

**Introduced by Committee on Natural Resources and Water  
(Senators Pavley (Chair), Cannella, Evans, Fuller, Jackson, Lara,  
Monning, and Wolk)**

February 26, 2013

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An act to amend Sections 607, 2774, and 2790 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, as introduced, Committee on Natural Resources and Water. Public resources: mining.

Under existing law, the Department of Conservation is divided between various entities, including the Division of Oil, Gas, and Geothermal Resources and the Office of Mine Reclamation. The Surface Mining and Reclamation Act of 1975, administered by the department, prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a reclamation plan is submitted to and approved by the lead agency for the operation. The act requires every lead agency to adopt ordinances that establish procedures for the review and approval of reclamation plans, and, before approving a reclamation plan, to submit the plan to the Director of Conservation. The act also authorizes the State Mining and Geology Board to designate specific geographic areas of the state as areas of statewide or regional significance, as specified.

This bill would make technical, nonsubstantive changes to these Department of Conservation provisions.

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

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

1 SECTION 1. Section 607 of the Public Resources Code is  
2 amended to read:

3 607. The work of the department shall be divided into at least  
4 the following:

- 5 (a) California Geological Survey.
- 6 (b) Division of Oil, Gas, and Geothermal Resources.
- 7 (c) Division of Land Resource Protection.
- 8 ~~(d) Division of Recycling.~~
- 9 (e)
- 10 (d) Office of Mine Reclamation.

11 SEC. 2. Section 2774 of the Public Resources Code is amended  
12 to read:

13 2774. (a) Every lead agency shall adopt ordinances in  
14 accordance with state policy that establish procedures for the  
15 review and approval of reclamation plans and financial assurances  
16 and the issuance of a permit to conduct surface mining operations,  
17 except that any lead agency without an active surface mining  
18 operation in its jurisdiction may defer adopting an implementing  
19 ordinance until the filing of a permit application. The ordinances  
20 shall establish procedures requiring at least one public hearing and  
21 shall be periodically reviewed by the lead agency and revised, as  
22 necessary, to ensure that the ordinances continue to be in  
23 accordance with state policy.

24 (b) The lead agency shall conduct an inspection of a surface  
25 mining operation within six months of receipt by the lead agency  
26 of the surface mining operation’s report submitted pursuant to  
27 Section 2207, solely to determine whether the surface mining  
28 operation is in compliance with this chapter. In no event shall a  
29 lead agency inspect a surface mining operation less than once in  
30 any calendar year. The lead agency may cause an inspection to be  
31 conducted by a state licensed geologist, state licensed civil  
32 engineer, state licensed landscape architect, or state licensed  
33 forester, who is experienced in land reclamation and who has not  
34 been employed by a surface mining operation within the  
35 jurisdiction of the lead agency in any capacity during the previous  
36 12 months. All inspections shall be conducted using a form  
37 developed by the department and approved by the board that shall  
38 include the professional licensing and disciplinary information of

1 the person who conducted the inspection. The operator shall be  
2 solely responsible for the reasonable cost of the inspection. The  
3 lead agency shall notify the director within 30 days of the date of  
4 completion of the inspection that the inspection has been  
5 conducted. The notice shall contain a statement regarding the  
6 surface mining operation's compliance with this chapter, shall  
7 include a copy of the completed inspection form, and shall specify  
8 which aspects of the surface mining operations, if any, are  
9 inconsistent with this chapter. If the surface mining operation has  
10 a review of its reclamation plan, financial assurances, or an interim  
11 management plan pending under subdivision (b), (c), (d), or (h)  
12 of Section 2770, or an appeal pending before the board or lead  
13 agency governing body under subdivision (e) or (h) of Section  
14 2770, the notice shall so indicate. The lead agency shall forward  
15 to the operator a copy of the notice, a copy of the completed  
16 inspection form, and any supporting documentation, including,  
17 but not limited to, any inspection report prepared by the geologist,  
18 civil engineer, landscape architect, or forester, who conducted the  
19 inspection.

