

**STATE MINING AND GEOLOGY BOARD**

DEPARTMENT OF CONSERVATION

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PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgbERIN D. GARNER, CHAIR
BRIAN BACA, VICE CHAIRJOHN LANE
BENJAMIN LICARI
KATHY LUNDROBERT TEPEL
CHARLIE WYATT**The State Mining and Geology Board****Will hold a Public Hearing on:****Thursday, April 14, 2011****9: 30 A.M.****Lake Elsinore Cultural Arts Center
183 North Main Street
Lake Elsinore, California 92530**

The State Mining and Geology Board (SMGB) will conduct a public hearing at the above listed time and location to receive comments regarding the City of Lake Elsinore's administration of the Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.) and the extent to which the SMGB should assume any of the City's SMARA authorities pursuant to PRC Section 2774.4 and the 45-Day Notice to Correct Deficiencies issued December 21, 2010. Affected surface mine operators and interested persons have the right at the public hearing to present oral and written evidence on the matter being considered. The SMGB may, at the public hearing, place reasonable limits on the right of affected surface mining operators and interested persons to question and solicit testimony. This public hearing is being conducted pursuant to PRC Section 2774.4. Please note that should the SMGB assume the City's SMARA authority, the SMGB hereby gives notice that any of the existing SMARA program orders issued by the City will be continued in force by the SMGB and may be modified as the SMGB deems appropriate.

Article 1, General Provisions, of the Surface Mining and Reclamation Act of 1975 provides in Section 2712 the following:

“It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

- (a) Adverse environmental effects are prevented or minimize and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- (b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.”
- (c) Residual hazards to the public health and safety are eliminated.

Article 5, Reclamation of Mined Lands and the Conduct of Surface Mining Operations, of SMARA provides in part, in Section 2774.1(f) that:

“The lead agency has primary responsibility for enforcing this chapter [SMARA] and Section 2207.”

Public Resources Code Section 2774.4 provides that if the SMGB finds that a lead agency has failed to perform its specific responsibilities to enforce the Act, or performs those responsibilities deceptively, then the responsibility for enforcing the Act shall be assumed by the SMGB.

Those wishing to submit written comments prior to the hearing should supply the SMGB with twelve (12) copies of the materials not later than March 24, 2011; otherwise, interested parties may distribute materials during the hearing. For additional information, please contact: Mr. Stephen Testa, Executive Officer, or Ms. Nicole Bristow, Executive Assistant, State Mining and Geology Board, 801 K Street, MS 20-15, Sacramento, California 95814, or call (916) 322-1082.

A specific agenda for this hearing will be published no later than ten days prior to the SMGB meeting.