



SMGB Designation Report No. 16

STATE MINING AND GEOLOGY BOARD

**Updated Designation of
Regionally Significant Aggregate Resources
in the Stockton-Lodi Production-Consumption Region,
San Joaquin and Stanislaus Counties, California**



**Department of Conservation
Natural Resources Agency
September 2017**

This Designation Report was prepared
by the State Mining and Geology Board



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**Updated Designation of
Regionally Significant Aggregate Resources
in the Stockton-Lodi Production-Consumption Region,
San Joaquin and Stanislaus Counties, California**

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Executive Officer
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EXECUTIVE SUMMARY

This report updates information previously presented in the State Mining and Geology Board's "*SMARA Designation Report No. 9R - Designation of Regionally Significant Construction Aggregate Resources in the Stockton-Lodi Production-Consumption Region*". In 1989, the Board designated 5,709 acres, containing 656 million tons of aggregate resources, to be of regional significance in the Stockton-Lodi Production-Consumption (P-C) Region. An updated mineral land classification report published in 2012 by California Geological Survey (CGS), Special Report 199 - *Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California*, provided updated information on the resources within the Stockton-Lodi P-C Region. Of the 5,712 acres designated in 1989, about 41 percent, or 2,348 acres, has been depleted by mining or lost to land uses incompatible with mining. About 4,025 acres containing approximately 600 million tons of newly identified resources have been designated to be of regional significance.

The projected 50-year demand for construction aggregate in the Stockton-Lodi P-C Region is 687 million tons, with 40 percent, or 275 million tons being of PCC-grade. The presently permitted PCC-grade aggregate reserves of 232 million tons represent about 34 percent of the total projected demand.

INTRODUCTION

Designation is the formal recognition by the State Mining and Geology Board (Board) of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. This report updates the designation information for the Stockton-Lodi Production-Consumption (P-C) Region previously presented in the State Mining and Geology Board's "*SMARA Designation Report No. 9R - Designation of Regionally Significant Construction Aggregate Resources in the Stockton-Lodi Production-Consumption Region*" published in 1990. An updated mineral land classification report published in 2012 by California Geological Survey (CGS), "*Special Report 199 - Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California*", provided updated information on the resources within the Stockton-Lodi P-C Region.

This report describes the classification-designation process, the Lead Agency responsibilities related to the classification and designation of mineral lands, and the pertinent statutory and regulatory authority (Appendix A). This report outlines the administrative process leading to the designation and termination of designation of mineral lands (Appendix B), and describes revisions to the previous designation of the Stockton-Lodi P-C Region, including descriptions of mineral lands where designation continues, those where designation is terminated, and newly designated areas. The final regulatory language pertaining to the updated designation of the Stockton-Lodi P-C Region is included in Appendix C and the map depicting the updated designation is included as Plate 1.

CLASSIFICATION-DESIGNATION PROCESS

The rapid growth of many California communities, particularly during the past several decades, has served to emphasize the continuing importance of mineral resource conservation as a land-use issue. To support the maintenance of existing community structure, and state infrastructure, adequate supplies of a variety of mineral commodities must be available. Urban expansion, however, has been a major cause of a decline in the availability of many important mineral resources. In many areas, for example, pressure from competing land use has severely reduced or completely eliminated access to available construction material resources such as sand and gravel. This includes local permitting of land uses incompatible with mining activities.

In an effort to mitigate this issue, the Surface Mining and Reclamation Act (SMARA) provides for a mineral lands inventory process termed "classification-designation". The Department of Conservation's CGS, and the Board are the state agencies responsible for administering this process. The primary objective of this process is twofold. First is to provide local agency decision makers with information on the location, need and importance of mineral resources within their respective jurisdictions. Second is to assure that this information will be considered in local land-use planning decisions.

Classification

During the first phase of this process, known as classification, the State Geologist is responsible for preparing a geological inventory of selected mineral commodities within a defined study region. As set forth in Section 2761 (b) of SMARA, the State Geologist shall classify land solely on the basis of geologic factors and without regard to existing land use. Areas subject to mineral land classification studies are divided by the State Geologist into various Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral resource potential. Following is a brief description of the three MRZ categories used in SR 199:

- MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- MRZ-3:** Areas containing known or inferred mineral occurrences of undetermined mineral resource significance.
- MRZ-4:** Areas where available information is inadequate to assign any other classification.

In many regions, large portions of the areas classified as MRZ-2 are already committed to various urban uses which limit or prohibit access to underlying resources. As an aid to local planning agencies, classification reports also identify MRZ-2 areas that have not been urbanized. These non-urbanized areas, called resource sectors, are areas judged to contain a significant deposit of construction quality aggregate that is available, from a general land-use perspective, to meet future needs of the region. In other words, areas currently permitted for mining and areas found to have land uses compatible with possible mining are identified as sectors.

Designation

Once a classification report has been completed, the Board may choose, based on recommendations from the State Geologist, to proceed with the second step in SMARA's mineral land identification process, designation of those mineral deposits that are of regional or statewide significance. In contrast to classification, which inventories mineral deposits without regard to land use or land ownership, the purpose of designation is to identify those deposits that are potentially available from a land-use perspective, and are of prime importance in meeting future needs of the region or State. In the case of construction aggregate resources, areas considered for designation are those deposits situated within the resource sectors.

LEAD AGENCY RESPONSIBILITIES

General Plan Recognition

Both the classification report and designation information are transmitted to the appropriate lead agencies as they are completed. Within 12 months of the receipt of classification information and also within 12 months of the designation of an area, local lead agencies are required by PRC Section 2762(a) to establish Mineral Resource Management Policies (MRMP) in their general plan. The MRMP 1) recognizes the mineral land classification information generated by the State Geologist and transmitted to the Board; 2) assists in the management of land use that affects areas of statewide and regional significance (designated areas); and 3) emphasizes the conservation and development of the identified mineral deposits.

Prior to adoption of the MRMP, lead agencies are required to submit them to the Board for review and comment. Any subsequent amendment to the MRMP also requires Board review and comment.

The Board has adopted mineral resource goals and policies to guide local government in the use of information developed by the Classification-Designation process. The criteria to be used by affected cities and counties in developing their own MRMP are laid out by the Board (California Code of Regulations (CCR), Title 14, Section 3676), and should include, but not be limited to, the following:

- A summary of the data and analysis provided in the classification and/or designation reports, incorporation of PRC Section 2710, et seq., and state policy by reference (together with maps of the identified mineral deposits), or incorporation by reference of the classification and/or designation reports and maps.
- Policies that:
 - Recognize the mineral information transmitted by the Board,
 - Assist in the management of land uses affecting areas of regional and statewide significance and,
 - Emphasize the conservation and development of the identified mineral deposits.
- Implementation measures, including:
 - Reference in the general plan to the location of identified mineral deposits and a discussion of those areas targeted for conservation and possible future resource extraction.
 - Use of maps to clearly delineate identified mineral deposits and those areas targeted for conservation and possible future resource extraction.
 - At least one of the following:
 - Special purpose overlay zones, mineral resource/open-space zoning, or any other appropriate zoning that identifies the presence of mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.

- Requirements for recording notice of the presence of identified mineral deposits in the chain of property title.
- Conditions placed upon incompatible land uses within and next to any areas containing identified mineral deposits for the purpose of mitigating any significant land use conflicts.

Land Use Decisions in Classified and Designated Areas

If an area is classified by the State Geologist, and the lead agency either has designated that area in its general plan as having important minerals to be protected, or otherwise has not yet acted, 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 1) publishing the notice at least one time in a newspaper of general circulation in the area affected by the proposed use, and 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.

Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area containing mineral deposits but the significance of which requires further evaluation, 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.

Additional Requirements for Designated Areas

PRC Section 2763 notes that if an area is designated by the Board as an area of regional significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to PRC Section 2762(a), or otherwise has not yet acted pursuant PRC Section 2762(a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in PRC Section 2762(d). Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's MRMP and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

If an area is designated by the Board as an area of statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant PRC Section 2762(a), or otherwise has not yet acted pursuant to PRC Section 2762(a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in PRC Section 2762(d). Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's MRMP and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.

PRC Section 2764 further notes that upon the request of a surface mining 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. The amended general plan or new specific plan, with respect to the continuation of the existing surface mining operation for which the request is made, must address 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.

In adopting amendments to the general plan, or adopting or amending a specific plan, the lead agency shall make written legislative findings as to whether the future land uses and particular access routes will be compatible or incompatible with the continuation of the surface mining operation, and if they are found to be incompatible, the findings shall include a statement of the reasons why they are to be provided for, notwithstanding the importance of the minerals to their market region as a whole or their previous designation by the Board, as the case may be. Any evaluation of a mineral deposit prepared by a lead agency shall be transmitted to the State Geologist and the Board. These procedures are not to be undertaken in any area that has already been designated and if a MRMP has been established and incorporated in the lead agency's general plan.

THE STOCKTON-LODI PRODUCTION-CONSUMPTION REGION

The Stockton-Lodi P-C Region (Figure 1) encompasses approximately 412 square miles in San Joaquin and Stanislaus counties and includes the cities of Lathrop, Lodi, Manteca, Stockton, and Tracy.

