

Introduced by Senator Steinberg

February 18, 2011

An act to amend Section 2762 of the Public Resources Code, relating to mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as introduced, Steinberg. Surface mining: mineral resource management policies.

The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless a permit is obtained from, a reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation. Existing law requires a lead agency, within 12 months of certain occurrences, to establish, in accordance with state policy, mineral resource management policies to be incorporated into the lead agency's general plan. Existing law requires these policies to, among other things, assist in the management of land use that affects areas of statewide and regional significance.

This bill would instead require the policy to assist in the management of land use that affects access to areas of statewide and regional significance. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2762 of the Public Resources Code is
- 2 amended to read:

1 2762. (a) Within 12 months of receiving the mineral
2 information described in Section 2761, and also within 12 months
3 of the designation of an area of statewide or regional significance
4 within its jurisdiction, ~~every a~~ lead agency shall, in accordance
5 with state policy, establish mineral resource management policies
6 to be incorporated in its general plan ~~which that~~ will:

7 (1) Recognize mineral information classified by the State
8 Geologist and transmitted by the board.

9 (2) Assist in the management of land use ~~which affect that~~
10 *affects access to* areas of statewide and regional significance.

11 (3) Emphasize the conservation and development of identified
12 mineral deposits.

13 (b) ~~Every~~A lead agency shall submit proposed mineral resource
14 management policies to the board for review and comment prior
15 to adoption.

16 (c) ~~Any~~A subsequent amendment of the mineral resource
17 management policy previously reviewed by the board shall also
18 require review and comment by the board.

19 (d) (1) ~~If any~~ an area is classified by the State Geologist as an
20 area described in paragraph (2) of subdivision (b) of Section 2761;
21 and the lead agency either has designated that area in its general
22 plan as having important minerals to be protected pursuant to
23 subdivision (a), or otherwise has not yet acted pursuant to
24 subdivision (a), then prior to permitting a use ~~which that~~ would
25 threaten the potential to extract minerals in that area, the lead
26 agency shall prepare, in conjunction with preparing ~~any, if required,~~
27 *an* environmental document required by Division 13 (commencing
28 with Section 21000), or ~~in any event if no such document is~~
29 *required*, a statement specifying its reasons for permitting the
30 proposed use, and shall forward a copy to the State Geologist and
31 the board for review.

32 If

33 (2) *If* the proposed use is subject to the requirements of Division
34 13 (commencing with Section 21000), the lead agency shall comply
35 with the public review requirements of that division. Otherwise,
36 the lead agency shall provide public notice of the availability of
37 its statement by all of the following:

38 (1)

39 (A) Publishing the notice at least one time in a newspaper of
40 general circulation in the area affected by the proposed use.

1 ~~(2)~~
2 (B) Directly mailing the notice to owners of property within
3 one-half mile of the parcel or parcels on which the proposed use
4 is located as those owners are shown on the latest equalized
5 assessment role.

6 ~~The~~
7 (3) *The* public review period shall not be less than 60 days from
8 the date of the notice and shall include at least one public hearing.
9 The lead agency shall evaluate comments received and shall
10 prepare a written response. The written response shall describe the
11 disposition of the major issues raised. In particular, ~~when~~ *if* the
12 lead agency's position on the proposed use is at variance with
13 recommendations and objections raised in the comments, the
14 written response shall address in detail why specific comments
15 and suggestions were not accepted.

16 (e) Prior to permitting a use ~~which~~ *that* would threaten the
17 potential to extract minerals in an area classified by the State
18 Geologist as an area described in paragraph (3) of subdivision (b)
19 of Section 2761, the lead agency may cause to be prepared an
20 evaluation of the area in order to ascertain the significance of the
21 mineral deposit located ~~therein~~ *in the area*. The results of ~~such~~ *the*
22 evaluation shall be transmitted to the State Geologist and the board.