



# **STATE MINING AND GEOLOGY BOARD**

## **EXECUTIVE OFFICER'S REPORT**

For Meeting Date: September 12, 2013

### **Agenda Item No. 3: Approval of Regulatory Language for Designation of Mineral Lands within the San Luis Obispo-Santa Barbara Production-Consumption Region, California.**

**INTRODUCTION:** At its December 8, 2011 regular business meeting, the State Mining and Geology Board (SMGB) accepted California Geological Survey (CGS) Special Report 215, a classification report on Portland cement concrete-grade (PCC) aggregate in the San Luis Obispo-Santa Barbara Production-Consumption (P-C) Region. This report updated information previously published by the California Division of Mines and Geology (CDMG; now CGS) as Special Report 162 – *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo-Santa Barbara Production-Consumption Region*. Special Report 215 updated the classification portion of the two-step *Classification-Designation process* mandated by the Surface Mining and Reclamation Act (SMARA). The second part of that process, designation, is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance needed to meet the demands of the future.

At its March 8, 2012 regular business meeting, the SMGB accepted the State Geologist's recommendations for designation of select mineral resource lands in the San Luis Obispo-Santa Barbara Production-Consumption P-C Region. The SMGB subsequently directed its Executive Officer to notice a public hearing to receive comments on the proposed regulatory action. The 60-day public comment period commenced on June 7, 2012, and ended on July 31, 2012. A public hearing was held to receive comment in the County of Santa Barbara on July 11, 2012. At its April 11, 2013 regular business meeting, the SMGB received further comments regarding the proposed designations. All comments have been reviewed and addressed. At its July 11, 2013 regular business meeting, the SMGB deferred taking action until its next scheduled meeting and requested a review by its legal counsel of previous counsel's analysis noting that designation is not a project under the California Environmental Quality Act (CEQA). The SMGB is considering 1) approval of the proposed regulatory language, and 2) directing its Executive Officer to commence rulemaking.

**STATUTORY ASPECTS:** The SMGB's statutory authority to incorporate mineral lands classification information into state policy is provided pursuant to Division 2, Chapter 9, Article 4, State Policy for the Reclamation of Mined Lands, Public Resources Code (PRC) Section 2761(a), which states:

*"On or before January 1, 1977, and, as a minimum, after the completion of each decennial census, the Office of Planning and Research shall identify portions of the following areas within the state which are urbanized or are subject to urban expansion or other irreversible land uses which would preclude mineral extraction:*



*Executive Officer's Report*

(1) *Standard metropolitan statistical areas and such other areas for which information is readily available.*

(2) *Other areas as may be requested by the board.*

(b) *In accordance with a time schedule, and based upon guidelines adopted by the board, the State Geologist shall classify, on the basis solely of geologic factors, and without regard to existing land use and land ownership, the areas identified by the Office of Planning and Research, any area for which classification has been requested by a petition which has been accepted by the board, or any other areas as may be specified by the board, as one of the following:*

(1) *Areas containing little or no mineral deposits.*

(2) *Areas containing significant mineral deposits.*

(3) *Areas containing mineral deposits, the significance of which requires further evaluation.*

*The State Geologist shall require the petitioner to pay the reasonable costs of classifying an area for which classification has been requested by the petitioner.*

(c) *The State Geologist shall transmit the information to the board for incorporation into the state policy and for transmittal to lead agencies.”*

The SMGB’s statutory authority which provides information of administrative process and allows the SMGB to consider areas for designation is provided pursuant to Division 2, Chapter 9, Article 6, Areas of Statewide or Regional Significance, PRC Section 2790, which states:

*“After receipt of mineral information from the State Geologist pursuant to subdivision (c) of Section 2761, the board may, by regulation adopted after a public hearing, designate specific geographical areas of state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area.”*

PRC Section 2762(d) addresses public notice as follows:

*“(d) If any area is classified by the State Geologist as an area described in paragraph (2) of subdivision (b) of Section 2761, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a), or otherwise has not yet acted pursuant to subdivision (a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare, in conjunction with preparing any environmental document required by Division 13 (commencing with Section 21000), or in any event if no such document is required, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the board for review.*

*If the proposed use is subject to the requirements of Division 13 (commencing with Section 21000), the lead agency shall comply with the public review requirements of*



*that division. Otherwise, the lead agency shall provide public notice of the availability of its statement by all of the following:*

*(1) Publishing the notice at least one time in a newspaper of general circulation in the area affected by the proposed use.*

*(2) Directly mailing the notice to owners of property within one-half mile of the parcel or parcels on which the proposed use is located as those owners are shown on the latest equalized assessment role.*

*The public review period shall not be less than 60 days from the date of the notice and shall include at least one public hearing. The lead agency shall evaluate comments received and shall prepare a written response. The written response shall describe the disposition of the major issues raised. In particular, when the lead agency's position on the proposed use is at variance with recommendations and objections raised in the comments, the written response shall address in detail why specific comments and suggestions were not accepted.*

*(e) Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area described in paragraph (3) of subdivision (b) of Section 2761, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the board.”*

In considering designation, and pursuant to PRC Sections 2791 and 2792:

*“The board shall seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance.”*

*“Neither the designation of an area of regional or statewide significance nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized pursuant to Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code, pursuant to the Subdivision Map Act (Division 2 [commencing with Section 66410] of Title 7 of the Government Code), or by a building permit or other authorization to commence development, upon which such person relies and has changed his position to his substantial detriment, and, which permit or authorization was issued prior to the designation of such area pursuant to Section 2790. If a developer has by his actions taken in reliance upon prior regulations obtained vested or other legal rights that in law would have prevented a local public agency from changing such regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.”*

**BACKGROUND:** Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. CGS Special Report 215 updated information previously presented in a classification report on PCC aggregate in the San Luis Obispo-Santa Barbara P-C Region first



published in 1989. The previous report was published by the California Division of Mines and Geology (CDMG; now CGS) as Special Report 162 – *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo-Santa Barbara Production-Consumption Region*.

The updated report presented the following conclusions:

- Seventy-five (75) million tons of currently permitted construction aggregate reserves are projected to last through the year 2026, 16 years from the present (2010);
- An additional 2,991 acres of land containing concrete aggregate resources are identified in areas in and near the San Luis Obispo-Santa Barbara P-C Region;
- Anticipated consumption of construction aggregate in the San Luis Obispo-Santa Barbara P-C Region for the next 50 years (through the year 2060) is estimated to be 263 million tons, of which 137 million tons must be concrete-grade. This is 57 million tons more than the prior 50-year projection made in 1989; and
- An estimated 10,700 million tons of concrete aggregate resources are identified in the San Luis Obispo-Santa Barbara P-C Region.

Special Report 162 identified 35,888 acres of land containing 11.2 billion tons of PCC-grade aggregate resources. Reevaluation and revisions for updated Special Report 215 identified 40,895 acres of land containing 10.7 billion tons of AC - and PCC-grade aggregate resources. From 1989 to 2011, 90 million tons of AC - and PCC - grade aggregate were removed due to production, 273 million tons (1,275 acres) removed as a result of incompatible land uses, and 425 million tons removed as a result of revised calculations. In addition, 260 million tons of AC aggregate was included along with 5 million tons resulting from newly classified areas. In this updated study, three newly identified areas containing AC- and PCC-grade aggregate resources have been classified MRZ-2. These areas include 2,991 acres containing approximately 380 million tons of newly identified AC- and PCC-grade aggregate resources.

**REFERENCES:**

Busch, L. L. and Miller, R. V., 2011, Update of Mineral Land Classification: Concrete Aggregate in the San Luis Obispo-Santa Barbara Production-Consumption Region, California: California Geological Survey Special Report 215, 28 p., 6 plates.

Miller, R. V., Cole, J. W., and Clinkenbeard, J.P., 1989, Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of all other Mineral Commodities in the San Luis Obispo-Santa Barbara Production-Consumption Region: California Geological Survey Special Report 162, 37 p., 60 plates



Aggregate resources in the San Luis Obispo-Santa Barbara P-C Region were not designated subsequent to the publication of Special Report 162 in 1989; therefore, the information on concrete-grade construction aggregate resources identified in Special Report 215 was used as a basis for consideration of potential designation actions by the SMGB. The P-C Region will need 263 million tons of construction aggregate (all grades) in the next 50 years. 137 million tons (52%) of that will need to be AC- and PCC-grade. 75 million tons of concrete-grade aggregate resources are currently permitted (reserves). Considering recent trends, these reserves will be depleted in about 16 years from the forecast date or in the year 2026.

At its March 8, 2012, regular business meeting, the SMGB accepted the State Geologist recommendations for designation of select mineral resource lands in the San Luis Obispo-Santa Barbara P-C Region. The SMGB subsequently directed its Executive Officer to notice a public hearing to receive comments on the proposed regulatory action. The 60-day public comment period commenced on June 7, 2012, and ended on July 31, 2012. A public hearing was held in the County of Santa Barbara to receive comment on July 11, 2012.

### **CANDIDATE AREAS FOR DESIGNATION**

The areas identified as candidates for designation are Sectors A through I (79 individual sectors and subsectors). The candidate areas for designation are shown on the four Plates accompanying this memorandum: Plate 1, *Candidate Areas for Designation in the San Luis Obispo-Santa Barbara Production-Consumption (P-C) Region, California – Northern Part*; Plate 2, *Candidate Areas for Designation in the San Luis Obispo-Santa Barbara Production-Consumption Region, California – Middle Part*; Plate 3, *Candidate Areas for Designation in the San Luis Obispo-Santa Barbara Production-Consumption Region, California – Southern Part*; and Plate 4, *Candidate Areas for Designation in the San Luis Obispo-Santa Barbara Production-Consumption Region, California – Cuyama Valley*. A description of each Sector, and its subsectors, is given below.

Each Sector, or group of Sectors, described below, meets or exceeds the SMGB's threshold economic value, and each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to PRC, Article 6, Section 2790 *et seq.* (SMARA).

Sector A - Deposits of the Salinas River Resource Area: Deposits in the recent river channel and adjacent floodplain along about fourteen miles of the Salinas River, from the southeastern city limits of Atascadero north (downstream) to the Niblick Road Bridge in the city of Paso Robles. Sector A has been subdivided into five subsectors identified as A-1a, A-1b, A-2a, A-2b, and A-3 (Plate 1). The combined area of the five subsectors is 1,687 acres; the estimated resource is 48 million tons of PCC-grade aggregate. Portions of this Sector are under the land use jurisdiction of the County of San Luis Obispo, City of Paso Robles, and City of Atascadero.

Subsector A-1a is 62 acres in section 4, T27S, R12E, MDBM, (projected). It is in the flood plain of the Salinas River east of US Highway 101, south of Niblick Road, and north of an unnamed pipeline.



Subsector A-1b is 597 acres in sections 4, 9, 16, 20, 21, 28, 29, and 32, T27S, R12E, MDBM, (projected). It is in the flood plain of the Salinas River east of US Highway 101, south of an unnamed pipeline, and north of Templeton Road.

Subsector A-2a is 565 acres in sections 32, 33, T27S, R12E; 3, 4, 5, and 10, T28S, R12E, MDBM, (projected). It is in the flood plain of the Salinas River east of US Highway 101, south of Templeton Road, and north of State Highway 41.

Subsector A-2b is 46 acres in sections 10, 11, 14, and 15, T28S, R12E, MDBM, (projected). It is in the flood plain of the Salinas River east of US Highway 101 and Sycamore Road, south of State Highway 41, west of Templeton Road, and north of unnamed pipelines.

Subsector A-3 is 417 acres in sections 13, 14, 23, 24, and 25, T28S, R12E, MDBM, (projected). It is in the flood plain of the Salinas River east of US Highway 101, south of unnamed pipelines, and west of Rocky Canyon Road.

Sector B - Deposits of the Navajo Creek Resource Area: Deposits of the active channel and floodplain of Navajo Creek, from one-and-a-half miles upstream of the Highway 58 crossing to about three miles upstream of the crossing (Plate 1). The area of this Sector is 122 acres; the resource and reserve figure of PCC-grade aggregate is proprietary. This Sector is under the land use jurisdiction of the County of San Luis Obispo.

Sector B is 122 acres in sections 15 and 16, T29S, R16E, MDBM. It is in the flood plain of Navajo Creek south of State Highway 58, and east of USFS Road 29S15.

Sector C - Deposits of the La Panza Granitics Resource Area: The La Panza Granitics outcrop southeast of the City of Atascadero. Sector C is divided into four subsectors identified as C-1a, C-1b, C-2, and C-3 (Plate 1). The combined area of the subsectors is 12,289 acres; the estimated crushed stone resources are estimated to be over 6 billion tons of PCC-grade aggregate. This Sector is under the land use jurisdiction of the County of San Luis Obispo.

Subsector C-1a is 6,116 acres in sections 19, 20, 27, 28, 29, 30, 32, 33, 34, 35, T28S, R13E; 2, 3, 4, 5, 9, 10, and 11, T29S, R13E, MDBM. It is in the La Panza Granitics south of State Highway 41, east of the Salinas River, north of State Highway 58, and west of State Highway 229.

Subsector C-1b is 596 acres in sections 35, 36, T28S, R13E; 1, 2, and 11, T29S, R13E, MDBM. It is in the La Panza Granitics north of State Highway 58, and east of State Highway 229.

Subsector C-2: is 2,347 acres in sections 1, 2, 10, 11, 12, 13, 14, T29S, R13E; 7, 8, 17, 18 and 19, T29S, R14E, MDBM. It is in the La Panza Granitics south of State Highway 58, north and east of Parkhill Road.



Subsector C-3: is 3,230 acres in sections 10, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, 36, T29S, R13E; 18, and 19, T29S, R14E, MDBM. It is in the La Panza Granitics east of West Pozo Road, south of State Highway 58 and Parkhill Road, and north of Las Pilitas Road.

Sector D - Deposits of the Santa Maria River Resource Area: Alluvial deposits of the active river channel and adjacent floodplain of the Santa Maria River. This Sector includes land in both San Luis Obispo and Santa Barbara counties and is divided into 41 subsectors identified as D-1 through D-11, and D-13 through D-37 (Plate 2). The combined area of the subsectors is 16,862 acres; estimated resources are 3,836 million tons of PCC-grade aggregate. Portions of this Sector are under the land use jurisdiction of the County of San Luis Obispo, County of Santa Barbara, and City of Santa Maria.

Subsector D-1 is 925 acres in sections 22, 23, 25, 26, 27, T11N, R35W; and 30, T11N, R34W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of Nipomo Mesa, north of Division Street and Oso Flaco Lake Road, east of State Highway 1 (Guadalupe Road), and west of US Highway 101.

Subsector D-2 is 1,616 acres in sections 28, 29, 30, 31, 32, 33, T11N, R34W; 25, and 36, T11N, R35W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of Nipomo Mesa, Division Street and Riverside Road; east of Bonita School Road; north of the Santa Maria River flood control channel; and west of US Highway 101.

Subsector D-3 is 472 acres in sections 26, 27, 34, and 35, T11N, R35W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of Oso Flaco Lake Road, north of Division Street, and east of State Highway 1 (Guadalupe Road).

Subsector D-4 is 1,116 acres in sections 25, 26, 34, 35, and 36, T11N, R35W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of Division Street, west of Bonita School Road, north of the Santa Maria River flood control channel, and east of State Highway 1 (Guadalupe Road).

Sector D-5 is 332 acres in sections 35, 36, T11N, R35W; 1, and 2, T10N, R35W, SBBM, (projected). It is in the flood control channel of the Santa Maria River south of Division Street, west of Bonita School Road, north of State Highway (West Main Street), and east of State Highway 1 (Guadalupe Road).

Subsector D-6 is 593 acres in sections 36, T11N, R35W; 1, T10N, R35W; 31, 32, 33, T11N, R34W; and 6, T10N, R34W, SBBM, (projected). It is in the flood control channel of the Santa Maria River south of Division Street, east of Bonita School Road, north of State Highway 166 (West Main Street), and west of an unnamed utility corridor and US Highway 101.



Subsector D-7 is 391 acres in sections 32, 33, and 34, T11N, R34W, SBBM, (projected). It is in the flood control channel of the Santa Maria River south of Nippon Mesa, east of an unnamed utility corridor, west of US Highway 101, and north of Atlantic Place and the City of Santa Maria.

Subsector D-8 is 130 acres in sections 34 and 35, T11N, R34W, SBBM, (projected). It is in the flood control channel of the Santa Maria River east of an unnamed utility corridor, west of US Highway 101, and north of Atlantic Place and the City of Santa Maria.

Sector D-9 is 271 acres in sections 1 and 2, T10N, R35W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of the Santa Maria River flood control channel, west of Bonita School Road, and north of State Highway 166 (West Main Street).

Subsector D-10 is 717 acres in sections 1, T10N, R35W; 31, 32, T11N, R34W; 5, 6, and 7, T10N, R34W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of the Santa Maria River flood control channel, east of Bonita School Road, north of State Highway 166 (West Main Street), and west of an unnamed utility corridor.

Subsector D-11 is 1,148 acres in sections 32, 33, T11N, R34W; 4, and 5, T10N, R34W, SBBM, (projected). It is in the flood plain of the Santa Maria River south of the Santa Maria River flood control channel, east of an unnamed utility corridor, north of West Donovan Road, and west of North Blosser Road and the City of Santa Maria.

**Note: There is no Subsector D-12**

Subsector D-13a is 411 acres in sections 35, T11N, R34W; 1, and 2, T10N, R34E, SBBM. It is in the flood control channel of the Santa Maria River east of US Highway 101, north of Seaward Drive, and west of Bull Canyon Road.

Subsector D-13b is 2,021 acres in sections 1, 12, T10N, R34E; 6, 7, 8, 15, 16, 17, 21, 22, 23, 26, 27, 35, and 36, T10N, R33W, SBBM, (projected). It is in the flood control channel of the Santa Maria River east of Bull Canyon Road, north and east of East Main Street and Foxen Canyon Road, and north of the Santa Maria Mesa Road river crossing.

Subsector D-14 is 27 acres in sections 35, T11N, R34W; and 2, T10N, R34E, SBBM. It is in the flood plain of the Santa Maria River south of the flood control channel, east of US Highway 101, and west of Mariah Drive.



Subsector D-15 is 271 acres in sections 5, 6, 7, and 8, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River north of State Highway 166, east of Bonita Lateral Road, and west of the City of Santa Maria.

Subsector D-16 is 349 acres in sections 8 and 9, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River north of State Highway 166, south of West Donovan Road, and west of North Blosser Road and the City of Santa Maria.

Subsector D-17 is 55 acres in section 9, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River north of State Highway 166, south of West Donovan Road, and west of North Blosser Road and the City of Santa Maria.

Subsector D-18 is 279 acres in sections 12, T10N, R34W; and 7, T10N, R33W, SBBM, (projected). It is on the Santa Maria River plain south of the Santa Maria River channel, east of Panther Drive, and north of East Main Street.

Subsector D-19 is 17 acre in sections 7 and 18, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of State Highway 166, east of Ray Road, and west of Black Road.

Subsector D-20a is 1,035 acres in sections 8, 16, and 17, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of State Highway 166, north of West Stowell Road, west of Hanson Way, and east of Black Road.

Subsector D-20b is 18 acres in section 16, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of State Highway 166, north of West Stowell Road, west of North Blosser Road, and east of Hansen Way.

Subsector D-21 is 430 acres in sections 13, T10N, R34W; 17, and 18, T10N, R33W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River north of East Jones Street, south of East Main Street, and east of US Highway 101 and Suey Road.

Subsector D-22 is 57 acres in section 18, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of State Highway 166, east of Ray Road, and west of Black Road.

Subsector D-23 is 247 acres in section 13, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Jones Street, north of East Stowell Road, east of US Highway 101, and west of Rosemary Road.

Subsector D-24a is 396 acres in section 17 and 18, T10N, R33W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Jones Street, north of East Stowell Road, east of Rosemary Road, and west of Philbric Road.



Subsector D-24b is 624 acres in sections 16, 17, 20, and 21, T10N, R33W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River east of Philbric Road, west of Andrew Avenue, and north of Foxen Canyon Road.

Subsector D-25 is 59 acres in sections 16, 17, and 21, T10N, R33W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River east of Philbric Road, west of Andrew Avenue, and south of Sugar Street.

Subsector D-26 is 44 acres in section 20, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of West Stowell Road, and east of Black Road.

Subsector D-27 is 25 acres in sections 20 and 21, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of West Stowell Road, and east of South East Street.

Subsector D-28a is 116 acres in sections 20 and 21, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of West Stowell Road, east of Black Road, and west of A Street.

Subsector D-28b is 56 acres in section 21, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of West Stowell Road, north of Battles Street, and west of South Blosser Road.

Subsector D-29 is 116 acres in section 22, T10N, R34W, SBBM, (projected). It is in the ancestral flood plain of the Santa Maria River south of West Stowell Road, north of Battles Street, east of South Blosser Road, and west of South Depot Street.

Subsector D-30a is 15 acres in section 23, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Battles Road, north of East Betteravia Road, west of South College Drive, and east of Newlove Drive.

Subsector D-30b is 59 acres in section 23, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Battles Road, north of East Betteravia Road, east of South College Drive, and west of US Highway 101.

Subsector D-31 is 195 acres in section 24, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Stowell Road, north of East Battles Road, east of US Highway 101, and west of Rosemary Road.

Subsector D-32 is 614 acres in sections 19 and 20, T10N, R33W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Stowell Road, north of East Betteravia Road, east of Rosemary Road and US Highway 101, and west of Philbric Road.



Subsector D-33 is 69 acres in section 24, T10N, R34W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of East Battles Road, north of East Betteravia Road, east of US Highway 101, and west of Rosemary Road.

Subsector D-34 is 227 acres in sections 28 and 29, T10N, R33W, SBBM. It is in the ancestral flood plain of the Santa Maria River south of Foxen Canyon Road, and east of Telephone Road.

Subsector D-35 is 207 acres in section 28, T10N, R33W, SBBM. It is in the ancestral flood plain of the Santa Maria River south and west of Foxen Canyon Road.

Subsector D-36 is 982 acres in sections 16, 21, 22, 26, 27, 28, and 35, T10N, R33W, SBBM (projected). It is in the flood plain of the Santa Maria River east of Andrew Avenue, north and east of Foxen Canyon Road.

Subsector D-37 is 130 acres in sections 34, and 35, T10N, R33W, SBBM. It is in the flood plain of the Santa Maria River south of Foxen Canyon Road.

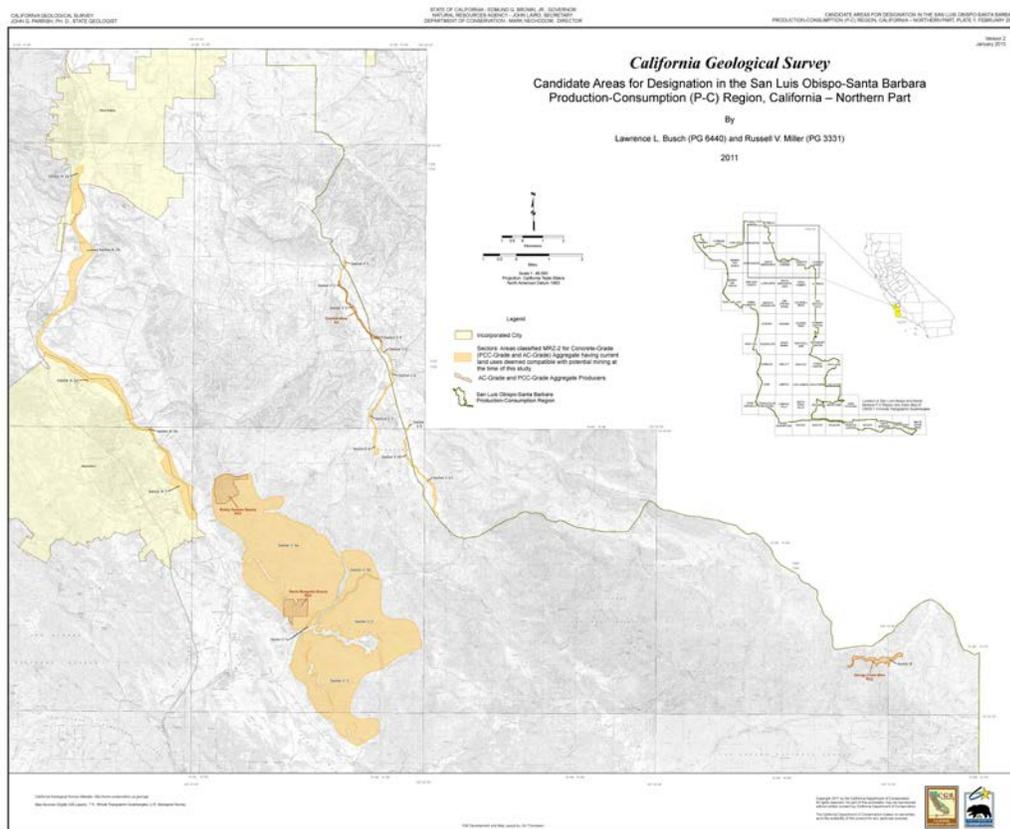


Plate 1(revised).