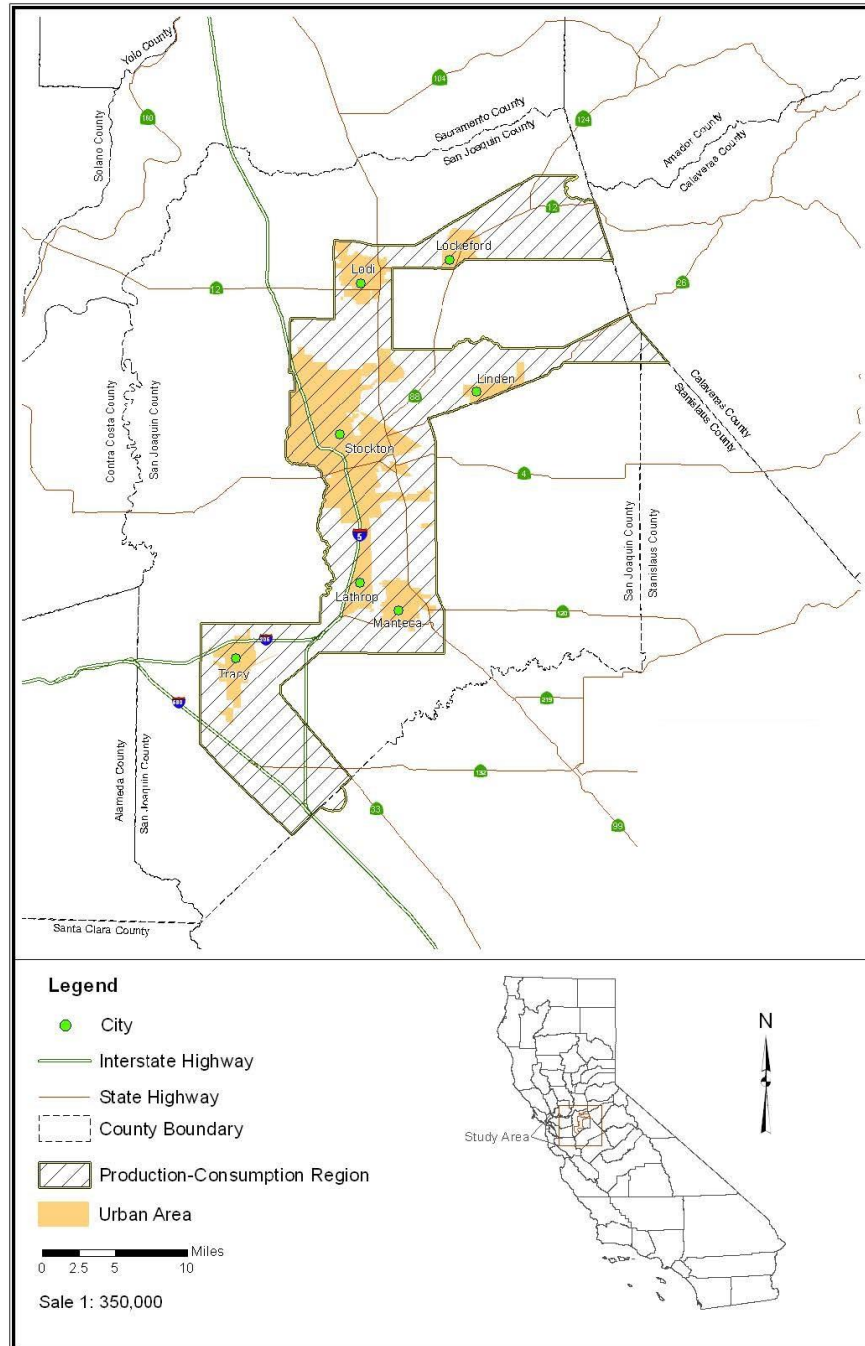


Figure 1. Stockton-Lodi P-C Region Location Map

**Table 1
Lead Agencies within the Stockton-Lodi P-C Region**

Lead Agency	Lead Agencies with Active Aggregate Surface Mining Operations Within Their Jurisdiction	Lead Agencies with Land Designated for PCC-Grade Aggregate within their Jurisdiction
County of San Joaquin	x	x
City of Lodi		
City of Manteca		
City of Stockton		
City of Tracy		
County of Stanislaus	x	x

The Importance of PCC-Grade Construction Aggregate in the Stockton-Lodi P-C Region

Sand, gravel and crushed stone are “construction materials”. These commodities, collectively referred to as construction aggregate, provide the bulk and strength to portland cement concrete (PCC), asphaltic concrete (AC, commonly called “black top”), plaster, and stucco. Aggregate is also used as road base, subbase, railroad ballast, and fill. Aggregate normally provides from 80 to 100% of the material volume in the above uses. Because material specifications for PCC-grade aggregate are more restrictive than specifications for other grades of aggregates, deposits suitable for use as PCC aggregate are the scarcest and most valuable of aggregate resources.

The Public Resources Code recognizes the value of construction aggregates, as well as other mineral resources, in PRC Section 2711, which states:

- *“the production and development of local mineral resources that help maintain a strong economy and that are necessary to build the state’s infrastructure are vital to reducing transportation emissions that result from the distribution of hundreds of millions of tons of construction aggregates that are used annually in building and maintaining the state.” and*
- *“that the state’s mineral resources are vital, finite, and important natural resources and the responsible protection and development of these mineral resources is vital to a sustainable California.”*

The projected 50-year demand for construction aggregate in the Stockton-Lodi P-C Region is 687 million tons. It is estimated that about 40 percent, or 275 million tons of this demand, will need to be of PCC-grade. The presently permitted PCC-grade aggregate reserves of 232 million tons represent about 34 percent of the total projected demand.

DESIGNATION OF RESOURCE AREAS IN THE STOCKTON-LODI P-C REGION

In 1989, the Board designated approximately 4,831 acres containing 566 million tons of PCC-grade aggregate resources, and 878 acres containing 90 million tons of PCC-grade sand resources. This designation included seven Sectors (A-1, A-2, A-3, A-4, B, C, D) which were divided further into 76 subsectors. In the years since the designation of the Stockton-Lodi P-C Region, about 41 percent, or 2,348 acres of the 5,709 acres of lands originally designated by the Board have been depleted by mining or lost to land uses incompatible with mining. Lands depleted by mining include 1,404 acres containing approximately 206 million tons of PCC-grade aggregate resources and 267 acres containing a proprietary amount of PCC-grade sand resources. About 677 acres containing approximately 134 million tons of PCC-grade aggregate resources have been lost to incompatible land uses.

