

Pre-Rulemaking Meeting for Mineral Resources in the Greater Sacramento Area

Dear SMARA Lead Agency:

The State Mining and Geology Board is moving forward on the designation of mineral resources in the Greater Sacramento Area Production-Consumption Region.

After an area is designated as containing mineral deposits of regional or statewide significance, Public Resources Code sections 2762 and 2763 call on lead agencies to establish a mineral resource management policy and incorporate the policy and mineral information into their general plan. We would like your assistance with the designation process and want to learn from you what impact the proposed designations will have on your jurisdiction. We will also be happy to address any questions you may have regarding the applicable statutory and regulatory provisions. Attached please find a fact sheet that describes the statutory and regulatory framework.

The areas proposed for designation are based on two classification reports, Special Report 245 – Mineral Land Classification: Concrete Aggregate in the Greater Sacramento Area Production-Consumption Region and Special Report 255 – Mineral Land Classification of the Teichert Shifler Property, Yolo County California for Portland Cement Concrete Aggregate. These reports can be accessed on the Department website at <https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification-smara#maps-and-reports>.

As we prepare to adopt regulations to potentially designate the proposed areas, we would like to hold a meeting of affected lead agencies to discuss the implications and impacts of designation. You are invited to this meeting because our research shows that some of the areas proposed for designation are in your jurisdiction.

The meeting is scheduled for **January 23, 2024, at 1 pm** and will be held virtually on MS Teams. **Please RSVP by replying to this email with the names and email addresses of those who will attend, and we will provide a meeting invite with a Teams link.**

In the meantime, please do not hesitate to let us know if you have any questions. We look forward to meeting with you!

Respectfully,

**California State Mining and Geology Board
Department of Conservation**



SMARA MINERAL CLASSIFICATIONS AND DESIGNATIONS Fact Sheet

In 1975, the state enacted the Surface Mining and Reclamation Act (SMARA) recognizing that the extraction and conservation of minerals is essential to the continued economic well-being of the state. SMARA strikes a balance between the state's needs to continue growing, protecting the environment and public health, ensuring that minerals necessary for growth are available and produced locally, and conserving mineral resources for the future. This balance is achieved through the classification and designation process.

Classification ensures that the mineral resource potential of lands is recognized and considered in the land-use planning process. Designation is the process by which SMGB, through regulation, formally designates an area as having mineral deposits of either statewide or regional significance and determines the boundary of that area.

Local governments incorporate the classified and designated areas into their general plans and the areas must be considered when approving projects that will threaten the potential extraction of minerals.

What is Classification and Designation?

- Public Resources Code 2761: Areas are classified by the California Geological Survey (CGS) as an area of regional or statewide significance, containing no minerals of significance, or an area requiring further study. The areas are classified based on State Mining Geology Board (SMGB) guidelines establishing the criteria for significance. A copy of the guidelines may be found at: <https://www.conservation.ca.gov/smgb/guidelines/documents/classdesig.pdf>
- CGS produces a report (Special Report) delineating the areas identified as significant. Associated maps and GIS data are uploaded to the Department of Conservation's website and made available to the public: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>
- Areas identified as significant in the Special Reports are proposed for designation.
- Public Resources Code 2790: A designation "indicate[s] the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development or incompatible land uses, the advantages that might be achieved from extraction of the minerals of the

area, and the specific goals and policies to protect against the premature incompatible development of the area."

Designated areas received additional conservation protections.

- Public Resources Code 2763: If an area is designated by the board as an area of regional or statewide significance then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use. Any land use decisions involving a designated area must be in accordance with the lead agency's mineral resource management policy. The land use decision must also in balance the mineral values against alternative land uses and take into consideration the importance of these minerals to their market region as a whole.

How do mineral designation impact lead agencies land use decisions?

Lead agencies are tasked with conservation of mineral resources of statewide or regional significance.

- Public Resources Code 2762(a): Within 12 months of receiving a classification report or designation information, local governments must establish mineral resource management policies that will be incorporated into their general plans.
- Public Resources Code 2762(d): After the classification is transmitted by SMGB, the lead agency must make certain findings prior to permitting a use that would threaten the potential extraction of materials in the area.
- 14 CCR 3767: Mineral resource management policies also impose special conditions on classified/designated areas and must include one of the following measures:
 - (A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.
 - (B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.
 - (C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.

How are areas designated?

An area is designated and incorporated into State Policy through the Administrative Procedures Act rulemaking process and adoption of a regulation.

- Public Resources Code 2759: Prior to changing State Policy, the State Mining and Geology Board must consult “the supervisor, any district technical advisory committees, concerned federal, state and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.”
- Public Resources Code 2760: SMGB must hold a public hearing before changing or revising State Policy.

How is the designation of a specific area terminated?

The board may terminate the designation of a specific area through the Administrative Procedures Act rulemaking process and adoption of a regulation. Termination of an area of regional or statewide designation typically occurs if a mineral resource has been mined and is no longer considered significant, been developed with a housing tract or commercial project, or becomes inaccessible due to land use conflicts.

- Public Resources Code 2793: The Board may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on finding that the direct involvement of the board is no longer required. The finding may be based on factors, such as, the depletion of the mineral deposit or deposits within the designated area.