

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE APRIL 6, 2015

AMENDED IN SENATE MARCH 17, 2015

Senate Joint Resolution

No. 3

Introduced by Senator McGuire

(Principal coauthor: Senator Pavley)

(Principal coauthor: Assembly Member Wood)

(Coauthors: Senators Allen, Hertzberg, and Leno)

(Coauthors: Assembly Members Dodd, Levine, Mark Stone, ~~and Williams~~ *Williams, Alejo, Atkins, Bloom, Bonilla, Burke, Campos, Chau, Chiu, Chu, Cooley, Cooper, Dababneh, Daly, Eggman, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Holden, Irwin, Jones-Sawyer, Lopez, Low, Maienschein, McCarty, Medina, Mullin, Nazarian, O'Donnell, Perea, Quirk, Rodriguez, Salas, Santiago, Thurmond, Ting, and Weber*)

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 has
3 been considered the prize of the California wild and scenic river
4 system since the time it was included in the California Wild and
5 Scenic Rivers Act in 1972, and then later included in the National
6 Wild and Scenic Rivers System in 1981; and

7 WHEREAS, The Smith River is the indirect primary source of
8 drinking water for the majority of Del Norte County's 28,000
9 residents, with the largest user being the City of Crescent City;
10 and

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

18 WHEREAS, The California North Coast Regional Water Quality
19 Control Board, the Department of Fish and Wildlife, the Natural
20 Resources Agency, and the Oregon Water Resources Department
21 have also opposed any mining within the Smith River watershed
22 because of the detrimental effects of strip mining; and

23 WHEREAS, The Smith River is unparalleled for its free-flowing
24 status, large and abundant salmon and steelhead stock, and
25 extraordinary botanical diversity, and is the only major undammed
26 river in California; and

27 WHEREAS, The Smith River National Recreation Area Act,
28 passed by the 101st United States Congress in 1990 (Public Law
29 101-612), amended the federal Wild and Scenic Rivers Act of
30 1968 and permanently protected all federal lands of the Smith
31 River watershed within California by establishing the Smith River
32 National Recreation Area; and

33 WHEREAS, The Oregon portion of the North Fork of the Smith
34 River was not included in the act and remains vulnerable to mining;
35 and

36 WHEREAS, Any strip mining activities on the North Fork of
37 the Smith River could have devastating and irreversible impacts
38 to the entire National Wild and Scenic Smith River watershed; and

39 WHEREAS, In 2012, the Red Flat Nickel Corporation submitted
40 the Cleopatra Check Drilling Program Plan for the watershed of

1 the North Fork of the Smith River to the Rogue River-Siskiyou
2 National Forest, with the goals to develop and operate a devastating
3 3,980-acre strip mine to extract nickel, cobalt, and chromium; and

4 WHEREAS, The proposed mining operations will unnecessarily
5 put the people and wildlife that rely on the Smith River at risk;
6 and

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

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

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

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

23 WHEREAS, The Smith River is one of California's most
24 important, irreplaceable watersheds for the threatened coho salmon;
25 and

26 WHEREAS, The Chinook salmon, cutthroat trout, and steelhead
27 runs are vitally important to the economies and environment of
28 northern California and Oregon; and

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

34 *Resolved by the Senate and the Assembly of the State of*
35 *California, jointly*, That the Legislature urges the President of the
36 United States and Congress to permanently safeguard the currently
37 unprotected North Fork of the Smith River watershed in Oregon
38 from any mining activities that would have potential impacts on
39 water supplies, economies, or the environment in California's
40 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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