Mineral resource areas designated, and areas where designation has been terminated, are shown on Plate 1, *“Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production Consumption (P-C) Region, San Joaquin and Stanislaus Counties, California (2015)”* This plate is included in the pocket of this report.

Previously Designated Sectors

Listed below are a description and location of the sectors and subsectors originally designated in 1989.

Sectors A-1, A-2, A-3, and A-4 encompass a large alluvial fan centered on Corral Hollow Creek near Tracy. The sectors were further divided into 43 adjacent but individual subsectors (A-1a through A-1q; A-2a through A-2e; A-2h through A-2j; A-2n through A-2z; A-3a through A-3c; A-4a and A-4b) covering 2,728 acres and 464 million tons of aggregate resources.

Sector B consists of a portion of the alluvial fan associated with Lone Tree Creek situated on the west side of the San Joaquin Valley near the base of the Diablo Range. This sector was divided into 13 subsectors (B-1 through B-9; B-11 through B-14) covering 1,226 acres and 64 million tons of aggregate resources.

Sector C covers a portion of the alluvial fan formed by Hospital Creek along the western edge of the Valley. This deposit is located on the west side of the San Joaquin Valley near the intersection of Interstate 5 and Interstate 580. This sector was divided into eight subsectors (C-1 through C-4; C-6 through C-9) covering 877 acres and 38 million tons of aggregate resources.

Sector D consists of a large PCC-grade sand deposit situated along the San Joaquin River west of Manteca and south of Lathrop near the middle of the Valley. This sector was divided into 12 subsectors (D-1 through D-4; D-6 through D-13) covering 878 acres and 90 million tons of resources.

Designation Status Terminated

Table 2 summarizes the Sectors and Subsectors which were terminated, along with the acres and resources lost. The designated status of all or parts of 38 Subsectors in eight Sectors have been terminated due to either depletion by mining or incompatible land uses. These 38 subsectors totaled an estimated 2,348 acres and contained more than 340 million tons of resources.

**Table 2
Summary of Previously Designated Sectors and Subsectors Terminated**

Sector	Subsectors Terminated	Acres Lost	Resources Lost (million tons)
A-1	A-1b through A-1d; A-1f; A-1h through A-1k; A-1n through A-1q	462	P
A-2	A-2a through A-2c; A-2h through A-2j; A-2n; A-2p through A-2w; A-2y; A-2z	1,424	133*
A-3	All three subsectors have been terminated.	140	P
A-4	Both subsectors have been terminated.	55	P
D	D-9 through D-12	267	P
Total		2,348	340.2

P = Proprietary

* These are the resources lost to incompatible land use; resources lost to mining is proprietary.

Newly Designated Resource Areas

Three newly identified aggregate resource sectors have been designated to be of regional significance totaling about 4,029 acres. The permitted aggregate resources amounts contained in these Sectors is considered proprietary. The location and a description of the sectors are provided below.

Sector E is located southwest of the town of Vernalis, to the west of Welty road and east of Interstate 580. It is adjacent to Sector B on the northwest and Sector C to the south. This Sector is divided into 10 subsectors (E-1 through E-10) and covers 2,813 acres between the Lone Tree and Hospital Creek alluvial fans. The Sector contains three active aggregate mines producing PCC-grade aggregate; aggregate resources (including reserves) are proprietary.

Sector F is located west of the town of Vernalis and is traversed by Bird Road, Highway 132 and Interstate 580. It is adjacent to Sector B on the east. This Sector is divided

into 10 subsectors (F-1 through F-10) and covers 927 acres west of the Lone Tree Creek Alluvial Fan. Portions of the Sector are currently permitted for mining of PCC-grade aggregate; aggregate resources (including reserves) are proprietary.

