



# Pre-Rulemaking Workshop for PRC 2714(f)

State Mining and Geology Board  
(916) 322-1082  
[smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov)



# Purpose of Pre-Rulemaking Workshop

The purpose of this pre-rulemaking workshop is to solicit input from stakeholders to aid the State Mining and Geology Board (Board) in developing regulations that govern the procedures used to determine surface mining operations that are exempt from the Surface Mining and Reclamation Act under Public Resource Code section 2714 (f).



# Why does the SMGB need regulations for PRC 2714(f)?

- Regulations exist for the Board when hearing appeals for the approval of reclamation plans, financial assurances, mineral designations, and enforcement actions, etc.
- Currently, there are no regulations for the (f) exemption and Board is limited with useful guidance criteria for the (f) exemption process.
- The goal of the Board for any (f) exemption determination would be to ensure that the protection and subsequent beneficial use of the mined and reclaimed land is consistent with legislative intent found in PRC section 2712.
- The Board recognizes that SMARA is not a perfect fit for all surface mining activities, and that many projects of limited size, duration, environmental benefit could be prevented, delayed, or rendered uneconomic if the requirements of SMARA were fully applied.



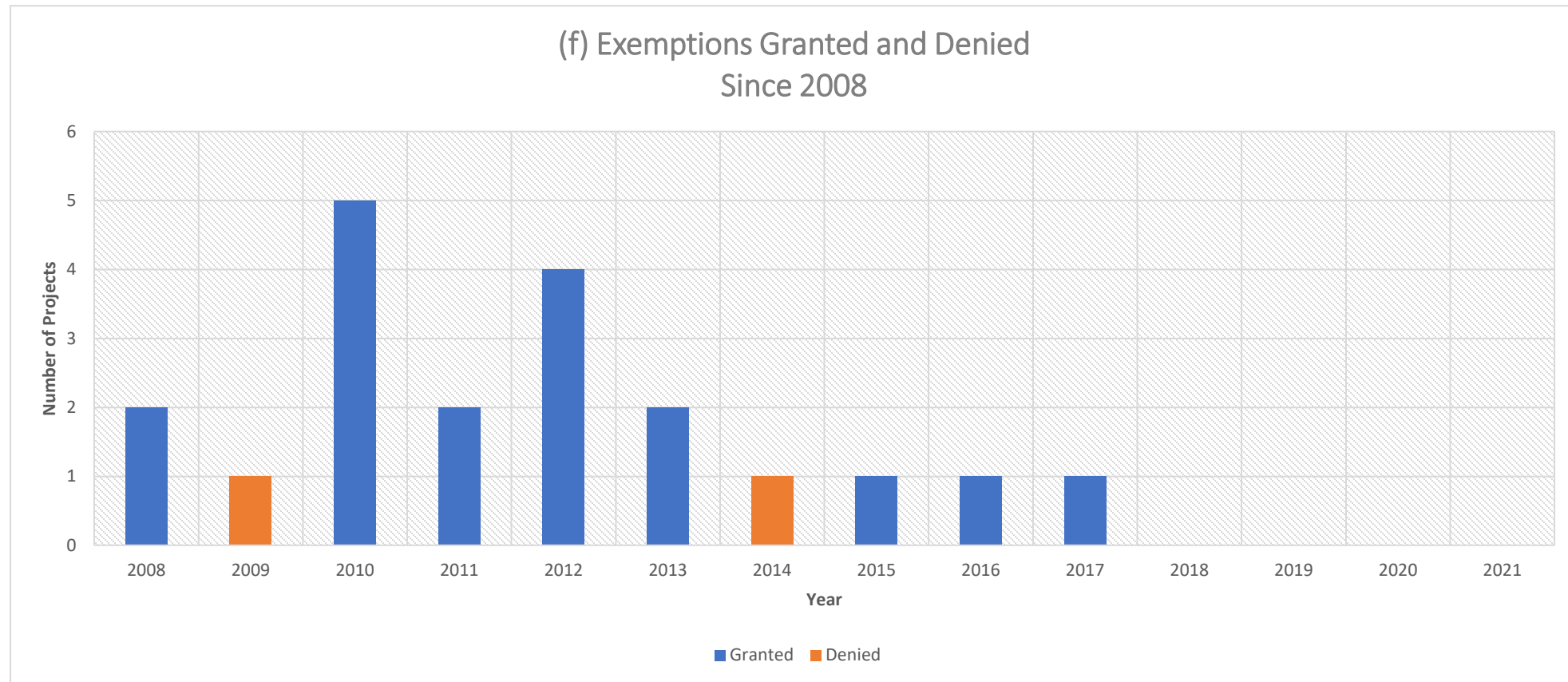
# Background on PRC 2714(f)

- SMARA includes several exemptions for construction, farming, timber, and flood control purposes, among others. One of the exemptions in SMARA allows the Board to exempt certain surface mining operations that are of an infrequent nature and involve only minor surface disturbances.
- The (f) exemption allows the State Mining and Geology Board (Board) to exempt certain surface mining operations from SMARA under Public Resource Code (PRC) section 2714(f).



# Historical Data on PRC 2714(f)

- Review of Board files indicate that 18 projects have been granted an (f) exemption and denied 2 others since 2008.



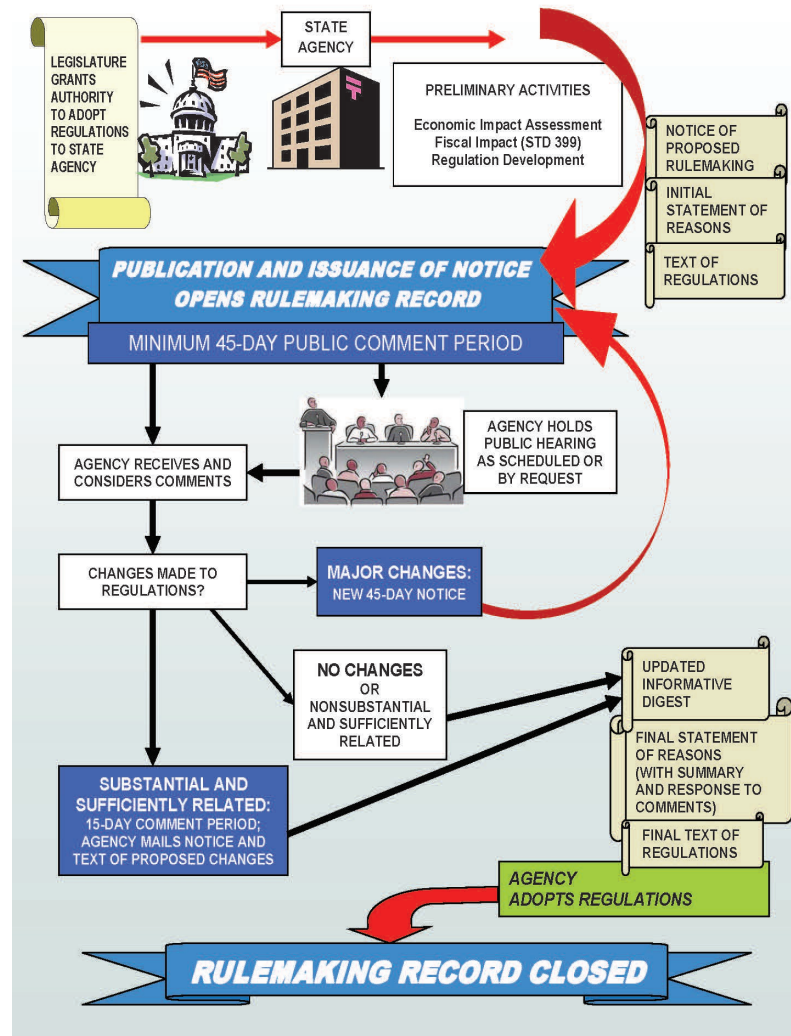
# Historical Data on PRC 2714(f)

Date	Project Name	General Activity Type	General Scope	General Location	Board Determination
2008	Willetts Bypass	Highway construction	1,000,000 yds of fill, 27 acres	Mendocino County	Granted
2008	Willow Glen Drive	Road construction, rockfall protection	100,000 yds of fill, 3.9 acres	San Diego County	Granted
2009	Natomas Urban	Levee and canal improvements	85,000 yds of fill, 20 acres	Sacramento County	Denied
2010	California Vision	Site characterization for potential mine	4.48 acres	Kern County	Conditionally Granted
2010	M&T Ranch	Water intake and fish screen maintenance	150,000 tons of gravel	Butte County	Conditionally Granted
2010	Ford Construction	PG&E Easement construction	4,600 yds of fill	Tehema County	Granted
2010	Black Rock Project	California Energy Commission facility	300,000 yds of fill, 34 acres	Imperial County	Conditionally Granted
2010	Broome Ranch Project	Gravel removal following flood	100,000 yds of gravel	Ventura County	Granted
2011	Ojai Oil Company	Agricultural Mining	5,000 tons of boulders, 7 acres	Ventura County	Conditionally Granted
2011	Regional Beach Sand Project	Beach improvement	undetermined	City of San Diego	Granted
2012	Spanish Creek, Meadow Valley	River restoration	8,500 yds of gravel, 4.4 acres	Plumas County	Conditionally Granted
2012	WSID Main Canal	Canal Renovation	5,000 yds of fill	Stanislaus County	Conditionally Granted
2012	Sand Creek	Flood management	30,000 of fill	Colusa County	Conditionally Granted
2012	East Area Project	Construction project	<340,000 tons of fill, 150 acres	City of Santa Paula	Conditionally Granted
2013	San Cayatano Orchard	Agricultural Mining	40,000 yds, 11 acres	Ventura County	Granted
2013	Mendicino Forest Products	Highway construction	800,000 yds, 22 acres	Mendocino County	Granted
2014	Barn Project	Highway construction	902,000 yds, 21.8 acres	Mendocino County	Denied
2015	Lower Clear Creek	River restoration	330,500 yds of sand, 43.5 acres	Shasta County	Granted
2016	Sycamore Road	Agricultural Mining	10 acres	Ventura County	Granted
2017	Hallwood Side Channel	Flood management and river restoration	3,200,000 yds of gravel	Yuba County	Conditionally Granted



# Brief Overview of Rulemaking

## REGULAR RULEMAKING



# Discussion Questions for PRC 2714(f) Rulemaking

To aid Board staff in drafting proposed regulatory language and other required documents to support the rulemaking, the following questions are offered for discussion:

1. When and how should a project proponent approach the Board for a 2714(f) determination for exemption from SMARA?
2. Should the regulations define “infrequent nature” and “minor surface disturbance”? If so, what criteria should be included?
3. What types of documents should the project proponent provide the Board with to determine if the proposed project is within its jurisdiction?





# Discussion Questions for PRC 2714(f) Rulemaking

4. Should the Board require a reasonable fee to recoup costs associated with an exemption determination? If so, what should be the amount of fee?
5. What procedural language for determining jurisdiction and scheduling of the hearing be included in the regulation?
6. What, if any, conditions or limitations should the Board place on an exemption after a determination has been made?
7. What economic impacts should the Board consider in drafting these regulations?
8. Other considerations?



# Steps for PRC 2714(f) Rulemaking

- Conduct Pre-Rulemaking Workshop(s) and gather input from Lead Agencies, Operators, Government Entities, and other persons and stakeholders
- Draft proposed regulatory language
- Initiate rulemaking procedures with the Office of Administrative Law



# Questions or Comments

The Board encourages the submittal of comments, written material, or technical reports related to this workshop. All such material concerning any matters on the Workshop, Notice, Agenda and Presentation can be submitted to: [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov) or addressed to:

**State Mining and Geology Board**  
**715 P Street, MS 1909**  
**Sacramento, CA 95814**

## Thank You

