



STATE MINING AND GEOLOGY BOARD

Policy and Legislation Committee

Brian Baca, Chair; Erin Garner; Kathy Lund

EXECUTIVE OFFICER'S REPORT

For Meeting Date: December 8, 2011

Agenda Item No. 4: Language for Regulatory Due Process for the Placement of Mining Operations on, or Removal from, the AB 3098 List.

INTRODUCTION: The Department of Conservation, Office of Mine Reclamation (OMR) periodically publishes a list of mines regulated under the Surface Mining and Reclamation Act (SMARA) that meet provisions set forth under California's Public Resources Code (PRC), Section 2717(b). This list is generally referred to as the AB 3098 List, in reference to the 1992 legislation that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mining operations that are not on the AB 3098 List from selling sand, gravel, aggregates, or other mined materials, to state or local agencies. The need for a due process for the removal and reinstatement of a surface mining operation from the AB 3098 List has been recognized by the State Mining and Geology Board (SMGB). At its November 10, 2010, meeting, the Policy and Legislation Committee (Committee) considered preliminary regulatory concepts and directed its Executive Officer and legal counsel to provide a proposed regulation for the Committee's consideration for its December 9, 2010, meeting. Further discussions were held at the Committee's December 9, 2010, and January 13, February 10, March 10, and July 26, 2011, scheduled meetings.

The Committee at its July 26, 2011, meeting, moved for the Executive Officer to hold several workshops throughout the state to receive comment on the preliminary proposed language. Due to other commitments and scheduling conflicts, no such workshops to date have been scheduled.

This report is for the Committee's information, and no action for the Committee's consideration is being proposed at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer