



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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Open-Pit Metallic Mine Backfill Regulations Pre-Rulemaking Workshop Questionnaire

The State Mining and Geology Board (SMGB) is considering revising California Code of Regulations, Title 14, section 3704.1 (hereinafter Metallic Mine Backfill Regulations). As reflected in the SMGB Informational Report 2007-02 (included), the SMGB adopted the Metallic Mine Backfill Regulations upon determining that the large open-pit quarries resulting from the extraction of metallic minerals were not necessarily left in a useful and beneficial condition, contrary to the intent of the Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) section 2710 et seq., "SMARA"). Since 2003, significant changes 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. During this same time, there have been a number of major conservation efforts by the State and the United States Department of Interior to change Wilderness boundaries, establish new Monuments, and implement the Desert Renewable Energy Conservation Plan (DRECP). Fifteen years have passed since the adoption of the Metallic Mine Backfill Regulations, and the SMGB is now seeking public comments and suggestions to help guide pre-rulemaking considerations on possible revisions to the Metallic Mine Backfill Regulations.

Responses to the following discussion questions will aid the SMGB's consideration to potentially update the Metallic Mine Backfill Regulations.

1. Does the rationale establishing the Metallic Mine Backfill Regulations described in SMGB Informational Report 2007-02 remain valid today? Might the rationale, or some parts of it, not be valid today?
2. How might the SMGB revise the Metallic Mine Backfill Regulations to consider beneficial alternate end uses?
3. Is CEQA and the participation of Responsible Agencies (CA Department of Fish and Wildlife, Regional Water Quality Control Boards, CA Air Resources Board, etc.) effective in evaluating beneficial end use alternatives for guiding SMARA performance standards for final reclamation? Why or why not?
4. Who should determine the beneficial alternate end uses? 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 regional conservation goals be included in the reclamation performance standards?
7. Under what conditions should backfill be required, if it can be shown that alternative environmentally beneficial end uses can be successfully achieved? 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?
11. What constitutes an alternative and beneficial end use when mine lands are returned to a status of "Open Space" following mining? What constitutes successful reclamation?

From the list below, what should be the 3 most important considerations when permitting 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: