Overview & Need for Surface Mining and Reclamation Act Improvements

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• Catalyst for 2016 Mining Law Improvements

• Stakeholder Input and Topics Discussed

• Changes to Surface Mining and Reclamation Act
  – AB 1142 (Gray)
  – SB 209 (Pavley)
Catalyst for 2016 Mining Law Changes

• Governor Brown indicated “top to bottom” reforms were necessary after signing SB447 (Lara) during 2013/14 legislative session.

• A year-long stakeholder process was convened by the Governor’s office in 2015 to recommend substantive and procedural changes to the state’s mining laws.

• SB 209 by Senator Fran Pavley (D-Agoura Hills) and AB 1142 by Assembly member Adam Gray (D-Merced) were the result of stakeholder process.

• The Governor signed both bills on April 18, 2016.

• Bills are operative January 1, 2017.
Working Group Input on SMARA
Revisions Came From A Variety of Sources including:

- Governor’s Office
- Legislative Staff
- State Government (Agencies, Departments and Boards)
- California Business Interests
- Environmental Interests
- Mining Industry Associations and Consulting Firms
- Local Government
Stakeholder Topics Discussed

- Adequacy of reclamation
- Adequacy, use and timing of the release of financial assurances
- Frequency and quality of mine inspections
- Identification and response to addressing non-compliance issues
- Development of additional tools by Board for improving local SMARA implementation
- Establishment of fee adjustments and penalties to cover program costs
- Clarification on when exemptions to SMARA are appropriate...and more
Widespread Support for Change

• Greater flexibility to local government
• Establishes more workable fee structure for the Department and mine operators
• Allows the State Mining and Geology Board to establish financial tests in lieu of surety bonds for financial assurances
• Portion of fees will be used to train local government employees to inspect mines
Summary of 2016 SMARA Changes

• Creation of Division and Supervisor of Mine Reclamation
• Fee & Revenue Cap Increase
• Report to Legislature on Fee Allocation, Sources
• Local Agency benefits
• Clarify Reclamation Plan requirements & Review Process
• Enhance Financial Assurance Oversight
• Corporate Self Bonding, Financial Test
• Improve Mine Inspection Quality and Consistency
• State Mining and Geology Board local oversight improvements