

## **ATTACHMENT B**

### **Response to Submitted Comments**

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### Response to Submitted Comments

The majority of submitted comments were general in nature. Specific comments pertained to 1) the presence of utility corridors, 2) potential local land use decisions granted to the lead agency (i.e., County) and outside the authority of the SMGB (i.e., general land use, buffer zones, views, etc.), and 3) applicability of the California Environmental Quality Act (CEQA) to the designation process (i.e., is designation a “Project” as defined by CEQA). Many of these local issues were addressed during the public hearings held on July 11, 2012, and April 11, 2013. A summary of comments received are chronologically summarized in Table B-1. Some of the comments received were of a specific nature and a response was prepared as provided below.

<b>Table B-1</b>		
<b>Comment No.</b>	<b>Date</b>	<b>Public Comment for Proposed SB-SLO PCC Designations</b>
1	May 9, 2012	Assemblymember Katcho Achadjian
2	July 9, 2012	Charles Kleemann, Santa Margarita, CA
3	July 10, 2012	Jason H. Giffen, Director, County of San Luis Obispo, Dept. of Planning and Building
4	July 11, 2012	Tamara Kleemann, Santa Margarita, CA
5	July 11, 2012	Roy Reeves, Santa Margarita, CA
6	August 6, 2012	Sophie Treder, Attorney, Treder Land Law
7	August 9, 2012	Glenn S. Russell, Ph.D., Director, County of Santa Barbara Planning and Development
8	October 24, 2012	Roy Reeves, President, Margarita Proud
9	March 27, 2013	Susan Harvey, President, North County Watch
10	March 27, 2013	Roy Reeves, President, Margarita Proud
11	March 28, 2013	Babak Naficy, Counsel for The Sierra Club and Margarita Proud
12	March 28, 2013	Charles Kleemann, Santa Margarita
13	April 10, 2013	Nick Forester, Planner, County of San Luis Obispo, Dept. of Planning and Building
14	June 26, 2013	Roy Reeves, President, Margarita Proud

**Comment No. 1 – Assemblymember Katcho Achadjian commented in support of the proposed designations (May 9, 2012):**

Response to Comment No.1: No response or additional consideration is deemed necessary.

**Response to Comment No. 2 – Charles Kleemann regarding southwest corner of Sub-Sector C-1a, Sector C, Plate1 (July 9, 2012):**

**Comment No. 2-a: A concentration of Residential Rural (RR) parcels exists in this corner of the sub-sector.**

Response to Comment No. 2-a: The designation of mineral lands by the SMGB pursuant to SMARA is based on the location of mineral resources determined to be of regional significance, and once designated, will be incorporated in the lead agency's General Plan. The lead agency (i.e., County) ultimately determines whether it will grant a permit for mining or other proposed land use within such designated areas. Pursuant to Public Resources Code Section 2774.2(A), the SMGB cannot exercise permitting authority on behalf of a lead agency. In addition, the SMGB has no authority in addressing local issues pertaining to air, traffic, noise, and buffer zones or setbacks; such authority resides with the County. Designation does not prevent subsequent conservation of these areas, or consideration of some other land use incompatible with mining including incorporation of buffer zones or setbacks.

**Comment No. 2-b: Major pipelines.**

Response to Comment No. 2-b: This issue has been reviewed and adequately addressed.

**Comment No. 2-c: Evaluation of need for additional aggregate.**

Response to Comment No. 2-c: No response or additional consideration is deemed necessary; disagreement with analysis provided.

**Comment No. 2-d: Suitability of Transportation Corridor.**

Response to Comment No. 2-d: The SMGB has no authority in addressing local issues pertaining to air, traffic, and noise; such authority resides with the County. Designation does not prevent subsequent conservation of these areas, or consideration of some other land use incompatible with mining.

In addition, California Vehicle Code Section 21 limits local government in enacting and enforcing any ordinance or resolution on the matters covered by the Vehicle Code and states "*Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code.*"

**Comment No. 2-e: Surrounding Compatibility.**

Response to Comment No. 2-e: Refer to response to Comment No. 2-a; no additional response or additional consideration is deemed necessary.

**Comment No. 3 - County of San Luis Obispo Department of Planning and Building (July 10, 2012).**

**Comment No. 3-a regarding Candidate Sector I-1:** Proposed Subsector I-1 (see Exhibit 1) is located immediately adjacent to an existing, developed, small lot residential subdivision. The Impacts associated with resource extraction are likely to be incompatible with the existing Residential Suburban zoning and the existing density of residential development. Therefore, the County of San Luis Obispo requests that proposed Subsector I-1 not be designated as being of statewide or regional significance.

**Comment No. 3-b regarding Candidate Sector I-7:** Proposed Subsector I-7 (see Exhibit 2) is located within the Creston Village Reserve Line. Village Reserve Lines are used to designate areas where homes are grouped in settlements of greater than surrounding rural areas. Village Reserve Lines distinguish developed areas from the surrounding rural areas. People living in these villages identify with a local character and often feel protective of their village life style. The impacts associated with resource retraction are likely to be incompatible with the village designation and the existing density of residential development. Therefore, the County of San Luis Obispo requests that proposed Subsector I-7 not be designated as being of statewide or regional significance.

**Comment No. 3-c regarding Candidate Sectors D-1, D-2, D-3 and D-4:** Proposed Subsectors D-1, D-2, D-3 and D-4 (see Exhibit 3) are located in an area that is zoned Agriculture. The area is an area of prime agricultural soils and is presently being used for intensive agricultural activities including strawberries, which have recently become the most valuable crop in San Luis Obispo County. Potential impacts to these uses from resource extraction include but are not limited to dust, water use, and conversion of Agricultural land to other uses. Given the current and anticipated continued agricultural uses of land in these subsectors, the County of San Luis Obispo requests that proposed Subsectors D-1, D-2, D-3 and D-4 not be designated as being of statewide or regional significance.

**Response to Comment No. 3-a, 3-b and 3-c Regarding Candidate Sector I-1:** The designation of mineral lands by the SMGB pursuant to SMARA is based on the location of mineral resources determined to be of regional significance, and once designated will be incorporated in the lead agency's General Plan. The lead agency ultimately determines whether it will grant a permit for mining or other proposed and use. Pursuant to Public Resources Code Section 2774.2(A), the SMGB cannot exercise permitting authority on behalf of a lead agency. Designation does not prevent subsequent conservation of these areas, or consideration of some other land use incompatible with mining, including agricultural.

**Comment No. 3-d regarding general comments:** Additionally, the County of San Luis Obispo is currently processing requests for three mines within our jurisdiction including preparation of individual project EIRs. Two of the proposed mines are hard rock quarries (one new and one extension), and one new mine is proposed within the Salinas River (see Exhibit 4 and 5). A brief project description for the above referenced projects is provided below.

**Pankey – Salinas River:** Mr. Pankey is requesting a Conditional Use Permit and Reclamation Plan to allow sand and gravel mining within the Salinas River near the community of San Miguel, California. The project would include approximately 33.59-acres of proposed extraction/skimming area, 7.5 –acres of sorting and stockpiling, and 1.54-acres

of haul roads. The applicant is proposing to mine up to 105,000 cubic yards of sand and gravel per year. The project is proposed to have a 20 year operational lifespan.

Oster/Las Pilitas – Santa Margarita: Las Pilitas Resources is requesting a Conditional Use Permit and Reclamation Plan to allow a hard rock quarry approximately 48 acres in size near the community of Santa Margarita, California. The project would allow for a maximum annual production of 500,000 tons per year and an approximate life of 30-50 years.

Hanson – Santa Margarita: Hanson Aggregates Mid-Pacific is requesting a modification to an existing Conditional Use Permit and Reclamation Plan Amendment for an extension of the existing quarry operations at the Santa Margarita Quarry near the community of Santa Margarita, California. The project would extend the life of the reserves by approximately 38 years at the quarry by adding adjacent lands to the permitted site, and adding approximately 41 acres to the current permitted boundary for a total of 126 acres of mining area. The applicant would continue to mine up to 700,000 tons per year.

Response to Comment No. 3d: The County is acting within its authority to consider permitting or modifying an existing permit for the purpose of surface mining under SMARA; no response or additional consideration is deemed necessary.

**Response to Comment No. 4 - Tamara Kleemann (July 11, 2012):**

**Comment No. 4-a:** The Designation process is not subject to the California Environmental Quality Act (CEQA) therefore it must be made clear to all, including current and future mining applicants, that the appropriateness of a specific site for mining must be determined through CEQA guidelines at the local level. Public health, safety, and welfare should be the highest priority and input from all stakeholders should be encouraged.

Response to Comment No. 4-a: The comment does not pose any further consideration by the SMGB; no additional response or additional consideration is deemed necessary.

**Comment No. 4-b:** The projected need for the San Luis Obispo-Santa Barbara Production-Consumption (P-C) Region of 263 million tons of construction aggregate (all grades) in the next 50 years, of which 137 million tons will need to be AC- and PCC- grade should be achievable without the need to mine inappropriate and problematic sites.

Response to Comment No. 4-b: No response or additional consideration is deemed necessary.

**Comment No. 4-c:** In plate 1, Sector C of the SLO County Candidate Areas for Designation alone, there are 12,289 acres identified and an estimated more that 6 billion tons of PDD-grade aggregate.

Response to Comment No. 4-c: No response or additional consideration is deemed necessary.

**Comment No. 4-d:** SR-215 identifies 10,700 million tons of PCC-grade Aggregate within the Candidate Areas. The 137 million tons forecasted to be needed in the entire P-C region represents just 1.28% of that amount.

Response to Comment No. 4-d: No response or additional consideration is deemed necessary.

**Comment No. 5 - Roy Reeves (July 11, 2012):**

**Comment No. 5-a regarding Sector C:** County previously zoned Sector C as an extraction Zone (or EX1 Zone) which did little to protect the resource because it was mis-defined. The area was zoned to protect existing mines from encroachment from incompatible uses and not to preserve the resource itself.

Response to Comment No. 5-a: No response or additional consideration is deemed necessary.

**Comment No. 5-b regarding Candidate Sector C, Subsector C-1a:** The northern portion of Sector C, Subsector C-1a, has remained relatively undeveloped with the exception of the extreme southern boundary along Highway 58. This subsector should be rather easy to designate and to allow preservation of the resource, plus, it already contains two active aggregate mines.

**Comment No. 5-c regarding Candidate Sector C, Subsectors C-2 and C-3:** These subsectors contain some 50 plus occupied Residential Rural Parcels and approximately 45 small Rural Land Parcels that are primarily used for residential purposes out of a total of 125. Even with the combined EX1 zoning on the parcels within these subsectors, San Luis Obispo County has taken no apparent action to restrict residential construction within the area and over the years has created an incompatible use problem that will be difficult to overcome.

Response to Comment No. 5-b and 5-c: No response or additional consideration is deemed necessary.

**Comment No. 5-d regarding Candidate Sector C:** My second area of concern is the misuse of the Designated Resource. A project is currently under consideration that plans to mine this Sector C granitic resource. However, when the subject of water use came up, the applicant changed plans and declared that water was to be used only for dust control. It is very hard to believe that high grade Portland Cement concrete can be produced with unwashed aggregate. Therefore, is it proper to allow the use of this Designated Resource for road base and for other non-quality aggregate uses?

Response to Comment No. 5-d: The project is being proposed, thus, such issues related to water use should be addressed in the reclamation plan and associated environmental studies that will need to be considered before the project becomes viable.

**Comment No. 5-e regarding general comments:** ...it should be incumbent on you to urge the local land use jurisdiction agencies to do some detailed long range planning to preserve these Designated Resources for future use before it is too late. In Sector C we already have serious incompatibility problems and there are many other questions that need to be addressed before an appropriate preservation plan can be imposed.

Response to Comment No. 5-e: No response or additional consideration is deemed necessary.

**Response to Comment No. 6 - Sophie Treder, Attorney, Treder Land Law Commented in Support of the Proposed Designations (August 6, 2012):**

Response to Comment No.6: No response or additional consideration is deemed necessary.

**Comment - County of Santa Barbara Planning and Development (August 9, 2012):**

**Comment No. 7-1 regarding Candidate Sector D (Deposits of the Santa Maria River Resource Area):** There are 41 subsectors located in Sector D. Many of these subsectors cross jurisdictional boundaries in the County of Santa Barbara, City of Santa Maria, and County of San Luis Obispo. The County has reviewed these areas and identified no potential incompatibilities for the subsectors located in the unincorporated County.

Response to Comment No. 7-a: No response or additional consideration is deemed necessary.

**Comment No. 7-b regarding Candidate Sector E (Deposits of the Sisquoc River Resource Area):** Subsector E-1 is located adjacent to two rural residential communities, Gary and Sisquoc, in the unincorporated County. In the case of Gary, subsector E-1 appears to border the lands zoned for residential uses. Mining activities located this close to residential land uses may be incompatible. The County requests that the designation be delineated a distance from these communities in order to provide an adequate buffer to reduce incompatibilities.

Response to Comment No. 7-b: The designation of mineral lands by the SMGB pursuant to SMARA is based on the location of mineral resources determined to be of regional significance, and once designated will be incorporated in the lead agency's General Plan. The lead agency ultimately determines whether it will grant a permit for mining or other proposed and use within such designated areas. Pursuant to Public Resources Code Section 2774.2(A), the SMGB cannot exercise permitting authority on behalf of a lead agency. In addition, the SMGB has no authority in addressing local issues pertaining to air, traffic, noise, view sheds and buffer areas; such authority resides with the County. Designation does not prevent subsequent conservation of these areas, creation of buffer zones, or consideration of some other land use incompatible with mining.

**Comment No. 7-c regarding Candidate Sector F (Deposits of Santa Ynez River Resource Area):**

**Comment No. 7-c-1:** Subsector F-1 is located within 75 feet of Santa Rosa Park. Santa Rosa Park is a County owned park. Proposed mining operations may have the potential to negatively impact the park. The County requests that the designation be delineated a distance from the park in order to provide an adequate buffer to reduce incompatibilities.

**Comment No. 7-c-2:** Subsector F-5 may provide some incompatibilities related to scenic views from the Mission Santa Ynez looking toward the Santa Ynez River. The Santa Ynez Community Plan states "The rural view to the east of Mission Santa Ynez should be preserved in open space and in agricultural use wherever possible."

**Comment No. 7-c-3:** Sub sectors F-5 and F-6, located south of Santa Ynez and east of the City of Solvang, surround an existing trail easement. The Land Use Element of our Comprehensive Plan provides Parks/Recreation Policy #4 "Opportunities for hiking and equestrian trails should be preserved, improved and expanded wherever compatible with surrounding uses." The County requests that the designation be delineated a distance from this trail easement in order to provide an adequate buffer to reduce incompatibilities.

**Comment No. 7-c-4:** Subsector F-6 is located within the Highway 154 Scenic Highway Corridor. Proposed mining operations in this corridor may have the potential to negatively impact this scenic corridor.

Response to Comment No. 7-c-1, 7-c-2, 7-c-3 and 7-c-4: Refer to Response to Comment No. 7-b.

**Comment No. 7-d:** Subsector F-7 has differing boundaries on Plate 2C provided in the Special Report 215 and the electronic files provided by John Clinkenbeard at the California Geological Survey. As illustrated on Plate 2C of Special Report 215, the County has no comment.

As illustrated in the electronic files, the boundaries of Subsector F-7 span across the Bradbury Dam located at Cachuma Lake. Cachuma Lake is a major water resource reservoir for the County, which is administered by our Water Resources Division. However, the lake is federally owned by the United States Bureau of Reclamation (USBR) and operated by the Cachuma Operation and Maintenance Board (COMB). It is our recommendation that the Board notify the USBR and COMB if they haven't done so already. Additionally, County Staff reviewed the "California Surface Mining and Reclamation Policies and Procedures – Guidelines for Classification and Designation of Mineral Lands" and it is stated that a dam is considered to be in the category of economic exclusion. County staff urges the Board to work with USBR and COMB to determine if this area and the critical watershed above Bradbury Dam are suitable for designation.

Response to Comment No. 7-d: The boundaries as shown on the hard copy of Plate 2c were reviewed and are correct as shown.

**Comment No. 7-d regarding Candidate Sector G (Deposits of the Upper Cuyama River Resource Area):**

- a) It is our understanding that Sector G is a newly identified sector being considered for designation. We reviewed the location of this sector and found no potential land use incompatibilities.

Response to Comment No. 7-d: No response or additional consideration is deemed necessary.

**Comment No. 8 regarding Margarita Proud concerns pertaining to buffer zones: Does the SMGB have specific criteria for buffer zones from residential land uses on small acreage, "improvements of high cost", and "economic exclusions" when establishing resource sector boundaries?**

Response to Comment No. 8: Refer to Response to Comment No. 7-c-1, 7-c-2, 7-c-3 and 7-c-4.

**Comment No. 9 – North County Watch (March 27, 2013):** Generally, we believe this area is unsuited for designation as an extractive area for the following reasons:

- Currently a large portion of the surrounding land is zoned rural residential.
- There are a number of homes in the area.
- Highway 58 is the only haul route for any mined material and it has a number of constraints including passing through residential Santa Margarita; constraints of road design, railroad grade crossing issues.
- The area is adjacent to Los Padres National Forest and serves as a portion of a major east west wildlife corridor for mountain lion, bear, deer and numerous other species.



- The headwaters of the 147 mile Salinas River are contained in the proposed area. These upper Salinas headwaters (creeks and feeder streams) are designated under the Federal Endangered Species Act as critical habitat for the endangered South Central California Steelhead, *Oncorhynchus mykiss irideus* which is an evolutionary significant unit (ESU). The portions of the area are habitat for the endangered red-legged frog.
- Highway 58 and its surrounds contain significant aesthetic values. The area comprises an important view shed situated as gateway to eastern San Luis Obispo County and the Carrizo National Monument.
- The area already supports a century old gravel mine that is reported to have adequate reserves to supply the area into the next century.

Response to Comment No. 9: The North County Watch was not specific in its comments regarding which sectors were deemed unsuited for designation. The designation of mineral lands by the SMGB pursuant to SMARA is based on the location of mineral resources determined to be of regional significance, and once designated will be incorporated in the lead agency's General Plan. The lead agency ultimately determines whether it will grant a permit for mining or other proposed and use. Pursuant to Public Resources Code Section 2774.2(A), the SMGB cannot exercise permitting authority on behalf of a lead agency. Designation does not prevent subsequent conservation of these areas, or consideration of some other land use incompatible with mining.

**Comment No. 10: (Margarita Proud) Request additional hearing prior to action by the SMGB being taken (March 27, 2013):**

Response to Comment No. 10: The SMGB held a public hearing within the jurisdiction of Santa Barbara County on July 11, 2012 to receive comment from all stakeholders, and on April 11, 2013, held a regular business meeting and hearing in San Luis Obispo County to receive further comment from all stakeholders. At its April 11, 2013 regular business meeting, the SMGB deferred action to allow sufficient time to review and consider all comments received.