Sector G is located southwest of the City of Lathrop and is southeast of interstate 205/5 and northeast of Paradise Cut. It is adjacent to Sector D to the northeast. This Sector is divided into two subsectors (G-1 and G-2) and covers 289 acres. The two subsectors are currently permitted to be mined; the PCC-grade sand resources (including reserves) are proprietary.

Table 3 provides a summary of the currently designated sectors and subsectors and the estimated acres and designated resources.

**Table 3
Summary of Currently Designated Sectors and Subsectors**

Sector	Subsectors Designated	Acres	Designated Resources (million tons)
A-1	A-1a, A-1e, A-1g, A-1l, A-1m	116	22
A-2	A-2b, A-2d, A-2e, A-2o, A-2x	552	65
B	B-1 through B-9; B-11 through B-14	1,219	19
C	C-1 through C-4; C-6 through C-9	880	75
D	D-1 through D-9; D-13	535	18
E	E-1 through E-10	2,813	P
F	F-1 through F-10	927	P
G	G-1 and G-2	289	P
Total		7,331	1,036

P - Proprietary

ADDITIONAL INFORMATION

Questions about this designation report, the classification-designation program, or the requirements of SMARA, should be directed to the Executive Officer of the SMGB, at 801 K Street, Suite 2015, Sacramento, California 95814, telephone (916) 322-1082.

Copies of the updated classification study prepared for the Stockton-Lodi P-C Region, Special Report 199, titled "*Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California*", are available from the California Department of Conservation, California Geological Survey, 801 K Street, Sacramento, California 95814.

REFERENCES

Smith, J.D., and Clinkenbeard, J.P., 2012, Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties: California Geological Survey Special Report 199.

State Mining and Geology Board, 1990, Designation of Regionally Significant Construction Aggregate Resources in the Stockton-Lodi Production-Consumption Region: SMARA Designation Report No. 9R.

APPENDIX A

Pertinent Statutory and Regulatory Authority

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Pertinent Statutory and Regulatory Authority

PRC Section 2711 recognizes that the state's mineral resources are vital, finite, and important, and the responsible protection and development of these mineral resources is vital to a sustainable California, and states:

“(a) The Legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(b) The Legislature further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(c) The Legislature further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

(d) The Legislature further finds that the production and development of local mineral resources that help maintain a strong economy and that are necessary to build the state's infrastructure are vital to reducing transportation emissions that result from the distribution of hundreds of millions of tons of construction aggregates that are used annually in building and maintaining the state.

(e) The Legislature further finds and recognizes the need of the state to provide local governments, metropolitan planning organizations, and other relevant planning agencies with the information necessary to identify and protect mineral resources within general plans.

(f) The Legislature further finds that the state's mineral resources are vital, finite, and important natural resources and the responsible protection and development of these mineral resources is vital to a sustainable California.”

PRC Section 2761 requires the SMGB to transmit mineral resource information on the classified areas described above, or on other designated areas, to a lead agency or a metropolitan planning organization within 30 days of receiving a request for the information and states:

“(a) On or before January 1, 1977, and, at 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 that are urbanized or are subject to urban expansion or other irreversible land uses that would preclude mineral extraction:

(1) Standard metropolitan statistical areas and 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 that has been accepted by the board, or any other areas as may be specified by the board, as one of the following:

(1) An area that contains mineral deposits and is not of regional or statewide significance.

(2) An area that contains mineral deposits and is of regional or statewide significance.

(3) An area that contains mineral deposits, the significance of which requires further evaluation.

(c) 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.

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

(e) The board shall transmit mineral resource information on areas classified by the State Geologist pursuant to paragraph (2) of subdivision

(b), or on applicable areas designated by the board pursuant to Section 2790, or both, to a lead agency or a metropolitan planning organization within 30 days of receiving a request for the mineral resource information identified within the jurisdiction of the lead agency or the metropolitan planning organization.”

PRC Section 2762 requires lead agencies to establish mineral resource management policies to be incorporated into their general plan and states:

“(a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, a lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan that will:

(1) Recognize mineral information classified by the State Geologist and transmitted by the board.

