



STATE MINING AND GEOLOGY BOARD

Policy and Legislation Committee

Brian Baca, Chair; Erin Garner; Kathy Lund

EXECUTIVE OFFICER'S REPORT

For Meeting Date: October 13, 2011

Agenda No. 4: Discussion of the Potential Limits on the Use of State Highways for the Transport of Mineral Materials as Part of the Local Agency Permitting Process.

INTRODUCTION: Under the Surface Mining and Reclamation Act (SMARA), Public Resources Code (PRC) Section 2764(a), the importance of "*access routes serving*" surface mining operations is recognized. As part of the permitting process for new or expanded mining facilities, local land use agencies (cities and counties) must conduct environmental review in accordance with the California Environmental Quality Act (CEQA). As part of this review, the impacts of new traffic generated by the surface mining facility must be identified and disclosed. It is common that the conditions of approval (or CEQA mitigation measures) include limits (e.g. truck trips per day) on the use of a State highway to transport mineral materials. Where there are identified congestion issues but no specific public safety hazard, a limitation imposed by a local agency on the commercial use of the State highway may be inappropriate.

STATUTORY AUTHORITY: Public Resources Code Section 2764(a) states:

"Upon the request of an operator or other interested person and payment by the requesting person of the estimated cost of processing the request, the lead agency having jurisdiction shall amend its general plan, or prepare a new specific plan or amend any applicable specific plan, that shall, with respect to the continuation of the existing surface mining operation for which the request is made, plan for future land uses in the vicinity of, and access routes serving, the surface mining operation in light of the importance of the minerals to their market region as a whole, and not just their importance to the lead agency's area of jurisdiction."

EXECUTIVE OFFICER'S RECOMMENDATIONS: This issue is provided for the Committee's discussion and consideration, and no recommendations are offered at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer



Executive Officer's Report