**Comment No. 11 – Law Offices of Babak Naficy believe the SMGB must comply with CEQA because designation of specific areas as containing mineral deposits of statewide or regional significance is a discretionary “project” capable of causing significant adverse environmental impacts (March 28, 2013).**

Response to Comment No. 11: This issue has been previously addressed by the SMGB via Resolution No. 98-01; whereas, although the SMGB recognizes the importance of addressing and fulfilling the requirements of CEQA, and fully supports the application of CEQA to defined projects, specific court cases have further refined the definition of “Project” that is subject to CEQA. Notably, the SMGB has determined that CEQA compliance is not required for action of the SMGB pursuant to PRC Section 2790 et seq. designating specific geographical areas of the State as areas of regional or statewide mineral significance. This policy is based on the SMGB's conclusion that the designation process in and of itself does not constitute a “Project” as defined under CEQA. SMGB Resolution 98-01 is attached.

**Comment No. 12: Charles Kleemann Commented on applicability of CEQA (March 28, 2013):**

Response to Comment No. 12: Refer to Response to Comment No. 11.

**Comment No. 13: County of San Luis Obispo Department of Planning and Building  
Reiterated Comments Provided under Comment No. 3:**

Response to Comment No. 13: Refer to Response to Comment No. 3.

**Comment No. 14 – Roy Reeves on behalf of Margarita Proud Commented on the  
Following (June 26, 2013):**

- On June 25, 2013, without a staff report or details of the item provided, Item-X7 was added to the agenda originally made available to the public on June 20, 2013. According to comment policy published on the SMGB website, comments for the July 11, 2013 meeting would be due by 5:00 p.m. on June 26, 2013. Sufficient time for the public and lead agencies to comment prior to the deadline for comments has not been provided.
- Affected property owners within the Production-Consumption Region have not received notification of the existence of the designation process despite repeated requests. All land owners within all sectors being considered for designation should be notified well before taking actions that will affect them, and included in the process.
- A weekday meeting held nearly 400 miles from affected areas essentially guarantees exclusion of property owners most needing of representation. Conversely, the mining industry will likely be well represented.
- To comply with SMARA regulations, your board “*shall seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance.*”<sup>1</sup> SMGB has neither sought recommendations from, nor responded to comments and recommendations submitted by the San Luis Obispo County Department of Planning and Building (local lead agency); Margarita Proud (private nonprofit organization); Babak Naficy (counsel to Margarita Proud and Santa Lucia Sierra Club); and other individuals.
- The local lead agency, San Luis Obispo County Department of Planning and Building, was made aware of the designation process by Margarita Proud, a local resident group. Special Report 215 was only provided to SLO County by the SMGB after a specific request for a copy of the document had been made.
- Designation of mineral lands without the procedural safeguards of CEQA compliance fundamentally flaws process as previously outlined by counsel<sup>2</sup>, Babak Naficy, prior to the April 2013 meeting. We reiterate our request for your careful consideration of that letter and a detailed response to it before taking further action on the designation process.

Response to Comment No. 14: Refer to Response to Comment Nos. 2-a, 10 and 11.

**REVISIONS MADE TO PROPOSED DESIGNATED AREAS  
BASED ON COMMENTS RECEIVED**

In response to comments received on the proposed designation of the San Luis Obispo-Santa Barbara P-C Region, several modifications were made to the Sectors proposed for designation. All of the modifications resulted in deletions of areas to remove utility corridors that were within the proposed Sectors. The total area removed was 273 acres and the total resources in those areas were 82.9 million tons. Table 1 lists the deletions by Sector and subsector. Based on these changes, all references to the total area within Sectors in the P-C Region should be changed from 38,454 acres to 38,181 acres; and all references to total aggregate resources should be changed from 10.7 billion tons to 10.6 billion tons.

