

## Mining On Williamson Act Lands

Recently, the Department of Conservation has reviewed a number of proposed mines on agricultural land that have raised issues and concerns regarding Williamson Act compatibility with mining. Enrollment of land under a Williamson Act contract often restricts mineral extraction that would otherwise comply with SMARA. When mining is proposed on land enrolled in the Williamson Act, the landowner must address not only the reclamation standards of SMARA, but also the contractual conservation restrictions on the property.

Proposed mining on Williamson Act land involves a case-by-case analysis. The following is intended to provide a summary of the Williamson Act as it relates to mineral extraction and SMARA. The requirements contained in the Williamson Act are minimum standards that can be strengthened and supplemented by local government restrictions. However, they cannot be replaced or overridden by local government.

### Nonrenewal

Mineral extraction is not an agricultural use, and is not compatible with the Williamson Act except under very limited circumstances. In most cases, the contract must be terminated prior to commencing a **mining** project.

Irrigated **squash field** in the Central Valley. **Fertile** soils are one of California's most valuable resources and are very important to the state's economy. As California's burgeoning population encroaches onto the rich alluvial valley floors, it is important to plan ahead in order to preserve our agricultural resources. The California Land Conservation Act, better known as the "Williamson Act," was passed by the California Legislature in 1965 to preserve agricultural and open space lands by discouraging their premature conversion to urban uses. *All photos are by the Department of Conservation's Division of Land Resource Protection.*

The preferred method for withdrawing land from a contract, according to the California Supreme Court is nonrenewal. A landowner may serve notice of nonrenewal to the city or county at least 90 days before the annual renewal date of the contract, resulting in the land coming out of contract nine years after the renewal date. It is possible to phase in a mining project on adjacent, non-contracted land while the nonrenewal process runs its course.

### Contract Cancellation

Under certain circumstances, a landowner may be able to more quickly withdraw all or a portion of the enrolled land from the Williamson Act through contract cancellation. This requires the local government to make specific findings, including that the cancellation is in the public interest, that the cancellation is consistent with the purposes of the Act, or both, depending upon the lan-

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