wild and Scenic Smith River ~~Watershed~~;
33 *watershed*; and

34 WHEREAS, In 2012, *the* Red Flat Nickel Corporation submitted
35 the Cleopatra Check Drilling ~~Mining~~ *Program* Plan for the
36 watershed of the North Fork of the Smith River to the Rogue
37 River-Siskiyou National Forest, with the goals to develop and
38 operate a devastating ~~3,980-acre~~ *3,980-acre* strip mine to extract
39 nickel, cobalt, and chromium; and

1 WHEREAS, The proposed mining operations will unnecessarily
2 put the people and wildlife that rely on the Smith River at risk;
3 and

4 WHEREAS, The United States Environmental Protection
5 Agency has confirmed that hard rock mining, which includes strip
6 mining, is the largest source of toxic pollution in the United States;
7 and

8 WHEREAS, The United States Department of Agriculture's
9 Technical Guide to Managing ~~Groundwater~~ *Ground Water*
10 Resources documents numerous published reports concerning the
11 release of toxic metals to ~~ground-water~~ *groundwater* and surface
12 water resulting from mines and mine-related facilities; and

13 WHEREAS, Mining operations along the tributaries of the Smith
14 River would inevitably impact water quality and quantity with the
15 potential to cause significant injury to fish and other wildlife,
16 including threatened coho salmon; and

17 WHEREAS, The Smith River's coho salmon are protected under
18 the federal Endangered Species Act and are recognized as a core
19 independent population with a high risk of extinction; and

20 WHEREAS, The Smith River is one of California's most
21 important, irreplaceable watersheds for the threatened coho salmon;
22 and

23 WHEREAS, The Chinook salmon, cutthroat trout, and steelhead
24 runs are vitally important to the economies and environment of
25 northern California and Oregon; and

26 WHEREAS, Millions of federal, state, and private dollars have
27 been spent in the past decades on improving water supply systems
28 and for restoration and protection of salmonid habitat and
29 watershed lands downstream from the proposed mining operations;
30 now, therefore, be it

31 *Resolved by the Senate and the Assembly of the State of*
32 *California, jointly,* That the Legislature urges the President of the
33 United States and Congress to permanently safeguard the currently
34 unprotected North Fork of the Smith River watershed in Oregon
35 from any mining activities that would have potential impacts on
36 water supplies, economies, or the environment in California's
37 portion of the Smith River watershed; and be it further

- 1 *Resolved*, That the Secretary of the Senate transmit copies of
- 2 this resolution to the author for appropriate distribution.

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