

# Planning Commission

## SMARA 101



**July 3, 2014**

**Staff: George Kenline**

# Minerals

***IF IT CAN'T BE GROWN  
IT HAS TO BE MINED***

Metals

Paint

Ceramics

Fertilizers

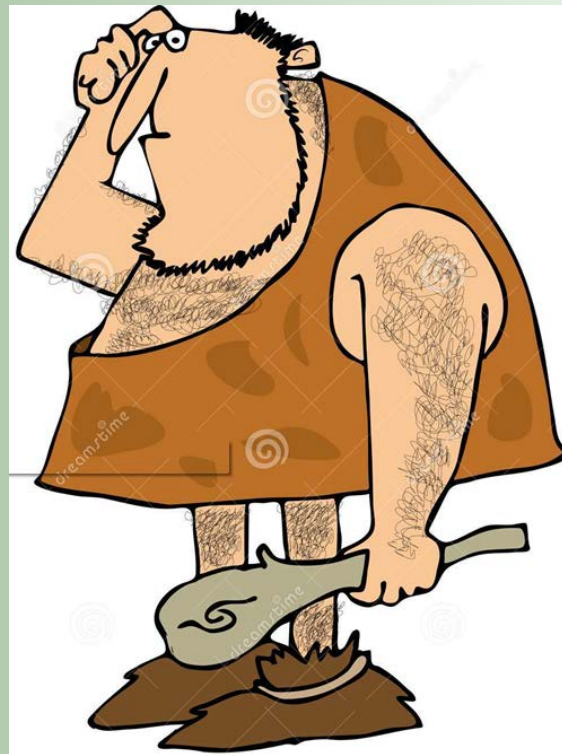
Pharmaceuticals

Chemicals

Electronics

Green Energy

National Defense



# County Impact

## Dispatch from W. H. Storms - State Mineralogist (1892):

*“No portion of California has more diversified mineral wealth than the County of San Bernardino.”*

*“The mines are scattered all over its thousands of square miles of territory, and have already added millions of dollars to the wealth of the State and the world.”*

*“San Bernardino County would undoubtedly take first place in adding to the mineral wealth of California.”*

### CALIFORNIA STATE MINING BUREAU

WM. IRELAN, JR., State Mineralogist

ELEVENTH REPORT

of the

STATE MINERALOGIST

TWO YEARS ENDING SEPTEMBER 15, 1892

#### SAN BERNARDINO COUNTY

By W. H. Storms, Assistant in the Field

p.337

No portion of California has more diversified mineral wealth than the county of San Bernardino. Although its area is comprised largely of rugged mountains and desert waste, yet this county is a producer of gold, silver, copper, lead, and tin and contains mines of zinc, iron, and manganese, besides deposits of borax, salt, soda, baryta, gypsum, sulphur onyx, marble, asbestos, and structural material, granite, and sandstone of great beauty and value. Within its borders are found a wide range of geological formations from Paleozoic (if not Archaean) to Tertiary, and a great variety of rocks of igneous origin.

The mines are scattered all over its thousands of square miles of Territory, and have already added millions of dollars to the wealth of the State and the world. Many of its mines are of phenomenal richness, and were it not for the expense and extreme difficulty attending transportation in the desert, San Bernardino County would undoubtedly take first place in adding to the mineral wealth of California. The largest and most productive section in the county at present is

#### THE CALICO MINING DISTRICT

No region affords better opportunities for the study of a certain class of ore deposits occurring in eruptive and fragmental rocks than may be found in the Calico District. The mines, condemned at first, came quickly to the front nevertheless, and have for the past twelve years been steady producers of silver bullion. The district is situated 6 miles north of the Atlantic and Pacific Railroad, the nearest station being Daggett.

# Regulation Need



**47,000** abandoned mine sites exist statewide



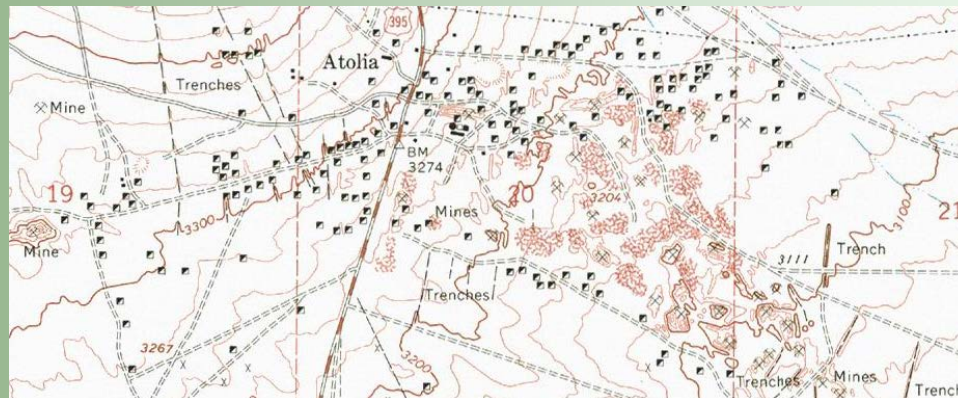
2006 – San Bernardino County man (41) dies after walking into an adit and fell 50 feet down an internal mine shaft.