(2) Assist in the management of land use that affects access to areas of statewide and regional significance.

(3) Emphasize the conservation and development of identified mineral deposits.

(b) A lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

(c) A subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board.

(d) (1) If an 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 that would threaten the potential to extract minerals in that area, the lead agency shall prepare, in conjunction with preparing, if required, an environmental document required by Division 13 (commencing with Section 21000), or

if, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the board for review.

(2) 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:

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

(B) 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.

(3) 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, if 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 that 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 in the area. The results of the evaluation shall be transmitted to the State Geologist and the board."

PRC Section 2763 requires lead agencies to prepare a statement specifying reasons for permitting a proposed use involving areas designated as being of statewide significance and states:

"(a) If an area is designated by the board as an area of regional significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

(b) If an area is designated by the board as an area of statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare

a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.”

PRC Section 2764 addresses amendments to, and adoption of, general plans and states:

“(a) 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.

(b) In adopting amendments to the general plan, or adopting or amending a specific plan, the lead agency shall make written legislative findings as to whether the future land uses and particular access routes will be compatible or incompatible with the continuation of the surface mining operation, and if they are found to be incompatible, the findings shall include a statement of the reasons why they are to be provided for, notwithstanding the importance of the minerals to their market region as a whole or their previous designation by the board, as the case may be.

(c) Any evaluation of a mineral deposit prepared by a lead agency for the purpose of carrying out this section shall be transmitted to the State Geologist and the board.

(d) The procedure provided for in this section shall not be undertaken in any area that has been designated pursuant to Article 6 (commencing with Section 2790) if mineral resource management policies have been established and incorporated in the lead agency's general plan in conformance with Article 4 (commencing with Section 2755).”

PRC Section 2790 provides the SMGB authority to consider areas of statewide significance for designation 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 2793 provides statutory authority which allows the SMGB to terminate, in whole or in part, an area previously designated, and states:

“The board may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board is no longer required.”

CCR Section 3675 provides definition of compatible and incompatible land use, and states:

“Definitions. The following definitions as used herein shall govern the interpretation of these regulations:

Compatible Land Use. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

Incompatible Land Use. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.”

CCR Section 3676. This section provides a summary of information to be provided as part of MRMP and states:

Section 3676. “Mineral Resource Management Policies.

Lead agency mineral resource management policies adopted pursuant to the provisions of PRC Section 2762 shall include but not be limited to, the following:

(a) A summary of the information provided by the classification and/or designation reports, or incorporation of PRC Sections 2710 et seq., and state policy by reference, together with maps of the identified mineral deposits or incorporation by reference of the classification and/or designation maps provided by the Board.

(b) Statements of policy in accordance with the provisions of PRC Section 2762(a).

(c) Implementation measures that shall include:

(1) Reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency.

(2) Use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction.

(3) At least one of the following:

(A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits

and restricts the encroachment of incompatible land uses in those areas that are to be conserved.

(B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.

(C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.”

APPENDIX B

ADMINISTRATIVE PROCESS LEADING TO DESIGNATION, AND TERMINATION OF DESIGNATION WITHIN THE STOCKTON-LODI P-C REGION

APPENDIX B

- May 10, 2012 – The Board accepted CGS Special Report 199 *“Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California”*.
- September 13, 2012 – The Board accepted the State Geologist’s recommendations for designation of select mineral resource lands in the Stockton-Lodi P-C Region.
- August 19, 2013 – A public hearing was held to receive comments during the 60-day public comment period which began on August 5, 2013, and ended on October 5, 2013. No oral or written comments were received.
- November 14, 2013 – The Board approved the proposed regulatory language.
- May 30, 2014 – The approved proposed regulatory language was published in the California Regulatory Notice Register No. 22-Z, and was available for public comment from May 30, 2014 through July 14, 2014. No comments were received.
- August 14, 2014 – The Board adopted the final regulatory language.
- May 28, 2015 – The Office of Administrative Law approved the regulations, with an effective date of July 1, 2015.