20 (c) ~~Prior to~~ *Before* approving a surface mining operation's  
21 reclamation plan, financial assurances, including existing financial  
22 assurances reviewed by the lead agency pursuant to subdivision  
23 (c) of Section 2770, or any amendments, the lead agency shall  
24 submit the plan, assurances, or amendments to the director for  
25 review. All documentation for that submission shall be submitted  
26 to the director at one time. When the lead agency submits a  
27 reclamation plan or plan amendments to the director for review,  
28 the lead agency shall also submit to the director, for use in  
29 reviewing the reclamation plan or plan amendments, information  
30 from any related document prepared, adopted, or certified pursuant  
31 to Division 13 (commencing with Section 21000), and shall submit  
32 any other pertinent information. The lead agency shall certify to  
33 the director that the reclamation plan is in compliance with the  
34 applicable requirements of this chapter and Article—9 I  
35 (commencing with Section 3500) of Chapter 8 of Division 2 of  
36 Title 14 of the California Code of Regulations and the lead  
37 agency's mining ordinance in effect at the time that the reclamation  
38 plan is submitted to the director for review.

39 (d) (1) The director shall have 30 days from the date of receipt  
40 of a reclamation plan or plan amendments submitted pursuant to

1 subdivision (c), and 45 days from the date of receipt of financial  
2 assurances submitted pursuant to subdivision (c), to prepare written  
3 comments, if the director so chooses. The lead agency shall  
4 evaluate ~~any~~ written comments received from the director relating  
5 to the reclamation plan, plan amendments, or financial assurances  
6 within a reasonable amount of time.

7 (2) The lead agency shall prepare a written response to the  
8 director's comments describing the disposition of the major issues  
9 raised by the director's comments, and submit the lead agency's  
10 proposed response to the director at least 30 days prior to approval  
11 of the reclamation plan, plan amendment, or financial assurance.  
12 The lead agency's response to the director's comments shall  
13 describe whether the lead agency proposes to adopt the director's  
14 comments to the reclamation plan, plan amendment, or financial  
15 assurance. If the lead agency does not propose to adopt the  
16 director's comments, the lead agency shall specify, in detail, why  
17 the lead agency proposes not to adopt the comments. Copies of  
18 any written comments received and responses prepared by the lead  
19 agency shall be forwarded to the operator. The lead agency shall  
20 also give the director at least 30 days' notice of the time, place,  
21 and date of the hearing before the lead agency at which time the  
22 reclamation plan, plan amendment, or financial assurance is  
23 scheduled to be approved by the lead agency. If no hearing is  
24 required by this chapter, or by the local ordinance, ~~of~~ *or* other state  
25 law, then the lead agency shall provide 30 days' notice to the  
26 director that it intends to approve the reclamation plan, plan  
27 amendment, or financial assurance. The lead agency shall send to  
28 the director its final response to the director's comments within  
29 30 days following its approval of the reclamation plan, plan  
30 amendment, or financial assurance during which period the  
31 department retains all powers, duties, and authorities of this  
32 chapter.

33 (3) To the extent that there is a conflict between the comments  
34 of a trustee agency or a responsible agency that are based on the  
35 agency's statutory or regulatory authority and the comments of  
36 other commenting agencies which are received by the lead agency  
37 pursuant to Division 13 (commencing with Section 21000)  
38 regarding a reclamation plan or plan amendments, the lead agency  
39 shall consider only the comments of the trustee agency or  
40 responsible agency.

1 (e) Lead agencies shall notify the director of the filing of an  
2 application for a permit to conduct surface mining operations  
3 within 30 days of an application being filed with the lead agency.  
4 By July 1, 1991, each lead agency shall submit to the director for  
5 every active or idle mining operation within its jurisdiction, a copy  
6 of the mining permit required pursuant to Section 2774, and any  
7 conditions or amendments to those permits. By July 1 of each  
8 subsequent year, the lead agency shall submit to the director for  
9 each active or idle mining operation a copy of any permit or  
10 reclamation plan amendments, as applicable, or a statement that  
11 there have been no changes during the previous year. Failure to  
12 file with the director the information required under this section  
13 shall be cause for action under Section 2774.4.

14 SEC. 3. Section 2790 of the Public Resources Code is amended  
15 to read:

16 2790. After receipt of mineral information from the State  
17 Geologist pursuant to subdivision ~~(e)~~ (d) of Section 2761, the board  
18 ~~may may~~, by regulation adopted after a ~~public hearing~~ *hearing*,  
19 designate specific geographic areas of the state as areas of statewide  
20 or regional significance and specify the boundaries ~~thereof~~. ~~Such~~  
21 *of the geographic areas. The* designation shall be included as a  
22 part of the state policy and shall indicate the reason for which the  
23 particular area designated is of significance to the state or region,  
24 the adverse effects that might result from premature development  
25 of incompatible land uses, the advantages that might be achieved  
26 from extraction of the minerals of the area, and the specific goals  
27 and policies to protect against the premature incompatible  
28 development of the area.