Sector E - Deposits of the Sisquoc River Resource Area: Alluvial deposits of the active river channel and adjacent floodplain of the Sisquoc River. The Sector extends along the river from about seven miles east of the community of Sisquoc, downstream to the confluence with the Cuyama River. Sector E is divided into five subsectors identified as E-1 through E-4 (with subsector E-3 split into “a” and “b;” See Plate 2). The combined area of the subsectors is 3,690 acres; estimated resources are 433 million tons of PCC-grade aggregate. This Sector is under the land use jurisdiction of the County of Santa Barbara.

Subsector E-1 is 1,644 acres in sections 1, 2, 12, T9N, R33W; 7, 8, and 17, T9N, R32W, SBBM. It is in the flood plain of the Sisquoc River north of Foxen Canyon Road, south of Santa Maria Mesa Road, and west of Tepusquet Road.

Subsector E-2 is 82 acres in section 18, T9N, R32W, SBBM. It is in the flood plain of the Sisquoc River south of Foxen Canyon Road, and east of the community of Sisquoc.

Subsector E-3a is 157 acres in sections 16 and 17, T9N, R32W, SBBM. It is in the flood plain of the Sisquoc River north of Foxen Canyon Road, south of Santa Maria Mesa Road, and west of Tepusquet Road.

Subsector E-3b is 1,090 acres in sections 14, 15, 16, 21, 22, and 23, T9N, R32W, SBBM, (projected). It is in the flood plain of the Sisquoc River east of Tepusquet Road, north of Foxen Canyon Road and USFS Route 10N06/Rancho Sisquoc Road.

Subsector E-4 is 717 acres in sections 13, 14, 23, 24, T9N, R32W; 19, 20, 29, and 30, T9N, R31W, SBBM, (projected). It is in the flood plain of the Sisquoc River in Rancho Sisquoc, east of Tepusquet Road, north of Foxen Canyon Road, and east of USFS Route 10N06.



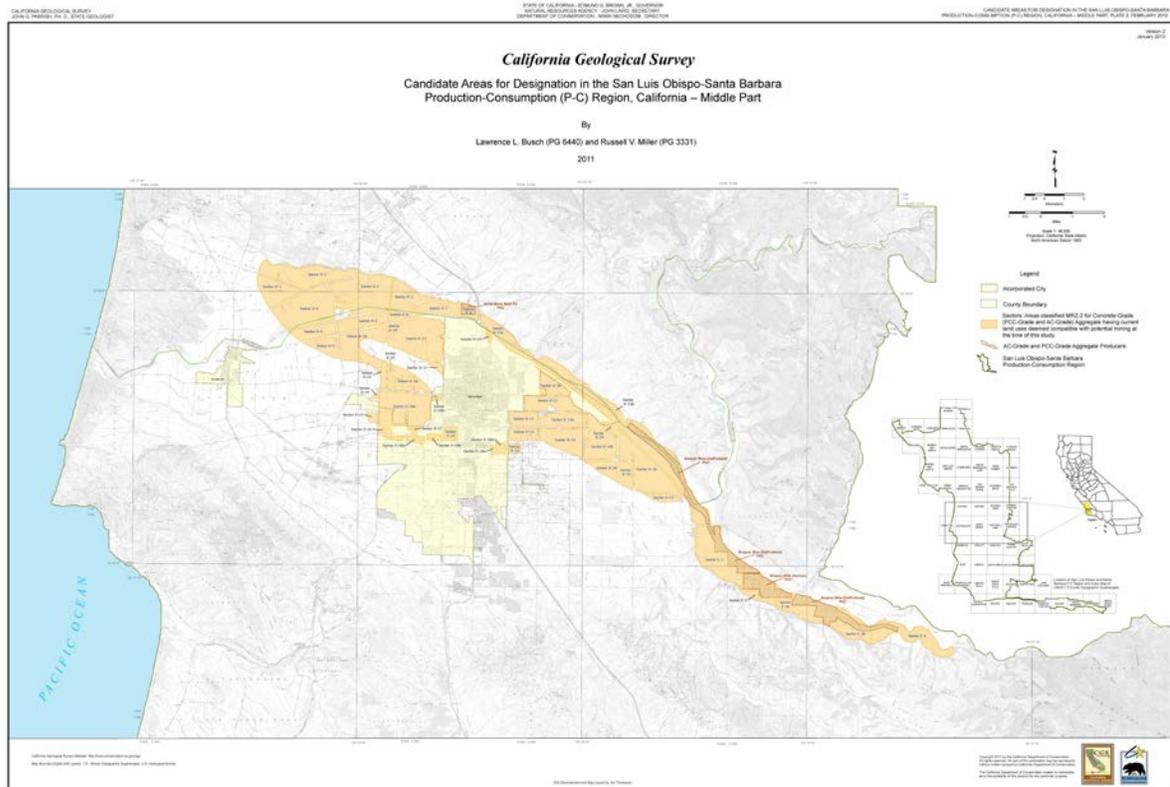


Plate 2 (revised).

Sector F - Deposits of Santa Ynez River Resource Area: Alluvial deposits of the active river channel and adjacent floodplain of the Santa Ynez River. The Sector extends from just downstream of Cachuma Dam to about eight miles west (downstream) of the Highway 101 Bridge. Sector F is divided into seven subsectors identified as F-1 through F-7 (Plate 3). The combined area of the seven subsectors is 3,576 acres. The estimated resources are 280 million tons of AC-grade aggregate. Portions of this Sector are under the land use jurisdiction of the County of Santa Barbara, City of Buellton, and City of Solvang.

Subsector F-1 is 1,390 acres in sections 12, 13, T6N, R33W; 3, 7, 8, 9, 10, 11, 12, and 13, T6N, R32W, SBBM, (projected). It is in the flood plain of the Santa Ynez River west of US Highway 101 and Avenue of the Flags, north of Santa Rosa Road, and south of State Highway 246 and Mail Road.

Subsector F-2 is 11 acres in sections 12, T6N, R32W; 7, and 18, T6N, R31W, SBBM, (projected). It is in the flood plain of the Santa Ynez River west of US Highway 101, east of Avenue of the Flags, and north of Santa Rosa Road.



Subsector F-3 is 879 acres in sections 7, 16, 17, 18, 20, and 21, T6N, R31W, SBBM, (projected). It is in the flood plain of the Santa Ynez River east of US Highway 101, south of State Highway 246/Mission Avenue, and west of Alisal Road.

Subsector F-4 is 94 acres in sections 7, 8, 17, and 18, T6N, R31W, SBBM, (projected). It is in the ancestral flood plain of the Santa Ynez River east of US Highway 101 and Ballard Canyon Road, and north of State Highway 246/Mission Avenue.

Subsector F-5 is 322 acres in sections 21, 22, 23, and 24, T6N, R31W, SBBM. It is in the flood plain of the Santa Ynez River east of Alisal Road, north of Three Springs Road, south of Mesa Verde Road, and west of Refugio Road.

Subsector F-6 is 642 acres in sections 24, T6N, R31W; 19, 20, 21, 22, 29, and 30, T6N, R30W, SBBM, (projected). It is in the flood plain of the Santa Ynez River east of Refugio Road, north of Old Santa Rosa Road, and west of State Highway 154/San Marcos Pass Road.

Subsector F-7 is 238 acres in sections 13, 14, 15, 22, 23, and 24, T6N, R30W, SBBM, (projected). It is in the flood plain of the Santa Ynez River east and north of State Highway 154/San Marcos Pass Road, and west of Cachuma Reservoir Dam.



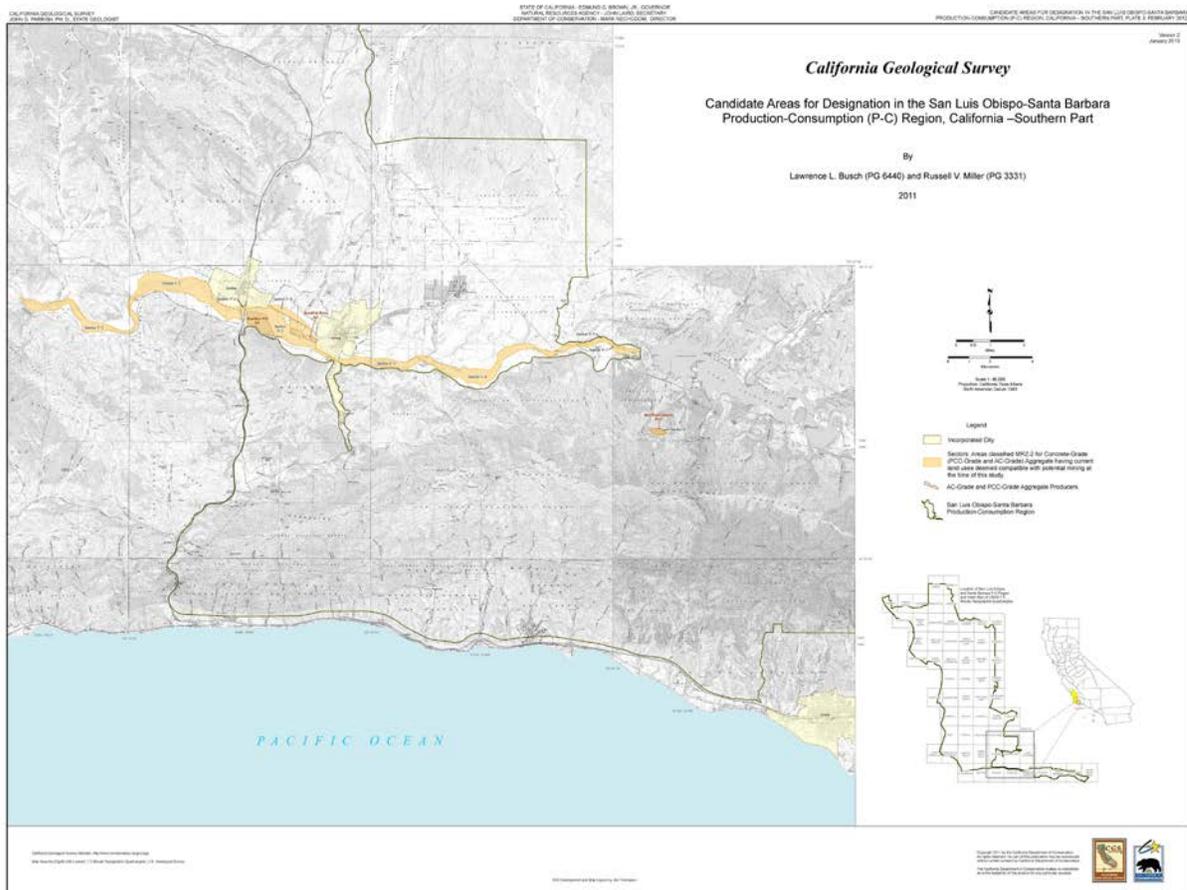


Plate 3 (revised).

Sector G - Deposits of the Upper Cuyama River Resource Area: Alluvial deposits of the Cuyama River, in the Cuyama Valley from the Highway 166 bridge, south (upstream) to the Ventura County line – a distance of about 24 miles. Sector G is divided into four subsectors identified as G-1 through G-4 (Plate 4). The combined area of the subsectors is 2,723 acres; estimated resources (including reserves) are 367 million tons of PCC-grade aggregate. Aggregate resources from this Sector do not currently contribute to the San Luis Obispo-Santa Barbara P-C Region market. This deposit is under the land use jurisdiction of San Luis Obispo and Santa Barbara Counties, but currently serves the western Kern County market. Portions of this Sector are under the land use jurisdiction of the County of San Luis Obispo and County of Santa Barbara.

Subsector G-1 is 527 acres in sections 19, 20, 28, 29, 30, 33, and 34, T10N, R25W, SBBM. It is in the flood Plain of the Cuyama River south of State Highway 166, west of State Highway 33, east of Kirschenmann Road, and north of Foothill Road.

Subsector G-2 is 437 acres in sections 2, 3, 11, and 12, T9N, R25W, SBBM. It is in the flood Plain of the Cuyama River south of Foothill Road, west of State Highway 33, and north of USFS Route 9N11/Big Pine Road.

Subsector G-3 is 1,042 acres in sections 12, 13, 24, T9N, R25W; 18, 19, 30, and 31, T9N, R24W, SBBM. It is in the flood Plain of the Cuyama River south of USFS Route 9N11/Big Pine Road, west of State Highway 33, and north of unnamed pipeline.

Subsector G-4 is 717 acres in sections 31, 32, T9N, R24W; 1, T8N, R25W; 6, 7, 8, 17, and 18, T8N, R24W, SBBM. It is in the flood Plain of the Cuyama River south of an unnamed pipeline, and west of State Highway 33 and the Ventura County Line.

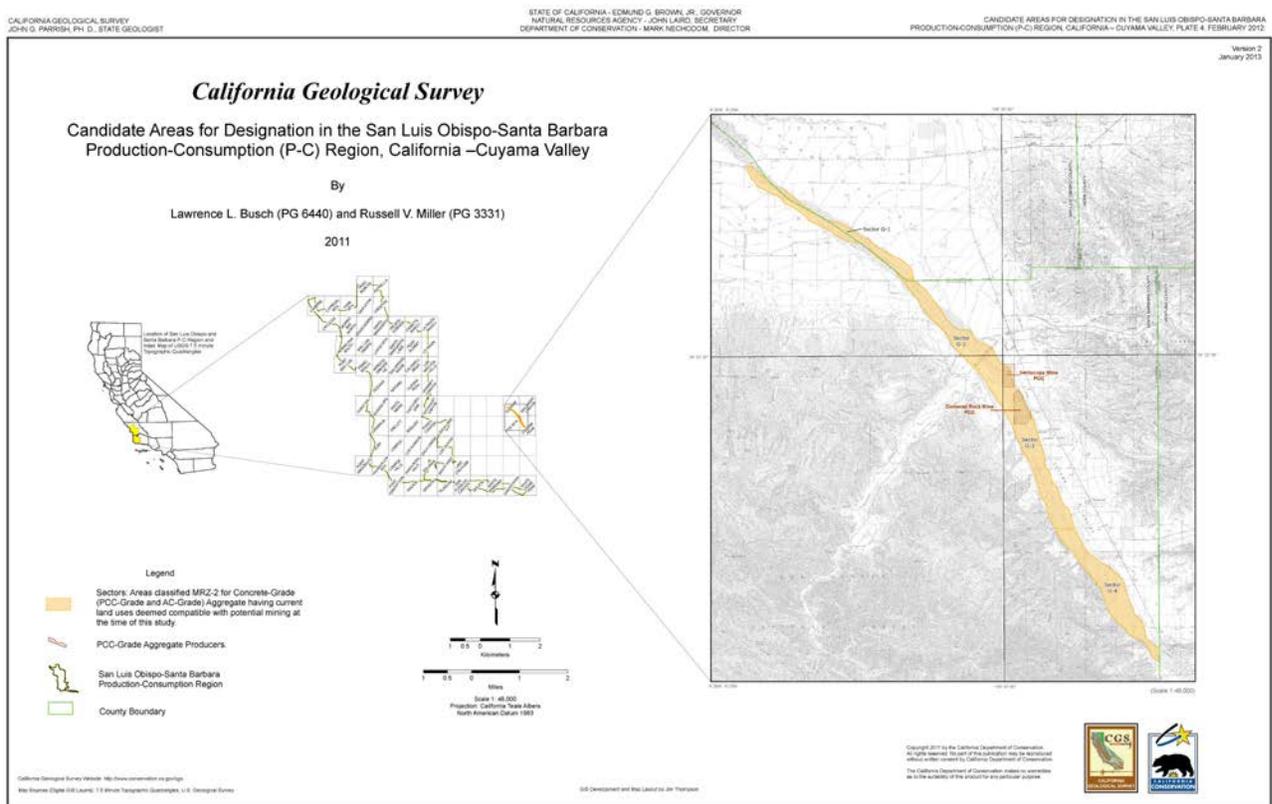


Plate 4 (no change).

Sector H - Deposits of the Bee Rock Resource Area: Limestone deposits on the south side of Bee Rock in the Santa Ynez Mountains approximately two miles south of Cachuma Dam (Plate 3). The deposit produces PCC-grade aggregate. The

area of Sector H is about 40 acres. This Sector is under the land use jurisdiction of the County of Santa Barbara.

Sector H is 40 acres in section 31, T6N, R29W, SBBM, (projected). It is the Bee Rock Limestone Deposit in the Santa Ynez Mountains south of State Highway 154/San Marcos Pass Road and Cachuma Reservoir Dam.

Sector I - Deposits of the Huerhuero Creek Resource Area: Alluvial deposits in the active channel of the Main Branch, Middle Branch and East Branch of Huerhuero Creek, from 1.1 mile north of the intersection of State Highway 58 and O'Donovan Road, north (downstream) to approximately 0.25 mile north of the Creston Road crossing over Huerhuero Creek three miles north of State Highway 4 – a linear distance (in two segments) of about 10 miles. Sector I is divided into 11 subsectors identified as I-1 through I-11 (Plate 1). From north to south, Sectors I-1 through I-8 are in the Main and Middle Branches of Huerhuero Creek. Sectors I-9 through I-11 are in the East Branch of Huerhuero Creek. The combined area of the subsectors is 228 acres containing 5 million tons of aggregate resources. This Sector is under the land use jurisdiction of the County of San Luis Obispo.

Subsector I-1 is 6 acres in sections 14 and 23, T27S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek north of Creston Road, and east of Geneseo Road.

Subsector I-2 is 15 acres in section 23, T27S, R13E, MDBM, (projected) It is in the active channel of Huerhuero Creek south and west of Creston Road, and north of unnamed pipeline.

