

**FINAL STATEMENT OF REASONS  
CALIFORNIA CODE OF REGULATIONS  
Chapter 8. Mining and Geology  
Subchapter 1. State Mining and Geology Board  
Article 2. Areas Designation to be of Regional Significance**

This Final Statement of Reasons supersedes the Final Statement of Reasons in OAL Matter Number: 2025-0516-01.

**UPDATE TO THE INITIAL STATEMENT OF REASONS**

The Initial Statement of Reasons (ISOR), released January 31, 2025, is incorporated by reference herein, and contained a description of the rationale for the adoption of the proposed regulations. On January 31, 2025, all documents relied upon and referenced in the ISOR were made available to the public.

The original text of the proposed regulations was made available to the public for at least 45 days starting January 31, 2025, through March 28, 2025. A public hearing was held on March 27, 2025.

The State Mining and Geology Board (Board) received 1 public comment from one (1) person on the text as originally noticed during the 45-day comment period and public hearing. Upon review and consideration of the comments received, the Board determined that modifications to text of the regulations were not necessary.

There have been no changes in the applicable laws or to the effects of the proposed regulations from those described in the Initial Statement of Reasons (ISOR) published with the Notice of Proposed Action (NOPA).

The Board has considered all relevant matters presented to it and recommends approval of the proposed regulatory action.

**45-Day Public Comment Period**

The original text of the proposed regulations was made available to the public for at least 45 days starting January 31, 2025, through March 28, 2025.

**Public Hearing**

A public hearing was held on March 27, 2025.

**Incorporation by Reference**

As the maps referenced in the regulation are large and cumbersome, it would be unduly expensive and otherwise impractical to publish them in the California Code of Regulations. However, these maps are available from the State Mining and Geology Board's office in Sacramento.

**Consideration of Alternatives**

One alternative to designating mineral lands in the GSA P-C region considered was to

perform no such designation. This alternative was rejected based on the determination that the preservation of proximal mineable aggregate was necessary to meet the aggregate demands of the region and avoid the consequences of long-distance transportation of aggregate discussed in greater detail in the General Purpose section. The Board has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective as and less burdensome to affected private persons, or would be more cost effective to affected persons and equally effective in implementing the statutory policy or other provisions of the law than the action taken by the Board.

### **Alternatives to the Regulation**

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the public comment period.

### **Alternatives Determination**

In accordance with Government Code section 11346.9(a)(4), the Board has thoroughly reviewed and determined this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. It was determined that no alternatives considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would they be as effective as and less burdensome to affected private persons or businesses than the proposed action, and more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board did not consider any other reasonable alternatives to be less burdensome to businesses in carrying out the purposes of the proposed regulation beyond that previously identified in the Initial Statement of Reasons.

### **Small Business Effects**

The Board has determined that the proposed regulations have no “substantial” effect to small business and the Board has not identified any alternatives that would lessen any adverse impact on small business and still allow the Board to fulfill the statutory requirements.

### **Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630**

Board staff determined that this proposed regulation imposes costs of between \$70,000 and \$130,000 in the first year and between \$0 and \$60,000 in the second year on local land use lead agencies. These amounts are cumulative expenses predicted to be incurred by the eight lead agencies in the GSA region. However, under PRC section 2207(e) local lead agencies may impose a fee on mining operations to cover the costs of SMARA administration, thus there is no unfunded local mandate. School districts are not affected by the regulation.

### **Public Comments**

Only objections or recommendations directed at the agency’s proposed action or the procedures followed by the agency in proposing or adopting the action are summarized and responses provided, as permitted by Government Code, Title 2, Section 11346.9.

## **CHANGES MADE TO THE ORIGINAL PROPOSAL**

“Candidate” from the text and map plates was removed and replaced with “designation.” This is a change that does not materially alter any requirement, right, responsibility, condition, or prescription. The revision is non-substantive and a “change without regulatory effect” because it’s only changing a descriptive label.

An irrelevant comment was received during the 45-day public comment period and public hearing in response to the Notice of Proposed Action. However, this comment is irrelevant as it is not directly related to the contents of the regulations.

The Board has provided a response to the irrelevant comment, as permitted by Government Code, Title 2, Section 11346.9. The purpose of the response is to provide public education on this issue.

## **45-DAY PUBLIC COMMENT AND PUBLIC HEARING**

Origin of Comment: Warren Coalson, President, EnviroMINE, Inc.

Comment: This comment discussed frustrations with permitting of surface mining operations. This comment is not relevant to the rulemaking.

Board Response: The Surface Mining and Reclamation Act (SMARA) is predominantly a locally implemented program, including the responsibility to complete CEQA and approve discretionary permits. The State Mining and Geology Board (Board) does not have authority to permit surface mining operations.

SMARA’s mineral resource conservation provisions involve a state/local planning process called classification-designation. According to Public Resources Code (PRC) Sections 2761 and 2790-2793, the State Geologist classifies areas of the state according to the presence or absence of significant mineral deposits. This work is concentrated in areas subject to urban expansion or other irreversible land uses incompatible with mining. Upon receipt of this classification information, the Board consults with affected local "lead" agencies, other affected local, state, and federal agencies, industry, and other interested parties.

Thereafter, the Board may designate certain areas of the state as lands containing mineral deposits of statewide or of regional significance. This information is transmitted to local government for incorporation into its general plan.

Designation is a state activity which provides geologic and mineral-economic information to local government. This activity aids local government in its management of mineral resources within the context of its general plan goals and in consideration of regional land uses.

The purpose of this cooperative planning process is to assure that local lead agencies have information regarding valuable mineral deposits which are located within their jurisdictions and are needed for future use by a region or the state.

Designation appeals under PRC 2775 are considered when an applicant whose request for a permit to conduct surface mining operations in an area of statewide or regional significance has been denied by a lead agency, or any person who is aggrieved by the granting of a permit to conduct surface mining operations in an area of statewide or regional significance, may, within 15 days of exhausting his rights to appeal in accordance with the procedures of the lead agency, appeal to the Board.