APPENDIX C

Stockton-Lodi Production-Consumption Region Designation Regulations

APPENDIX C

Stockton-Lodi Production-Consumption Region Designation Regulations

§ 3550.14. Construction Aggregate Resources, Stockton-Lodi Production-Consumption Region.

The designated resource areas, and resource areas being terminated, is shown on Plate 1, Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production Consumption (P-C) Region, San Joaquin and Stanislaus Counties, California (2015), and is incorporated by reference into this regulation. This map is available from the State Mining and Geology Board's office in Sacramento.

The construction aggregate deposits in the following areas are designated as being of regional significance:

Sector A-Aggregate deposits on the alluvial fan created by Corral Hollow Creek, situated south of the City of Tracy.

Sector B-Aggregate deposit on the alluvial fan created by Lone Tree Creek. Deposit extends from just west of Interstate 580 near the base of the Coast Range hills northwest to the alignment of Interstate 5.

Sector C-Aggregate deposit that consists of the alluvial fan formed by Hospital Creek. Deposit extends from west of Interstate 580 within the foothills of the Coast Range and east into the San Joaquin Valley.

Sector D-Sand deposit centered on the San Joaquin River near the intersection of Highway 120 and Interstate 5 west of the City of Manteca.

Candidate Sector E (Subsectors E-1 through E-10) - This Sector is located southwest of the town of Vernalis, to the west of Welty road and east of Interstate 580. It is adjacent to Sector B on the northwest and Sector C to the south. A portion of Subsector E-10 extends into Stanislaus County.

Candidate Sector F (Subsectors F-1 through F-10) - This Sector is located west of the town of Vernalis and is traversed by Bird Road, Highway 132 and Interstate 580. It is adjacent to Sector B on the east. Subsectors F-1 through F-10 total 927 acres and cover an area west of the Lone Tree Creek Alluvial Fan.

Candidate Sectors G (Subsectors G-1 and G-2) - This Sector is located southwest of the City of Lathrop and is southeast of Interstate 205/5 and northeast of Paradise Cut. It is adjacent to Sector D to the northeast.

All or parts of eight Sectors are identified for termination of designation status because of depletion due to mining or development of incompatible land uses. These areas are indicated on the accompanying Plate, and as follows:

Sector A-1: There are twelve subsectors totaling 462 acres that have been depleted by mining (A-1b, A-1c, A-1d, A-1f, A-1h, A-1i, A-1j, A-1k, A-1n, A-1o, A-1p and A-1q).

Sector A-2: There are seventeen subsectors totaling 1,424 acres that have been depleted partially or completely by mining or now have land uses incompatible with mining. Subsectors A-2a, A-2b, A-2c, A-2h, and A-2i covering 677 acres containing 132,579,000 tons of PCC-grade aggregate resources have been lost to urbanization. Subsectors A-2i, A-2n, A-2p, A-2q, A-2r, A-2s, A-2t, A-2u, A-2v, A-2w, A-2y, and A-2z covering 747 acres have been depleted by mining.

Sector A-3: There are three subsectors totaling 140 acres that have been depleted by mining (A-3a, A-3b, and A-3c).

Sector A-4: There are two subsectors totaling 55 acres that have been depleted by mining (A-4a and A-4b).

Sector D-9: 197 acres of Sector D-9 have been depleted by mining.

Sector D-10: 9 acres of Sector D-10 have been depleted by mining.

Sector D-11: 51 acres of Sector D-11 have been depleted by mining.

Sector D-12: 10 acres of Sector D-12 have been depleted by mining.

NOTE: Authority cited: Sections 2790 and 2793, Public Resources Code. Reference: Sections 2761, 2762, 2763, 2790, 2791 and 2792, Public Resources Code.

HISTORY

1. New section filed 6-29-89; operative 7-29-89 (Register 89, No. 27).
2. Amendment of section and Note filed 5-28-2015; operative 7-1-2015 (Register 2015, No. 22).