



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: March 10, 2011

Agenda Item No. 4: Discussion Regarding the State Mining and Geology Board's Decision in Designation of Lead Agency under the Surface Mining and Reclamation Act (SMARA) Pursuant to Public Resources Code Section 2771 for the McLaughlin Mine (CA Mine ID #91-28-0003), Karl Burke (Agent), Homestake Mining Company (Operator), Counties of Lake, Napa and Yolo.

INTRODUCTION: Pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA), whenever a proposed or existing surface mining operation is within the jurisdiction of two or more public agencies, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding with the boundary of the agencies, the evaluation of the proposed or existing operation shall be made by the lead agency. Should a question arise regarding which public agency serves as the SMARA lead agency, the State Mining and Geology Board (SMGB) shall designate which public agency will serve as the Surface Mining and Reclamation Act (SMARA) lead agency. At its July 8, 2010, regular business meeting, the SMGB moved to not recognize a physical barrier between the Counties of Napa and Yolo, but recognized the existence of a physical barrier between Yolo and Lake Counties and between Lake and Napa Counties. The SMGB also moved to designate Napa County as the SMARA lead agency for that portion of the McLaughlin Mine that is situated within the jurisdiction of Yolo and Napa Counties, and to designate Lake County as the SMARA lead agency for that portion of the McLaughlin Mine that is situated within its jurisdiction. The relevancy of the SMGB's decision in regards to ongoing review of reclamation activities at the site by the Department of Conservation Office of Mine Reclamation (OMR) will be discussed.

STATUTORY CONSIDERATIONS: Article 2 Public Resources Code Section 2728 defines a SMARA lead agency as:

“Lead agency” means the city, county, San Francisco Bay Conservation and Development Commission, or the board which has the principal responsibility for approving a surface mining operation or reclamation plan pursuant to this chapter.”

In regards to lead agency jurisdiction, Article 5 PRC Section 2771, states:

“Whenever a proposed or existing surface mining operation is within the jurisdiction of two or more public agencies, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding



Executive Officer's Report

with the boundary of the agencies, the evaluation of the proposed or existing operation shall be made by the lead agency in accordance with the procedures adopted by the lead agency pursuant to Section 2774. If a question arises as to which public agency is the lead agency, any affected public agency, or the affected operator, may submit the matter to the board. The board shall notify in writing all affected public agencies and operators that the matter has been submitted, specifying a date for a public hearing. The board shall designate the public agency which shall serve as the lead agency, giving due consideration to the capability of the agency to fulfill adequately the requirements of this chapter and to an examination of which of the public agencies has principal permit responsibility.”

Need to submit an amended reclamation plan is addressed in the SMGB regulations, Title 14 California Code of Regulations (CCR) Section 3502(e), which states:

“An amended reclamation plan shall be filed if the lead agency determines, after an inspection, that the surface mining operation can no longer be reclaimed in accordance with its approved reclamation plan. Such amended plan shall incorporate current standards as described in Chapter 9 (commencing with Section 2710) and Title 14 of the CCR commencing with Section 3700”.

BACKGROUND: The McLaughlin Mine is located within Lake, Napa and Yolo Counties (Figure 1), and is comprised of the following facilities:

- Lake County: Mill and tailings impoundment facility (TIF);
- Napa County: Eighty percent of the pit lakes and waste rock disposal units; and
- Yolo County: Davis Creek Reservoir and twenty percent of the mine pit lakes.

Essentially, the reclamation footprint encompasses approximately 1,566 acres (Table 1). The breakdown per county is Napa County (761 acres), Lake County (540 acres), and Yolo County (255 acres). Historically, all three lead agencies implemented permits for select surface mining activities within their respective jurisdiction.



Table 1
Summary of Surface Mine Components

Project Component	Acres to be Disturbed	Location
Mining area	211	Napa (80%), Yolo (20%)
Crushing and grinding area	60	Napa
Low grade ore storage	76	Napa
Waste rock dump	342	Napa
Mill site	24	Lake
Tailings disposal facility	493	Lake
Water reservoir	204	Yolo
Ore disposal facility	20	Napa and Lake
Roads, transmission lines, and substations	15	Lake, Lake and Yolo
Quarry	8	Lake
Powder magazine storage	3	Yolo





Figure1: Aerial image of the McLaughlin Mine and vicinity, Napa, Lake and Yolo Counties.

SMGB Designation of SMARA Lead Agencies: Based on discussions held with representatives of Napa, Lake and Yolo Counties, the SMGB, on May 10, 2010, received a request from the OMR to make a determination of lead agency jurisdiction pursuant to SMARA.

At its July 8, 2010, regular business meeting, the SMGB moved to not recognize a physical barrier between the Counties of Napa and Yolo, but recognized the existence of a physical barrier between Yolo and Lake Counties and between Lake and Napa Counties. The SMGB also moved to designate Napa County as the SMARA lead agency for that portion of the McLaughlin Mine that is situated within the jurisdiction of Yolo and Napa Counties, and to designate Lake County as the SMARA lead agency for that portion of the McLaughlin Mine that is situated within its jurisdiction.

The decision to designate two SMARA lead agencies for the McLaughlin Mine was an administrative act, and in itself, would require that Napa County and Lake County provide an amended reclamation plan that simply reflects the SMGB's designation, a map showing the respective mine footprint for that portion of the mine site within each respective lead agency's jurisdiction, and adjustment of their respective financial assurances amount. The designations of two SMARA lead agencies for this mine would not be deemed a substantial deviation and/or require an amended reclamation plan. However, the designation of two SMARA lead agencies by the SMGB did not relieve the operator from fulfilling all other requirements of SMARA and the SMGB's regulations.

EXECUTIVE OFFICER'S RECOMMENDATION: The information being provided is to provide clarity as to the relevancy of the SMGB's designation of two SMARA lead agencies for the McLaughlin Mine, for the SMGB's general information. No recommendations are being offered at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer

