



CALIFORNIA SURFACE MINING AND RECLAMATION POLICIES AND PROCEDURES

RECLAMATION PLAN GUIDELINES STATE MINING AND GEOLOGY BOARD

Section 2772(a) of California's Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code (PRC) Section 2710 et seq.) requires that a reclamation plan be filed with the lead agency, on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or operates on all, or any portion of any mined lands, and who plans to conduct surface mining operations on the lands. This reclamation plan form has been adopted by the State Mining and Geology Board (Board) and is to be used as a guideline for preparing reclamation plans submitted to the Board for approval pursuant to SMARA. Conduct of surface mining operations is prohibited until a reclamation plan and financial assurance is submitted to and approved by the lead agency (city, county, or Board). These Guidelines and form serve to clarify existing statute and regulation. They do not create new requirements for mining operators or local lead agencies. The Guidelines are reviewed, revised and re-adopted as necessary.

Mines that will disturb less than five acres may continue to use the Small Mine Reclamation Plan Prototype available on the Board's website at <http://www.consrv.ca.gov/SMGB/guidelines.htm> so long as proposed mining operations will not:

- Impact sensitive species or sensitive habitats,
- Potentially degrade water quality, or
- Occur within an active stream channel.

Operators wishing to use the Small Mine Reclamation Plan Prototype are encouraged to contact the Board's office for an initial determination of whether it fits the scale of their proposed operation.

WHY IS A RECLAMATION PLAN REQUIRED?

SMARA Section 2712 states: *"It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:*

- (a) *Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.*
- (b) *The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.*
- (c) *Residual hazards to the public health and safety are eliminated.”*

WHO MUST FILE A RECLAMATION PLAN?

SMARA Section 2770(a) requires: *“Except as provided in this section, no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation pursuant to this article.”* Generally, the operator files the reclamation plan.

WHERE DO I FILE MY RECLAMATION PLAN?

SMARA Section 2772(a) states: *“The reclamation plan shall be filed with the lead agency, on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations on the lands.”*

The lead agency is generally the County, City or other jurisdiction in which the mine is located. When the Board is the lead agency under SMARA, reclamation plans should be forwarded to:

State Mining and Geology Board
801 K Street, M.S. 20-15
Sacramento, CA 95814

WHAT IS THE PROCESS THE BOARD FOLLOWS AFTER RECEIVING A RECLAMATION PLAN?

Reclamation plans received by the Board will be processed as follows:

- The plan will be reviewed to determine if it is complete and meets the minimum requirements of SMARA. If it is not attached to the reclamation plan when it is received, the Board will request that the person submitting the plan forward a financial assurance cost estimate (FACE).

- Plans determined to be complete will be forwarded to the Department of Conservation Office of Mine Reclamation (OMR) for a 30-day review, and the FACE will be forwarded to the OMR for a 45-day review (PRC Section 2774(d)(1)).
- The Board must submit a proposed response to OMR's written comments at least 30 days prior to approval of a reclamation plan, plan amendment, or financial assurance, (PRC Section 2772.7). In its proposed response to OMR's written comments, the Board must describe whether it proposes to adopt the comments. If it does not, the Board must specify in detail the reason(s) for not doing so.
- A reclamation plan is a project under the California Environmental Quality Act (CEQA). Where the Board is the CEQA lead Agency, Board staff will prepare a contract for the preparation of an Initial Study and the appropriate CEQA document (Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report).
- The CEQA document, reclamation plan, and the financial assurance cost estimate, are assigned to the Board's Surface Mining Standards Committee for review.
- Upon recommendation by the Board's Surface Mining Standards Committee, the CEQA document, reclamation plan, and the financial assurance cost estimate are forwarded to the Board for public hearing and subsequent action.
- The SMGB must provide OMR at least 30 days' notice of the time, place, and date of the hearing before the SMGB can consider approval of the reclamation plan, plan amendment, or financial assurance (PRC Section 2772.7).
- Upon approval of a reclamation plan or an amendment to a reclamation plan, the Board must record a "Notice of Reclamation Plan Approval" with the county recorder (PRC Section 2772.7). This notice must read:

"Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the State Mining and Geology Board, a copy of which is on file with the Department of Conservation Office of Mine Reclamation."
- Upon approval of the FACE and proposed form of financial assurance mechanism, the operator must post an adequate financial assurance instrument naming the Board and the Department of Conservation as payee prior to commencing mining operations.

WHEN CAN I COMMENCE MINING?

- Mining can commence after the reclamation plan has been approved, and an approved financial assurance mechanism is in place.

- The initial reporting fee of \$500 for a new surface mining operation, together with an initial report, are due and payable to the Department of Conservation within thirty (30) days of permit approval.

WHO IS RESPONSIBLE FOR COMPLETING RECLAMATION?

The reclamation plan must include a signed statement of responsibility. The person signing the statement of responsibility is responsible for completing reclamation in accordance with the approved reclamation plan. Generally the operator takes responsibility for reclamation.

REFERENCE MATERIALS AND WEBSITES USEFUL IN PREPARATION OF RECLAMATION PLANS:

References:

- Collins, Brian and Dunne, Thomas, 1990, *Fluvial Geomorphology and River-Gravel Mining: A Guide for Planners*. California Department of Conservation, Division of Mines and Geology, Special Publication 98.
- Norman, Davis, et al., 1997, *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon*, Washington Division of Geology and Earth Resources Open File Report 96-2/ Oregon Department of Geology and Mineral Industries Open File Report O-96-2, Revised Edition, December 1997.
- Hutchison, Ian P. G. and Ellison, Richard D., (Sponsored by the California Mining Association), 1992, *Mine Waste Management – A Resource for Mining Industry Professionals, Regulators and Consulting Engineers*, Lewis Publishers, Boca Raton, Florida, 654 p.
- Newton, Gail A. and Claassen, V. P., 2003, *Rehabilitation of Disturbed Lands in California: A Manual for Decision Making*, California Geological Survey Special Publication 123, 228 p.
- Sengupta, M., 1993, *Environmental Impacts of Mining – Monitoring, Restoration, and Control*, Lewis Publishers, Boca Raton, Florida, 494 p.
- Schoenig, Steve (editor), 2005, *California Noxious and Invasive Weed Action Plan*. The California Department of Food and Agriculture and the California Invasive Weed Awareness Coalition.

Websites:

- American Society of Mining and Reclamation (<http://ces.ca.uky.edu/asmr/>)
- California Department of Food and Agriculture (CDFA) provides a weed education clearinghouse (www.cdfa.ca.gov/weededucation)
- California Invasive Plant Council (CalIPC at <http://www.cal-ipc.org>)
- California Invasive Species Information Catalog (CRISISCat) is a clearinghouse for information on invasive species in California (<http://cain.nbii.org/crisis/crisiscat>)
- The Nature Conservancy addresses invasive species on a national level at <http://nature.org/initiatives/invasivespecies>
- University of California's Cooperative Extension Weed Research and Information Center (<http://wric.ucdavis.edu>)
- United States Department of Agriculture (USDA) maintains a plants database (<http://plants.usda.gov>)
- Weeds maintained by the federal government (<https://Invasivespeciesinfo.gov>)