

# SMARA FAQs

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## What is SMARA?

SMARA is an acronym for the Surface Mining and Reclamation Act of 1975. SMARA was enacted by the California Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment.

## Who administers SMARA at the State level?

The Department of Conservation's Division of Mine Reclamation (DMR) and the [State Mining and Geology Board \(SMGB\)](#) are jointly charged with ensuring proper administration of the Act's requirements. The SMGB promulgates regulations to clarify and interpret the Act's provisions, and also serves as a policy and appeals board. The DMR provides an ongoing technical assistance program for lead agencies and operators, maintains a database of mine locations and operational information statewide, and is responsible for compliance related matters.

## What is "mined-land" reclamation?

The process of reclamation includes maintaining water and air quality, minimizing flooding, erosion and damage to wildlife and aquatic habitats caused by surface

mining. The final step in this process is often topsoil replacement and revegetation with suitable plant species.

The following are examples of successful reclamation projects:

- One mining company in Ventura County reclaimed its mining pit to a strawberry field.
- A gravel extraction area at Mississippi Bar in Sacramento County was returned to a riparian (water) wildlife habitat.
- An aggregate mine on agricultural land in Yolo County operates in four phases. The intent is that not more than 95 acres is out of agricultural production at any time during the project's life.
- Other mined lands have been reclaimed to grazing and production of crops such as alfalfa, corn, grapes and tomatoes.

Who is subject to SMARA?

The Act's requirements apply to anyone, including government agencies, engaged in surface mining operations in California (including those on federally managed lands) which disturb more than one acre or remove more than 1,000 cubic yards of material. This includes, but is not limited to: prospecting and exploratory activities, dredging and quarrying, streambed skimming, borrow pitting, and the stockpiling of mined materials.

What is the application of SMARA to mines on Federal Lands?

By way of a Memorandum of Understanding between the Department of Conservation, the Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), have agreed that the statutes and regulations of SMARA are applicable to lands regulated by BLM and the USFS. Under the terms of the agreement, the local lead agency remains the lead agency and has the main responsibility to enforce the requirements of SMARA.

The lead agency works cooperatively with the federal agencies to assure that the requirements of the local ordinances, state statutes and regulations and federal requirements are met.

- Lead agency status cannot be delegated to the federal agency.
- The local lead agency must require and approve (after review by the Department of Conservation) a reclamation plan and financial assurances. (Lead agencies may accept operation plans, reclamation plans and environmental studies that meet BLM and USFS, provided they meet the requirements of SMARA.)
- The financial assurances must be payable to the appropriate federal agency, as well as to the lead agency and the Department of Conservation.

- The local lead agency retains responsibility for annual inspections.

For the mine operator:

- Mining claims with the appropriate federal agency, and claim maintenance fees are still required.
- Mine operators are still required to submit annual reports and annual reporting fees to the Department of Conservation.

How is SMARA implemented?

City and county "lead agencies" adopt ordinances for land use permitting and reclamation procedures which provide the regulatory framework under which local mining and reclamation activities are conducted. The State Mining and Geology Board (SMGB) reviews these lead agency ordinances to determine whether each ordinance meets or exceeds the California surface mining and reclamation procedures established pursuant to SMARA. If the SMGB determines that a lead agency is not in compliance with SMARA, the SMGB has the authority to exercise any of the powers of that lead agency with respect to surface mining and reclamation, except for permitting authority. The SMGB promulgates regulations to clarify and interpret the SMARA's provisions, and also serves as a policy and appeals board.

When can mining begin?

Lead agency approval of a mining permit, a plan for returning the land to a usable condition which is readily adaptable for alternate land use (known as a "reclamation plan"), and financial assurances to guarantee costs for reclamation, are required prior to initiating mining activities. Pursuant to PRC §2207(d)(5), new mining operations must also file an initial report with the DMR.

What is the role of the SMARA lead agency?

SMARA lead agencies review applications for permits and/or reclamation plans (or amendments thereto), submit reclamation plans and financial assurances to the State for technical review and comment prior to approval, annually review financial assurances, annually inspect mining operations for compliance, and take enforcement actions where necessary.

What is the role of the mining operator?

Mining operators are responsible for the preparation and submission of reclamation plans and financial assurances for reclamation to the lead agency. Annual reporting to both the State and the lead agency on the status of mining and reclamation activities, annual updates of financial assurances, and annual inspections (to be conducted under the auspices of the lead agency), are required. Following completion of mining activities, and in accordance with the approved reclamation plan and relevant permit conditions, mining operators return mined lands to a second, productive use.

Examples of post-mining uses may include, but are not limited to, open space, wildlife habitat, agricultural lands, grazing, park lands, and preparing the land for industrial or commercial uses.

What types of financial assurances may be used to guarantee reclamation?

Financial assurances may take the form of surety bonds, irrevocable letters of credit or trust funds, and must be accessible by the lead agency and the State in cases of mine abandonment. The SMGB may, by regulation, authorize alternative financial assurance mechanisms. While additional forms of financial assurance mechanisms have not yet been extended to mining operators, governmental entities have been authorized to utilize pledges of revenue or budget set-asides.

What happens if an agency does not have a certified ordinance?

In the absence of a certified lead agency SMARA ordinance, the SMGB may review and approve reclamation plans. Any such plans would not be subject to later modification by the permitting agency; however, administrative jurisdiction may be regained once a SMARA ordinance has been certified by the SMGB.

Who should I contact for more information?

For permitting or enforcement questions, contact your lead agency. For unresolved questions regarding enforcement activities, or questions regarding annual mine reporting, reclamation technical assistance, or general information, contact the [Division of Mine Reclamation](#).