

Overview & Need for Surface Mining and Reclamation Act Improvements

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Presentation Overview

- 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



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