# Legislation

## **SURFACE MINING RECLAMATION ACT OF 1975 and associated Regulations “SMARA”**

- The California Legislature declared that the extraction of minerals is essential to the continued economic well-being of the state and the needs of society, and
- Reclamation of mined lands will permit continued mining of minerals and provide for the protection and subsequent beneficial use of mined and reclaimed land



# Key Issues

- **Public Health and Safety**
- **Conservation of the Environment**
- **Conservation of Mineral Resources**
- **Financial Assurances**
- **Enforcement and Due Process**



# Requirements

**SMARA § 2770(a):** *“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 [SMARA]”*



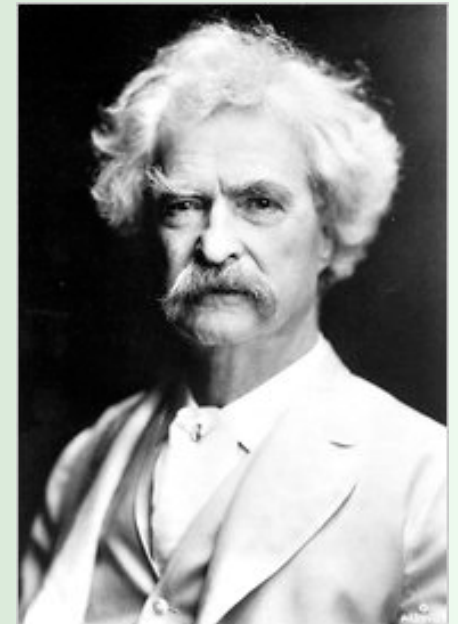
# Definition

**SMARA § 2735.** *“Surface mining operations” means all, or any part of, the process involved in the mining of minerals... by removing overburden and mining directly from... mineral deposits, open-pit mining..., mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.*

*Surface mining operations shall include, but are not limited to:*

- (a) Inplace distillation or retorting or leaching.*
- (b) The production and disposal of mining waste.*
- (c) Prospecting and exploratory activities.*

Mark Twain



**"a hole in the ground with a liar standing next to it."**



# Permitting

**SMARA § 2732.5.** *“Permit” means any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.*

**SMARA § 2776.** *No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to [SMARA] as long as the vested right continues and as long as no substantial changes are made in the operation*



# Conformance

**SMARA requires** that every lead agency with active mining shall adopt a mining ordinance in accordance with state policy –

- Establish procedures for the review and approval of reclamation plans and financial assurances
- Issuance of a permit to conduct surface mining operations

Must be approved by the State Mining & Geology Board  
Including the Mineral Resource Management Policies



# Reclamation Standards

Structural Removal

Surface and Groundwater Protection

Topsoil Salvage

Tailings and Waste Management

Closure of Underground Openings

Backfilling and Re-contouring

Slope Stability

Revegetation

Erosion Control

Agricultural Lands

Wildlife Habitat



# Responsibility

**San Bernardino County** is the “**lead agency**” for administering **SMARA**, which is made part of the Development Code in full.

For purposes of surface mining and reclamation, the provisions of the **Development Code** apply to all public and private properties in the unincorporated areas of the County

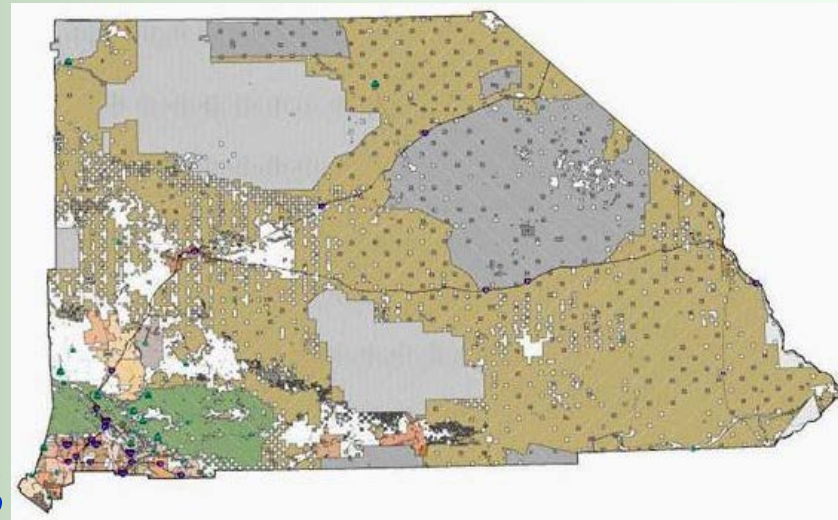




# Jurisdiction

## LAND USE JURISDICTION:

Federal.....	79%
(BLM, Military, USFS, Parks)	
Incorporated Cities.....	4%
State.....	2%
<b>COUNTY.....</b>	<b>15%</b>



## SMARA “Lead Agency” JURISDICTION:

Incorporated Cities.....	4%
<b>COUNTY JURISDICTION.....</b>	<b>96%</b>

# Funding

**SMARA § 2207(e).** *The lead agency, or the [State Mining & Geology Board] when acting as the lead agency, may impose a fee upon each mining operation to cover the reasonable costs incurred in implementing [SMARA].*

## County's Fee Ordinance



# Participants

**Board of Supervisors**

**Planning Commission**

**Land Use Services**

Resource Agencies

Transportation Agencies

Department of Conservation

State Mining & Geology Board

Operators

Agents

Consultants

Public



# CEQA

## Reclamation Plan

- Defined as a Project
- One Public Hearing

## SMARA Exclusions

- Noise
- Dust
- Hours of Operation
- Traffic
- Aesthetics





# 2013 Mine Report

- **46 Active**
- **47 Idle or in Reclamation**
- **6 new mines**
- **5 mines closed**
- **12,000 acres disturbed**
- **10 Enforcement Actions**
- **\$35 Million in Financial Assurances**



# Restoration

**Before**



**After**





# Success

Certified Reclaimed



04/17/2007

# Questions



Where's the Gold?