

Article 15. Vested Rights Determinations

§ 3950. Pursuant to Public Resources Code Sections 2774.4 or 2774.5, where the board exercises and/or assumes some or all of the lead agency's powers, the board shall not conduct vested rights determinations.

Article 16. Mining Ordinances

§ 4000. Certification and Recertification of Mining Ordinances

(a) Upon adoption of a new mining ordinance, or amendment of an existing mining ordinance, a lead agency shall, within 30 days of such action, provide written notice of the complete text of the resulting mining ordinance to the State Mining and Geology Board, to enable the Board to review the ordinance in accordance with Public Resources Code Sections 2774.3, 2774.5(a) and 2774.5(b).

(b) Where a lead agency has not provided the Board with timely notice of the complete text of its mining ordinance, consistent with subparagraph (a) herein, the mining ordinance shall not be considered to be in accordance with state policy until the mining ordinance is certified by the Board as being in accordance with state policy.

(c) In any jurisdiction in which the lead agency does not have a certified ordinance, the board assumes full authority of all lead agency's powers under Public Resources Code Sections 2710-2796 and Public Resources Code Section 2207 for all surface mining operations until the time the board certifies a lead agency's mining ordinance. Nothing in this section shall be construed as authorizing the board to issue a permit for the conduct of mining operations or issue vested rights determinations.

(d) Notwithstanding subsection (c) of this Article, lead agencies with previously certified mining ordinances retain lead agency authority while the board conducts a review of the amended ordinance pursuant to Public Resources Code Sections 2774.3, 2774.5(a) and 2774.5(b).