Hydraulic Mining in California (sfgate.com)

Of course, it's a bit arbitrary to pick one case as the first environmental law decision. Many people would probably name the *Scenic Hudson* opinion, but my nominee would be a decision many decades earlier: *Woodruff v. North Bloomfield Gravel Mining Co.*, 18 F. 753 (C.C.Cal. 1884). What makes it reasonable to call this the first federal environmental decision is the scope of the case: it ended an industrial practice that had been hugely lucrative; in effect, shutting down an industry because of massive environmental harm.

Woodruff involved hydraulic gold mining, a process in which mountainsides were first blasted with explosives and then hit with high pressure water so that gold could be removed from the gravel. The process produced huge amounts of sediments, which clogged streams and caused massive flooding in the farmlands of what is now the Central Valley. According to a recent account, 1.5 billion cubic yards of soil and rocks ended up in nearby rivers. A concurring opinion aptly states the facts:

> (1) The water of that stream and Feather and Sacramento is fouled so as to be unfit for ordinary domestic purposes; (2) the beds of these rivers are continually being filled up with the debris from said mines so as to seriously impair the navigation thereof, and cause them to overflow their banks and injure and destroy large portions of the adjacent agricultural lands. . . (3) the town of Marysville, at the junction of the Yuba and Feather rivers, is ever in danger of being overflowed and seriously damaged or destroyed by the floods so caused . . . (4) the fill in these rivers from the deposit of debris therein is materially and constantly increasing from year to year. . .

The court found this to constitute, without a doubt, a public nuisance:

> If the unlawful filling up of the channel of a river. . .and burying with sand and gravel, and utterly destroying all the farms of the riparian owners on either side, over a space two miles wide and twelve miles long, along its entire course through the Sacramento valley, and across nearly an entire country; if the sand and gravel so sent down is, also, only restrained from

> working similar destruction to a large extent of farming country [and] a city of several thousand inhabitants, by means of levees erected at great expense by the land and other property owners of the county, and the inhabitants of the city. . .— do not constitute a public nuisance of an aggravated character, then we confess that we do not know what a public nuisance is.

The court acknowledged that it "would be difficult to appreciate too highly the importance of the mining interests." Yet, given the unavailability of any other remedy to protect the plaintiffs' rights, the court did not hesitate to shut down the hydraulic mining industry:

> A great deal has been said about the comparative public importance of the mining interests, and also the great loss and inconvenience to these defendants if their operations should be stopped by injunction. But these are considerations with which we have nothing to do. We are simply to determine whether the complainant's rights have been infringed, and, if so, afford him such relief as the law entitles him to receive, whatever the consequence or inconvenience to the wrong-doers or to the general public may be.

It's hard to think of another judicial opinion taking a more forceful position against environmental harm. Overall, *Woodruff* seems like an apt candidate for the honor of being the first major litigation win for the environment.