



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT



ARNOLD
SCHWARZENEGGER
GOVERNOR

For Meeting Date: February 5, 2009

Agenda Item No. 5: Certification of Cache Creek Area Plan In-Channel Maintenance Mining Ordinance No. 1376, Repealing and Replacing Chapter 3 of Title 10 of the Yolo County Code, Yolo County.

INTRODUCTION: The Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.) requires that each city or county with a surface mining operation within its jurisdiction, adopt a surface mining ordinance in accordance with State Policy that establishes procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA provides for the State Mining and Geology Board (SMGB) to certify local agency mining ordinances as being in accordance with State Policy before they become effective.

STATUTORY AUTHORITY: SMARA, pursuant to PRC Section 2774(a), requires each lead agency to adopt ordinances in accordance with State Policy and states:

“Every lead agency shall adopt ordinances in accordance with state policy which establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. The ordinances shall establish procedures requiring at least one public hearing and shall be periodically reviewed by the lead agency and revised, as necessary, to ensure that the ordinances continue to be in accordance with state policy.”

SMARA also provides for the SMGB to certify local agency mining ordinances as being in accordance with State Policy before they become effective, pursuant to PRC Section 2774.3, which states:

“The board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with state policy, and shall certify the ordinance as being in accordance with state policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the board pursuant to this chapter.”

BACKGROUND: SMARA (Public Resources Code Section 2710 et seq.) requires that each city or county with a surface mining operation within its jurisdiction, adopt a surface mining ordinance in accordance with State Policy that establishes procedures for the review and approval of



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reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA provides for the SMGB to certify local agency mining ordinances as being in accordance with State Policy before they become effective (PRC Section 2774.3).

The County of Yolo has prepared a surface mining ordinance that would satisfy Action 2.4-16 of the 1996 Cache Creek Resources Management Plan (CCRMP) which called for an in-channel ordinance to regulate limited “maintenance mining” allowed under the plan. Adoption of an ordinance would allow for PRC Section 2715.5 to become operational, as it requires County approval of an ordinance governing in-channel, non-commercial extraction activities.

In August 2005, and again in June 2007, drafts of Yolo County’s In-Channel Surface Mining Ordinance were reviewed, and comments offered, as appropriate. All comments offered were subsequently incorporated and adequately addressed. On July 15, 2008, the Board of Supervisors of the County of Yolo adopted Resolution No. 08-112 adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the Cache Creek Area Plan In-Channel Maintenance Mining Ordinance.

EXECUTIVE OFFICER’S RECOMMENDATION: The Executive Officer finds that the County of Yolo’s Surface Mining and Reclamation Ordinance No. 1376, repealing and replacing Chapter 3 of Title 10 of the Yolo County Code, is in accordance with Surface Mining and Reclamation Act of 1975 and the requirements of State Policy. The Executive Officer recommends that the SMGB adopt Resolution 2008-09 certifying the County’s surface mining ordinance.

SUGGESTED MOTION LANGUAGE:

To adopt the resolution and certify the mining ordinance:

Mr. Chairman, in light of the information before the SMGB, I move that the SMGB adopt Resolution Number 2009-02 certifying the County of Yolo’s Surface Mining and Reclamation Ordinance No. 1376, as being in accordance with the Surface Mining and Reclamation Act and the requirements of State Policy.

Respectfully submitted:

Stephen M. Testa
Executive Officer

