

AMENDED IN ASSEMBLY MAY 26, 2016

SENATE BILL

No. 1133

Introduced by Senator Wolk
(Coauthor: Assembly Member Dodd)

February 18, 2016

An act to amend Section 2715.5 of the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 1133, as amended, Wolk. Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975 governs surface mining operations and reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies with respect to surface mining operations. Until December 31, 2017, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented is required, until December 31, 2017, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations.

This bill would delete the repeal date for these provisions, thereby extending the operation of these provisions indefinitely. By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program.

The bill would exempt the board of supervisors from the payment of annual reporting fees and make a surface mining operator, acting under the authority of the management plan, responsible for payment of annual fees associated with the operator’s sale of produced materials. The bill would also require the release of required financial assurances to comply with specified regulatory provisions and incorporate certain cross-reference changes made by Chapter 7 of the Statutes of 2016.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 2715.5 of the Public Resources Code is
 2 amended to read:
 3 2715.5. (a) The Cache Creek Resource Management Plan, in
 4 conjunction with a site specific plan deemed consistent by the lead
 5 agency with the Cache Creek Resource Management Plan, shall
 6 be considered to be a functional equivalent of a reclamation plan
 7 for the purposes of this chapter. No other reclamation plan shall
 8 be required to be reviewed and approved for any excavation project
 9 subject to the Cache Creek Resource Management Plan that is
 10 conducted in conformance with an approved site specific plan that
 11 is consistent with the Cache Creek Resource Management Plan
 12 and the standards specified in that plan governing erosion control,
 13 channel stabilization, habitat restoration, flood control, or
 14 infrastructure maintenance, if that plan is reviewed and approved
 15 by a lead agency pursuant to this chapter.
 16 (b) For purposes of this section, the board of supervisors of the
 17 county in which the Cache Creek Resource Management Plan is
 18 to be implemented shall prepare and file the annual report required
 19 to be prepared pursuant to ~~Section 2207.~~ 2207, *indicating the*
 20 *quantity of minerals produced. The board of supervisors shall be*
 21 *exempt from the payment of annual reporting fees imposed*
 22 *pursuant to paragraph (1) of subdivision (d) of Section 2207. A*
 23 *surface mining operator, acting under the authority of the Cache*

1 *Creek Resource Management Plan, shall be responsible for*
2 *payment of annual fees associated with sales by the operator of*
3 *produced materials.*

4 (c) Nothing in this section precludes an enforcement action by
5 the board or the department brought pursuant to this chapter or
6 Section 2207 if the lead agency or the director determines that a
7 surface mining operator, acting under the authority of the Cache
8 Creek Resource Management Plan, is not in compliance with the
9 requirements of this chapter or Section 2207.

10 (d) For purposes of this section, “site specific plan” means an
11 individual project plan approved by the lead agency that is
12 consistent with the Cache Creek Resource Management Plan. Site
13 specific plans prepared in conformance with the Cache Creek
14 Resource Management Plan shall include, at a minimum, the
15 information required pursuant to subdivision (c) of Section 2772,
16 shall comply with the requirements of Article 9 (commencing with
17 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title
18 14 of the California Code of Regulations, and shall be provided
19 along with a financial assurance estimate to the department for
20 review and comment pursuant to ~~Section 2774~~, *2772.1 or 2773.4,*
21 *as applicable.* Notwithstanding the number of days authorized by
22 ~~paragraph (1) of subdivision (d) of Section 2774, subdivision (b)~~
23 *of Section 2772.1 or subdivision (c) of Section 2773.4,* the
24 department shall review the site specific plan and the financial
25 assurance estimate and prepare any written comments within 15
26 days from the date of receipt of the plan and the estimate.

27 (e) Prior to engaging in an excavation activity in conformance
28 with the Cache Creek Resource Management Plan, a surface mining
29 operation shall be required to obtain financial assurances that meet
30 the requirements of Section 2773.1. *Release of financial assurances*
31 *shall comply with the provisions of Article 9 (commencing with*
32 *Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title*
33 *14 of the California Code of Regulations.*

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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