



# STATE MINING AND GEOLOGY BOARD

## DEPARTMENT OF CONSERVATION

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### Open-Pit Metallic Mine Backfill Regulations Informal Pre-Rulemaking Workshop Questionnaire #2

The State Mining and Geology Board (Board) is considering possible technical changes, to accommodate diverse environmental conditions/settings, to California Code of Regulations, Title 14, section 3704.1 (hereinafter *Metallic Mine Backfill Regulations*). Significant revisions have been made to the California Environmental Quality Act (PRC section 21000 et seq., "CEQA") pertaining to Green House Gasses, Climate Change, consultation with Tribal communities, etc. Fifteen years have passed since the adoption of the Metallic Mine Backfill Regulations and in some cases, lead agencies' positions on land treatment for the proposed usable condition of the mined lands caused by Metallic Mine sites may be at variance pursuant to CEQA. The Board is now seeking public comments and suggestions to help guide informal pre-rulemaking considerations for these possible technical changes.

Please provide responses to the following discussion questions:

1. Do previous rationalizations establishing the Metallic Mine Backfill Regulations remain valid today? What, if any, parts of the rationalization might not be valid today?
2. What technical changes might be made to the Metallic Mine Backfill Regulations to allow for the consideration of site-specific environmental conditions?
3. Is CEQA and the participation of Trustee and Responsible Agencies (CA Department of Fish and Wildlife, Regional Water Quality Control Boards, CA Air Resources Board, etc.) effective in evaluating appropriate SMARA performance standards for final reclamation? Why or why not?
4. Who should determine the appropriateness of land treatment pursuant to CEQA and SMARA? What are the pros and cons for the CEQA lead agency or the SMGB making these determinations?
5. How should backfill requirements interact with the treatment, storage, and disposal of mine waste regulations promulgated by the United States Environmental Protection Agency?
6. Should County/City regional conservation goals be considered in the reclamation plan?

7. If final reclamation can be achieved in a way/ways that is/are environmentally more appropriate than complete backfilling, what should be the degree of evidence necessary to support such a finding?

8. Which metallic minerals require unique or different considerations under current regulations and why?

9. What are the economic costs and environmental impacts of limiting the height of waste rock piles to less than 25 feet above the original land elevation?

10. What are the benefits/environmental impacts of leaving large open pits surrounded by waste rock piles following the completion of mining?

From the list below, what should be the 3 most important considerations when approving reclamation activities for a metallic mine?

Mineral Resources Production, Conservation, and Economic Growth  
Greenhouse Gas Emissions and Climate Change  
Surface and Groundwater Protection  
Physical Hazards and Hazardous Material Impacts to Public Health and Safety  
Limiting the Area of Disturbance  
Reclaimed Topography Restrictions  
Cultural and Paleontological Resources Protection  
Biological Resources and Habitat  
Aesthetics and Recreation  
Other?

General Comments: