Buena Vista Rancheria of Me-Wuk Indians v. Pacific Coast Building Products, Inc., 2023 WL 3955680 (E.D. Calif., June 12, 2023).

- **Holding**: Tribe's federal common law nuisance and trespass claims against mining company's expansion of operations on adjacent private lands were not prudentially ripe given that the necessary regulatory approval by county and Corps of Engineers was pending.
- **Summary**: Pacific Coast Building Products (PCBP) operated a surface clay mine on land adjacent to the Tribe's Rancheria. PCBP informed the Tribe of its intention to expand the mine upon receiving approval from the County and the Army Corps of Engineers. The Tribe brought a nuisance and trespass action under federal common law, asserting that the operation would (1) create significant noise and vibration; (2) reduce the number of guests coming to the tribe's Casino; (3) cause health risks to the Tribe as well as the Casino's employees and guests; (4) impact air quality; (5) impact groundwater and federally protected wetlands; and (6) disturb or destroy grave-like structures and other objects of cultural patrimony.

  Ruling upon PCBP's motion to dismiss, the court held that the claims were not prudentially ripe under FRCP 12(b)(1), because pending administrative proceedings or further agency action by the County or the Corps of Engineers might render the case moot and judicial review unnecessary. The case was dismissed with the notation that the Tribe was free to refile once the project was approved by the County and the Corps of Engineers, or "or if defendants should take any actions for mining the PCBP Property inconsistent with the court's understanding of the administrative prerequisites for such actions as expressed in this Order."
- **Relevant (2023) Deskbook Section**: 6:1