

石嘴山市法检两院

# 以法治力量坚定守护绿水青山

本报记者 张建兴 文/图

“您看，这是石嘴山市中级法院种植的树木，为一个个山坡披上了绿装……”日前，在石炭井大磴沟一处山坡上，石嘴山市中级法院法官卜东方指着长势良好的山杏树、山桃树自豪地说。

近日，在贺兰山（大磴沟）生态环境法治宣传教育及修复示范点，参加由石嘴山市中级法院与石嘴山市检察院共同举办的“法检共治—保护生态环境 共筑法治长城”主题实践活动的法检两院干警，实地了解法检两院在贺兰山包植增绿任务区内种植的25000余株树木的生长情况。据了解，在合力奏好新征程生态文明建设“大合唱”中，石嘴山市法检两院始终弹奏和谐强音，积极释放司法保护新动能，持续运用法治思维法治方式保护全市生态环境，以法治力量坚定守护绿水青山。

## 在服务大局中彰显法检担当

多年来，石嘴山市法检两院积极参与全市生态环境修复、贺兰山生态环境保护，充分发挥司法职能作用，在加强生态环境法治保护、服务和保障美丽石嘴山建设方面做了大量有效工作。

石嘴山市两级法院积极主动发挥司法职能作用，牢牢把握“公正与效率”主题，切实以法治力量助力全市生态立市和产业转型升级示范市建设，努力践行“始终坚持用最严格制度最严密法治保护生态环境”的要求，充分发挥司法审判职能作用，依法审理好涉自然资源保护、开发利用等案件，与公安、检



10月19日，石嘴山市中级法院与石嘴山市检察院在贺兰山（大磴沟）生态环境法治宣传教育及修复示范点，共同举办“法检共治—保护生态环境 共筑法治长城”主题实践活动。

察、司法行政及生态环境保护等部门，形成生态环境执法司法保护合力，织密织牢生态环境保护网，努力用环境改善的“含绿量”提升民生改善的“含金量”。

石嘴山市检察机关综合发挥“四大检察”职能，聚焦石嘴山市生态环境、自然资源保护重点领域和关键环节，深化检察公益诉讼办案实践，发挥检察公益诉讼督促之诉、协同之诉、支持之诉的制度优势，依法办好每一个生态环境公益诉讼案件，共护美丽石嘴山。建立健全检察机关与纪委监委、公安、法院、司法行政、生态环境、水务等部门的合作配合，通过信息共享、情况通报、案件会商、线索移送、座谈磋商等工作机制，凝聚生态保护治理合力。

## 在司法办案中体现履职尽责

刘某与某林场签订承包协议，约定林场将投资建好的绿化蓄水池承包给刘某用于水产养殖。养殖期间，因当地政府改善生态环境需要，对直接引用黄河水的绿化蓄水池叫停取水作业，为此，某林场通知刘某，要求其尽快将承包的绿化蓄水池养殖物及其附近辅助设施拆除清理完毕。接到通知后，刘某未将养殖的鱼类进行清除，周边建筑物被强制拆除，刘某与某林场引发违约赔偿诉讼。

法院经审理认为，某林场按照当地政府要求作出单方解除合同行为，不应认定为恶意违约。另外，刘某接到停止养鱼限期拆除通知后，已明知缘由，应善意行使权利、履行义务、及时止损，而非放任不顾，任由损失扩大，故扩大损失应由其个人承担。综合多方考虑，石嘴山市中级法院二审判决某林场赔偿刘某损失33106元。“该案的审理，为适用民法典诚实信用原则、绿色原则提供了指引，人们在保护个人经济利益的同时更要兼顾生态文明建设，通过司法裁判彰显国家保护生态环境的信心和决心。”办案法官说。

近年来，石嘴山市两级法院在审理涉及生态环境资源保护相关案件中，牢固树立“四位意识”，全力服务和保障发展大局。坚持在合法性审查的基础上，支持行政机关依法履行经济社会管理和公共服务职能。聚焦生态环境资源保护，支持行政机关依法关闭贺兰山东麓煤矿、非煤矿山、洗煤企业97家，妥善审理沙巴台违规开采和涉及石嘴山市水源地综合整治和保护项目案件27件（其中涉星海湖流域治理案件21件）。护航“污染防治攻坚战”，妥善化解孙某等人起诉某农业农村水务局确认水源地整治补偿协议部分无效及行政赔偿系列案件。大武口区法院审理的宁夏首例行政公益诉讼案件，入

