SMARA Implementation Presentation to The Sierra Fund “Reclaiming the Sierras 2017”

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SMARA Implementation

- Overview
- Reform Priorities
- Reform Response
- Implementation Challenges
- Implementation Opportunities
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Overview

- Use Permits/Reclamation Permits issued by Planning Departments/Community Development/Resource Agencies
- Annual inspections generally conducted by Planning Department personnel
- Lead agency performance not always satisfactory
- Growing frustration between Division of Mine Reclamation (DMR), State Mining and Geology Board, lead agencies, and the public
Overview

- Unsuccessful legislative attempts for SMARA reform for several years
- Throughout 2015 Governor’s Administration with Department of Conservation (DOC) convened stakeholder meetings to develop substantive and procedural changes to SMARA
- Led by DOC, each topic area was discussed relative to the issues and solutions
- **SB 209** (Pavley) and **AB 1142** (Gray) were the two vehicles moving forward to deal with the issues and passed without opposition
- In April 2016 Governor Brown signed **SB 209** and **AB 1142** into law
- DMR now processing regulations for implementation
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Lead Agency Reform Priorities

- Clarify roles and responsibilities of state and lead agencies
- Lead Agency perspective
  - Maintain local control
  - Keep lead agency personnel ability to do annual inspections
  - Provide training and certification for lead agency inspectors to improve quality of inspections
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Lead Agency Reform Priorities

- Lead Agency perspective
  - Clarify reclamation plan components
  - Standardize inspection forms to encourage consistency with information and expectations
  - Protect counties’ liabilities through meaningful financial assurances
  - Specify a financial assurance and reclamation plan appeal process to the Board
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Reform Response

- DMR regulatory process provides opportunity for public input
- Initial response from lead agencies has been mostly constructive – will require adjustments, but practical changes
- RCRC will continue to solicit lead agency input
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Implementation Challenges

- Initial effort to ensure proper file organization and annual inspection form set-up
- Increased level of performance and expectations
- Dealing with any increased cost to mine operators
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Implementation Challenges

- § 3504.5. Conduct of Annual Mine Inspections.
  - (a) Annual mine inspections shall be performed by a California state-licensed person as specified in Public Resources Code Section 2774 (b)(1), or by a qualified lead agency employee who in the determination of the lead agency, has demonstrated competence in performing annual mine inspections of surface mining operations. A qualified lead agency employee may include contract employees and those hired pursuant to third-party contracts. The evaluation of any aspect or condition of the mining operation that constitutes the practice of geology, engineering, landscape architecture, forestry, or land surveying, under California law, shall be done by or under the supervision of a California state-licensed person. The mine inspector shall indicate on the Surface Mining Inspection Report, those aspects or conditions of the operation that may require further evaluation by California state-licensed persons or specialists.
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Implementation Opportunities

- Improved state and lead agency relationships
- Higher quality annual inspections
- Enhanced inspection reporting
- Accurate financial assurances
- Improved environmental monitoring and mitigation
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