



# STATE MINING AND GEOLOGY BOARD

## EXECUTIVE OFFICER'S REPORT



ARNOLD  
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For Meeting Date: September 11, 2008

### **Agenda Item No. 2: Recognition Consideration of Revised Mineral Resources Management Policies for the City of Sacramento, Pursuant to Public Resources Code Section 2762.**

**INTRODUCTION:** The Surface Mining and Reclamation Act (SMARA; Public Resources Code Section 2710 et seq.) requires every lead agency, within which a mineral resource's economic value has been Classified by the State Geologist or has been Designated as having regional economic significance by the State Mining and Geology Board (SMGB), to establish Mineral Resource Management Policies (MRMP) for the mineral resource in its General Plan. The SMGB is considering recognizing the recently adopted MRMP for the County of Sacramento.

**STATUTORY AND REGULATORY AUTHORITY:** Pursuant to Public Resources Code (PRC) Section 2762, every lead agency is required to submit its proposed amendment to its MRMP to the SMGB for review and comment prior to adoption. PRC Sections 2762(a), (b), and (c) states:

*"Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:*

- (1) Recognize mineral information classified by the State Geologist and transmitted by the board.*
  - (2) Assist in the management of land use which affects areas of statewide and regional significance.*
  - (3) Emphasize the conservation and development of identified mineral deposits.*
- (b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.*
- (c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board."*



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The SMGB has established in State Policy minimum standards for a lead agency MRMP pursuant to Title 14 CCR, Article 6, Sections 3675 and 3676. Article 6 of Title 14 CCR, Section 3675, provides definition and states:

*“The following definitions as used herein shall govern the interpretation of these regulations:*

*Compatible Land Use. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.*

*Incompatible Land Use. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.”*

Article 6 of Title 14 CCR, Section 3676, provides minimum standards and states:

*“Lead agency mineral resource management policies adopted pursuant to the provisions of PRC Section 2762 shall include but not be limited to, the following:*

- (a) A summary of the information provided by the classification and/or designation reports, or incorporation of PRC Sections 2710 et seq., and state policy by reference, together with maps of the identified mineral deposits or incorporation by reference of the classification and/or designation maps provided by the Board.*
- (b) Statements of policy in accordance with the provisions of PRC Section 2762(a).*
- (c) Implementation measures that shall include:
  - (1) Reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency.**



*(2) Use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction.*

*(3) At least one of the following:*

*(A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.*

*(B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.*

*(C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.”*

**BACKGROUND:** Sacramento County (County) is one of the larger mining counties in California. In review of the Office of Mine Reclamation (OMR) SMARA database, it currently produces sand and gravel, clay, fill material, silver and placer gold. The County has about 47 mines within its jurisdiction, of which 25 are currently active, 12 closed with no intent to resume mining, five certified closed, and 4 noted as idle. Sacramento County as a lead agency appears to be conducting mine inspections at least once each calendar year, and performing annual reviews of financial assurances, in a responsible and timely manner.

The California Geological Survey (CGS) has previously identified and mapped mineral resources in Sacramento County. A listing of the pertinent post-SMARA CGS reports is as follows:

Special Report 121, Sand and Gravel Resources of the Sacramento Area, California 1975, by Rapp, J.E.

Special Report 156, Mineral Land Classification of Portland Cement Concrete-Grade Aggregate in the Sacramento-Fairfield Production-Consumption Region (Sacramento, Solano, and Yolo Counties), California 1988, by Dupras, D.L., Lloyd, J., Kohler, S.L., and Lowry, P.A.



Open File Report 99-09 Mineral Land Classification: Portland cement concrete-grade aggregate and Kaolin Clay Resources in Sacramento County, California 1999, by Dupras, D.L.

**ANALYSIS:** The “*Conservation Element of the County of Sacramento General Plan*” was adopted by the County on December 15, 1993, and currently incorporates revisions adopted via Resolution No. 2007-1057, dated August 29, 2007, and Resolution No. 1007-0443, dated April 11, 2007.

In May 2008, the SMGB received the proposed MRMP amending the County’s General Plan. The MRMP are included in the General Plan under “*Section 11, Mineral Resources*” and “*Section IV, Soil Resources*”. The MRMP were reviewed by the Executive Officer, and comments provided and subsequently incorporated. The Mitigated Negative Declaration was considered by the County Board of Supervisors and deemed adequate and complete, and accepted on August 22, 2007. The MRMP was considered by the County and subsequently approved via Resolution No. 2007-1057 on August 29, 2007.

**EXECUTIVE OFFICER’S FINDINGS:** The Executive Officer finds:

1. The County of Sacramento’s General Plan – MRMP is in compliance with the requirements of the Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.); and
2. The proposed MRMP meets the requirements of SMARA and State Policy, specifically Title 14 CCR Article 6, Sections 3675 and 3676.

**EXECUTIVE OFFICER’S RECOMMENDATIONS:** Pursuant to PRC Section 2762, and Title 14 CCR, Article 6, Sections 3675 and 3676, the Executive Officer recommends:

1. The SMGB recognize the County of Sacramento’s MRMP in its General Plan as being in compliance with SMARA and the SMGB’s regulations; and
2. Instruct the Executive Officer to notify the County of Sacramento of its determination.



**SUGGESTED MOTION LANGUAGE:**

To recognize MRMP and convey determination:

*Mr. Chairman, in light of the information before the SMGB today, I move that the SMGB adopt Resolution 2008-05 and recognize the County of Sacramento's MRMP in its General Plan as being in compliance with SMARA and the Board's regulations. This motion includes instructions to the Executive Officer to notify the County of this determination.*

Respectfully submitted:

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Stephen M. Testa  
Executive Officer