选最高法院黄河流域生态环境司法保护十大典型案例。

全市法院妥善审理涉及生态建设重点工程行政案件24件。审结各类涉企影响生态环境行政案件261件。同时，主动为民生工程、重大专项行动、重大项目实施提供法律咨询，帮助预先评估诉讼风险，引导行政机关依法行政，避免或减少行政争议。

2019年，石嘴山中院对平罗县崇岗镇煤炭集中区环境整治工作方案提供法律咨询意见，587家“小、散、乱、污”企业及经营户仅出现诉行政案件2件。2022年，石嘴山中院行政审判庭先后为惠农区政府110国道两侧环境整治项目及市人社局等相关事宜提供10余次法律咨询意见，所有咨询事项均在行政程序中依法得以妥善解决。近年来，石嘴山市法检两院主动发出司法建议、检察建议，协助当地政府先后对贺兰山保护区内外126处人类活动点实施清理整治，对外围重点区域严重影响生态质量功能的34处点位实施生态环境综合治理，依法关闭退出煤矿、非煤矿山和涉煤企业214家，拆除建筑物55万平方米，平稳引导矿山企业有序退出，积极助力生态环境综合整治。

与此同时，坚持为矿山地质环境恢复治理、沟道防洪治理及生态建设，贺兰山东麓绿道绿廊绿网建设、国土综合整治及湿地修复、生态产业培育发展等提供司法建议，并组织干警前往石炭井大磴沟、崇岗、长胜、经开区开展义务植树活动，持续增加贺兰山内外林草有效治理绿色面积。

石嘴山市检察机关依法支持“一河一山”保护和治理，助推山水林田湖草沙系统治理。2017年公益诉讼工作开展以来，全市检察机关共办理生态环境和资源保护领域行政公益诉讼案件531件，向行政机关提出诉前检察建议397件，开展诉前磋商133件，提起刑事附带民事公益诉讼案件1件，行政机关已治理或整改523件，整改率为98.4%。

石嘴山市检察院在全区首家推出“公益随手拍”微信小程序，鼓励和支持群众参与生态环境保护公益诉讼线索举报。针对城市不当排涝影响星海湖水域水质问题，通过“磋商+检察建议”方式推动问题得到有效整改，该案入选自治区检察院生态检察助力建设黄河流域生态保护和高质量发展先行区



石嘴山市检察院组织干警在贺兰山包片义务植树点参加义务植树活动。

## 在推进社会治理中发挥作用

为持续不断地推进生态文明建设，石嘴山市法检两院立足实际，从战略维度上切实找准司法服务保障进一步加强生态环境保护、推进生态文明建设、产业转型升级示范市建设的出发点、切入点、着力点，遵循司法规律，坚持运用法治思维和法治方式服务大局，全面优化司法供给，不断提高服务保障的精准性、协同性。

2021年6月，贺兰山生态保护修复入选首批中国十大基于自然的解决方案典型案例；今年10月，宁夏贺兰山东麓矿山生态修复项目入选全国山水工程首批15个优秀典型案例。

一直以来，石嘴山市法检两院主动扛牢政治责任，坚持和加强党的绝对领导，协同发力，自觉形成生态环境保护“一盘棋”。坚持在生态环境保护工作中持续提升参与融入环境治理能力水平，推动生态环境保护综合能力提升，以功成不必在我的精神境界、功成必定有我的历史担当，持续奏好生态环境保护“大合唱”。坚持常态化开展生态环保法治宣传，结合每年环境保护日、全国低碳日、全国生态日，组织干警走上街头开展集中普法宣传活动。全市法检两院每年组织干警积极参加贺兰山生态修复和全市义务植树活动，黄河流域全市秋季农田水利建设等活动，充分彰显石嘴山市法检两院积极履行社会责任的担当。

## 石嘴山市推进市域社会治理现代化

系列报道

&lt;img alt="A collage of images illustrating various aspects of governance and social development in Shizuishan. It includes: 1. A banner for the 12·4 National Constitution Day event. 2. A group of people in red vests at a community service booth. 3. A group of people standing in a row in front of a large historical or cultural exhibit. 4. A group of people in blue uniforms and a police officer on a street. 5. A group of people in blue uniforms at a construction site. 6. A group of children in school uniforms with their hands raised. 7. A group of people in blue uniforms on a train. 8. Two elderly women talking outdoors. 9. A group of people in red vests at a tree planting event. 10. A group of people in blue uniforms on a street. 11. A group of people in blue uniforms on a train. 12. A group of people in blue uniforms on a street. 13. A group of people in blue uniforms on a train. 14. A group of people in blue uniforms on a street. 15. 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