CALIFORNIA’s SURFACE MINING & RECLAMATION ACT (SMARA)

by

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SMARA INTENT

It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated.
Anyone, including government agencies, engaged in surface mining operations, which includes, but is not limited to,

+ prospecting & exploratory activities
+ dredging & quarrying
+ streambed skimming
+ borrow pitting
+ stockpiling of mined materials (and recovery of same)
SMARA - KEY ELEMENTS

- Mineral land classification/designation
- Permit to mine (except if vested rights)
- Reclamation plan
- Annual inspections
- Enforcement/penalties
- Financial assurances
- State oversight
VESTED RIGHTS

- Lead agency determination
  - If, prior to January 1, 1976 a person
    - Relied upon a permit or other authorization (if required)
    - Diligently commenced mining and incurred substantial liabilities
  
- Vested rights determination requires
  - Reasonable notice
  - Public hearing

- Permit not required
- Reclamation plan & financial assurances required
WHO ADMINISTERS SMARA

- Lead Agencies
  - Department of Conservation
    - Office of Mine Reclamation
    - State Mining and Geology Board
    - California Geological Survey
LEAD AGENCY RESPONSIBILITIES

- Adopt Mining Ordinance
- Issue Permit to Mine
- Vested rights determination
- Approve Reclamation Plans
  - Approve Amendments and IMPs
- Approve Financial Assurances
  - Review annually
- Conduct Annual Inspections
- Enforcement
LEAD AGENCY RESPONSIBILITIES - CONT.

- Forward Reclamation Plan to State for 30 day review
  - Certify that Plan Complies with SMARA
  - Submit all Information at One Time
- Forward Financial Assurance to State for 45 day review
- Forward Copies of Approved Permits and Inspection Reports to State
WHAT IS A RECLAMATION PLAN?

- Plan Submitted by Operator
- Use Permit Application, Conditions of Approval
- CEQA Documentation, Mitigation Measures
- Associated Geotechnical, Hydrological, and Biological Reports
RECLAMATION is the process by which adverse impacts of mining are minimized so that mined lands can be used for a beneficial land use. Some key components of reclamation include slope stabilization, erosion control, mitigation of impacts to sensitive species and habitats, and revegetation.
RECLAMATION PLAN REQUIREMENTS

- Name and Address of Operator/Agent
- Quantity and Type of Minerals to be Mined
- Initiation and Termination Date
- Maximum Depth of Mining
- Size, Legal Description, Maps
- Mining Plan and Time Schedule for phased reclamation
Cross Sections

Final Reclaimed Condition

Conceptual Model of Final Reclaimed Condition
RECLAMATION PLAN REQUIREMENTS

- Impact of Reclamation on Future Mining
- Public Health and Safety
- Designated Areas for Equipment and Waste
- Structures and Equipment Dismantled, Removed
- Drill Holes, Wells Properly Closed
- Tailing and Mine Waste Management
RECLAMATION PLAN REQUIREMENTS

- Geotechnical analysis: cut slopes stable, fill slopes not exceed 2:1
- Drainage, diversion structures, and waterways
- Stream protection, including surface and ground water
- Wetlands avoided or mitigated
- Sediment and Erosion Control Plan
RECLAMATION PLAN REQUIREMENTS

- Environmental studies to identify impacts to sensitive species and habitats
- End Use
- Topsoil salvage, maintenance, and redistribution
- Revegetation plan with performance standards
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