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Land Logistics SMARA Brochure

Surface Mining Permit #P08-00337

Syar Napa Quarry 5-year Status Report #P08-00337-SMP

Planning Commission Hearing - Wednesday, June 23, 2021

# SURFACE MINING AND RECLAMATION ACT (SMARA) SERVICES

SMARA is an acronym for the Surface Mining and Reclamation Act of 1975 (Public Resources Code [PRC] §2710 et seq.). SMARA was enacted by the State Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining on public health, property and the environment.

SMARA prohibits surface mining operations in California without the operator first obtaining lead agency approval of a reclamation plan and submitting financial assurances sufficient to reclaim the site in accordance with the reclamation plan. SMARA requirements apply to anyone, including government agencies, engaged in surface mining operations in California (including those on federally managed lands) which disturb more than one acre or remove more than 1,000 cubic yards of material.

SMARA lead agency responsibilities include the review of permit applications and/or reclamation plan (or amendments thereto); the submittal of reclamation plans and financial assurance cost estimates and assurances to the State for technical review/concurrence/comment prior to approval; annual review of financial assurances; annual inspections of mining operations/sites for compliance and enforcement actions where necessary.

The Department of Conservation's Division of Mine Reclamation (DMR) periodically publishes a list of mines complying with and regulated under SMARA. This list is generally referred to as the AB3098 List, in reference to the 1992 Legislation that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mine operations that are not on the AB 3098 List from selling sand, gravel, aggregates or other mined materials to state or local agencies.

In some cases, a lead agency may not have the resources, time, staff and/or expertise to implement the requirements SMARA. The staff at Land Logistics has experience with many jurisdictions throughout California providing assistance in meeting their lead agency responsibilities under SMARA.



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## WHAT LAND LOGISTICS OFFERS

### Expertise in SMARA Compliance

Land Logistics provides a full range of SMARA compliance related services. Land Logistics assists lead agencies to ensure compliance with SMARA lead agency responsibilities including such tasks as review of current entitlements, vested rights determinations, review of financial assurance cost estimates (FACE), financial assurance mechanisms (FAMs), annual reporting requirements, including annual mine inspections and preparation of inspection reports and submittal to the Division of Mine Reclamation (DMR). Our team includes a registered engineering geologist formerly with the State Office of Mine Reclamation and certified professional planners with over 35 years of experience working with public agencies in the administration and implementation of SMARA, including the preparation of local SMARA Ordinances.

Land Logistics personnel have over 35 years of lead agency experience and are uniquely qualified to understand not only the technical issues but the larger picture of mining in California. Depending on the lead agency's desires and needs, Land Logistics can train lead agency staff, provide lead agency assistance or, can perform all of the lead agency's SMARA responsibilities as required under the Public Resources Code. Land Logistics staff has worked with public agencies in both Northern and Southern California and has an understanding for the different geological conditions in California.

In addition, Land Logistics' staff have completed mandated SMARA training from the Division of Mine Reclamation (DMR) and Hazard Recognition Training from the Mine Hazard Safety Administration (MSHA). And our staff are trained and certified to enter mine sites and perform inspections in a safe and efficient manner.

### Entitlement/Permit Processing and Implementation



Land Logistics can take applications for new mines through the use permit and reclamation plan review process. Staff analyzes proposals for compliance with state and local regulations, prepares staff reports and prepares environmental documents, and takes the projects through the entitlement process. A successful entitlement and reclamation process depends on maintaining good lines of communication between the consultant, the lead agency, the applicant and OMR. Land Logistics understands that achieving compliance with SMARA requirements involves sensitivity to the mine operator's perspective of operational and reclamation issues. Our staff has extensive experience working at both the local and state level to achieve compliance in a changing regulatory environment. Land Logistics also understands that mining operators with limited resources sometimes require guidance to develop creative solutions to achieve compliance with permit conditions and SMARA requirements.

## Financial Assurance Services

Financial assurance are required to be reviewed and adjusted annually by the lead agency to determine adequacy based on annual changes in the amount of land that is subject to reclamation and changes in reclamation costs. SMARA requires that financial assurances be adjusted annually and submitted to the lead agency for review and approval prior to submitting them to the State Office of Mine Reclamation for their review and approval. The adjustments account for new lands disturbed, inflation and for reclamation of lands accomplished in accordance with the approved reclamation plan pursuant to PRC §2773.1(a)(3).

Land Logistics reviews the current financial assurance cost estimates and financial assurance mechanisms for consistency with the provisions of SMARA and with the requirements of the approved reclamation plans. This includes a review to determine whether current and up to date information has been utilized in determining the cost of reclamation, a review of the adequacy of the bond, letter of credit or cash surety. For Bonds, Land Logistics verifies the financial strength of the surety companies issuing the financial assurance mechanism. Land Logistics additionally verifies that each of the insurers of financial assurances is approved by the Department of Insurance and the Department of Conservation – Division of Mine Reclamation.



## Annual Inspections / Report Preparation



SMARA requires that all mine inspections be conducted utilizing the most up to date form (MRRC-1) approved by the State Mining and Geology Board (SMGB). The SMGB adopted a new inspection form in July of 2013, recently the State adopted a new form, January 2021. The previous form had been in place since the early 1990's and was virtually unchanged. The new form now requires substantially more documentation and detail when recording inspection findings. In performing annual inspections, Land Logistics inspects mine sites at least once in any calendar year, and within six months of the lead agency's receipt of the surface mining operations report (MRRC-2) submitted by the operator pursuant to PRC §2707. Land Logistics inspects for compliance with the reclamation plan, conformance with use permit conditions and checks for any environmental or safety issues that would have to be addressed by the lead agency. Land Logistics also conducts subsequent inspections on those mine sites where deficiencies or violations were noted to verify any corrections.



After completing each inspection, Land Logistics prepares and submits on behalf of the lead agency, the Annual Inspection Report utilizing the most current Department of Conservation – Division of Mine Reclamation's form (MRRC-1), noting Land Logistics' findings of the inspection. Copies of the report are also submitted to the lead agency for its files and to the mine operators for their submittal to the State. Land Logistics also provides a detailed explanation of each of the inspection points required by form MRRC-1. Land Logistics can also prepare written recommendations regarding the release or adjustments to the financial assurances based on site conditions observed during field inspections.

## SMARA Compliance Audits and Education

Land Logistics can also perform internal audits of existing lead agency SMARA programs to determine compliance with the provisions of the Surface Mining and Reclamation Act. This includes a thorough review of approved entitlements, reclamation plans and financial assurances, including the lead agency's SMARA ordinance as well as its current practices. Land Logistics prepares a report to the lead agency on its findings and recommendations. Land Logistics can also provide training to lead agency staff on the provisions of the administration of SMARA, including the performance of inspections, financial assurance review and the conduct of annual inspections.