Subsector I-3 is 33 acres in sections 23 and 26, T27S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek west of Creston Road, south of unnamed pipeline, and north of another unnamed pipeline.

Subsector I-4 is 20 acres in sections 25, 26, and 36, T27S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek north of State Highway 41, west of Creston Road, and south of an unnamed pipeline.

Subsector I-5 is 7 acres in sections 36, T27S, R13E; and 1, T28S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek south of State Highway 41, east of State Highway 229/Webster Road, west of La Panza Road, and north of an unnamed pipeline.

Subsector I-6 is 8 acres in section 1, T28S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek south of unnamed pipeline, east of State Highway 229/Webster Road and the community of Creston, and north of O'Donovan Road.



Subsector I-7 is 31 acres in sections 1 and 12, T28S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek south of the community of Creston, east of State Highway 229/Webster Road, and north of Reeves Pheasant Way.

Subsector I-8 is 35 acres in sections 1 and 12, T28S, R13E, MDBM, (projected). It is in the active channel of Huerhuero Creek south of Reeves Pheasant Way, and east of State Highway 229/Webster Road.

Subsector I-9 is 3 acres in section 7, T28S, R14E, MDBM, (projected). It is in the active channel of Huerhuero Creek east of O'Donovan Road, and north of Lady Amherst Way.

Subsector I-10 is 19 acres in sections 18 and 19, T28S, R14E, MDBM, (projected). It is in the active channel of Huerhuero Creek west of O'Donovan Road, and south of Lady Amherst Way.

Subsector I-11 is 51 acres in sections 19, 20, and 29, T28S, R14E, MDBM, (projected). It is in the active channel of Huerhuero Creek east of O'Donovan Road.

**RESPONSE TO COMMENTS:** Written comments were received from the County of Santa Barbara Planning and Development, County of San Luis Obispo Department of Planning and Building, and members of the public, during the initial 60-day public comment period following approval of the proposed regulatory language by the SMGB on June 7, 2012. Correspondence received is provided as back up to this Executive Officer's report. This comment period commenced on June 7, 2012, and ended on July 31, 2012. Modifications to the proposed designations are summarized below; whereas, all comments received and subsequent responses are provided as Attachment A and Attachment B, respectively, to this Executive Officer's report.

In response to comments received on the proposed designation of the San Luis Obispo-Santa Barbara P-C Region, several modifications were made to the Sectors proposed for designation. All of the modifications resulted in deletions of areas to remove utility corridors that were within the proposed Sectors. The total area removed was 273 acres and the total resources in those areas were 82.9 million tons. Table 1 lists the deletions by Sector and subsector. Based on these changes, all references to the total area within Sectors in the P-C Region should be changed from 38,454 acres to 38,181 acres; and all references to total aggregate resources should be changed from 10.7 billion tons to 10.6 billion tons.

By Sector, the changes in areas and resources are summarized below:

Sector C - New area: 12,160 acres [old area: 12,289 acres]  
New resource: over 6 billion tons [same as old resource]

Sector D - new area: 16,794 acres [old area: 16,862 acres]  
New resource: 3,814 million tons [old resource: 3,836 million tons]

Sector F - new area: 3,500 acres [old area: 3,576 acres]  
New resource: 274 million tons [old resource: 280 million tons]



<b>Table 1</b>					
<b>Summary of Changes to Sectors in the San Luis Obispo-Santa Barbara P-C Region</b>					
<b>Special Report 215 (2011)</b>			<b>Designation Report</b>		
<b>Sector</b>	<b>Area (acres)</b>	<b>Resources (million tons)</b>	<b>Designated Sector</b>	<b>Area (acres)</b>	<b>Resources (million tons)</b>
C-1a	6,116	3,033	C-1a	6,030	2,990
			C-1a	46	23
C-1b	596	296	C-1b	521	258
C-2	2,347	1,164	C-2	2,333	1,157
				<b>-129</b>	<b>-65</b>
D-2	1,616	263.9	D-2	1,218	198.9
			D-2	375	61.2
D-6	593	76.8	D-6	405	52.5
			D-6	178	23.1
D-10	717	157.6	D-10	637	140
			D-10	69	15.2
D-11	1,148	275.8	D-11	1,146	275.3
D-15	271	40	D-15	172	25
			D-15	77	11
				<b>-68</b>	<b>-11.9</b>
F-1	1,390	108.8	F-1	526	41.2
			F-1	855	66.9
F-3	879	68.8	F-3	870	68.1
F-7	238	18.6	F-7	72	5.6
			F-7	108	8.4
				<b>-76</b>	<b>-6.0</b>
			<b>Total Change</b>	<b>- 273</b>	<b>- 82.9</b>

**CONSIDERATIONS BEFORE THE SMGB:** At this time, based on the recommendations set forth by the State Geologist, and review of comments received during conduct of a public hearing pursuant to PRC Section 2762(d)(2), the SMGB may:

- (a) Designate all, or portions, of the areas reclassified MRZ-2 and that had land uses considered compatible with mining at the time of the update (i.e. candidate Sectors),
- or
- (b) Take no action.

**EXECUTIVE OFFICER'S RECOMMENDATION:** The State Geologist recommends that the candidate Sectors as listed and modified above for designation be designated. The Executive Officer recommends that the SMGB 1) accept the State Geologist's recommendations, that being, that the candidate areas identified as Sectors A through I (in 79 individual sectors and sub-sectors), as modified, be designated as lands containing construction aggregate resources of regional or statewide significance, and 2) direct the Executive Officer to commence the rulemaking process.

**SUGGESTED MOTION LANGUAGE:**

To approve or conditionally approve the proposed regulatory language:

*Mr. Chair, in light of the information before the State Mining and Geology Board today, I move to 1) approve [conditionally approve] the recommendations for designation of mineral lands set forth by the State Geologist of certain areas within the San Luis Obispo-Santa Barbara Production-Consumption Region, California, and 2) direct the Executive Officer to commence rulemaking.*

Or,

To defer action on the proposed regulatory language:

*Mr. Chair, in light of the information before the State Mining and Geology Board today, I move to defer action regarding the recommendations for designation of mineral lands set forth by the State Geologist of certain areas within the San Luis Obispo-Santa Barbara Production-Consumption Region, California.*

Respectfully submitted:



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Stephen M. Testa  
Executive Officer