By Sector, the changes in areas and resources are summarized below:

Sector C - New area: 12,160 acres [old area: 12,289 acres]  
New resource: over 6 billion tons [same as old resource]

Sector D - new area: 16,794 acres [old area: 16,862 acres]  
New resource: 3,814 million tons [old resource: 3,836 million tons]

Sector F - new area: 3,500 acres [old area: 3,576 acres]  
New resource: 274 million tons [old resource: 280 million tons]

<b>Table 1</b>					
<b>Table of changes to Sectors in the San Luis Obispo-Santa Barbara P-C Region</b>					
<b>Special Report 215 (2011)</b>			<b>Designation Report</b>		
<b>Sector</b>	<b>Area (acres)</b>	<b>Resources (million tons)</b>	<b>Designated Sector</b>	<b>Area (acres)</b>	<b>Resources (million tons)</b>
C-1a	6,116	3,033	C-1a	6,030	2,990
			C-1a	46	23
C-1b	596	296	C-1b	521	258
C-2	2,347	1,164	C-2	2,333	1,157
				<b>-129</b>	<b>-65</b>
D-2	1,616	263.9	D-2	1,218	198.9
			D-2	375	61.2
D-6	593	76.8	D-6	405	52.5
			D-6	178	23.1
D-10	717	157.6	D-10	637	140
			D-10	69	15.2
D-11	1,148	275.8	D-11	1,146	275.3
D-15	271	40	D-15	172	25
			D-15	77	11
				<b>-68</b>	<b>-11.9</b>

**Table 1**

**Table of changes to Sectors in the San Luis Obispo-Santa Barbara P-C Region**

Special Report 215 (2011)			Designation Report		
Sector	Area (acres)	Resources (million tons)	Designated Sector	Area (acres)	Resources (million tons)
F-1	1,390	108.8	F-1	526	41.2
			F-1	855	66.9
F-3	879	68.8	F-3	870	68.1
F-7	238	18.6	F-7	72	5.6
			F-7	108	8.4
				<b>-76</b>	<b>-6.0</b>
			<b>TOTAL CHANGE</b>	<b>- 273</b>	<b>- 82.9</b>

# *A Resolution of The State Mining & Geology Board*

THE STATE MINING &  
GEOLOGY BOARD

Sacramento, California

DeWayne Holmdahl, Chairman  
Julie Mann, Vice Chairwoman  
Charles Buckley  
Sands Figuers  
Robert Grunwald  
Raymond Krauss  
Robert Munro  
Sheila M. Murphy  
Lee Thibadeau

## *Resolution Number 98 - 01*

Affirming that Board Actions for Designating  
Specific Geographic Areas as Having Regional or Statewide  
Mineral Significance Is Not a Project Under the  
California Environmental Quality Act

*Whereas:* The Legislature finds and declares in the Surface Mining and Reclamation Act (SMARA, PRC § 2710 et seq.) that the extraction of minerals is essential to the economic well-being of the State and to the needs of society;

*Whereas:* Pursuant to PRC § 2790 of SMARA, the Board is authorized to designate, based on information received from the State Geologist, specific geographic areas of the State as areas of regional or statewide significance;

*Whereas:* Areas of regional or statewide significance are defined in SMARA (PRC § 2726 and § 2727) as areas designated by the Board which are known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting the future needs for minerals in a particular region of the State, or for the entire State, respectively;

*Whereas:* Section 15378 of the California Environmental Quality Act (CEQA) Guidelines defines a "Project" that is subject to the conditions and requirements of CEQA;

*Whereas:* The Board recognizes the importance of addressing and fulfilling the requirements of CEQA, and fully supports the application of CEQA to defined projects;

*Whereas:* Recent case law in *Kaufman & Broad-South Bay vs. Morgan Hill Unified School District et al* (Court of Appeal of California, Sixth Appellate District, September 9, 1992), and *Stand Tall on Principles vs. Shasta Union High School District* (1991), and others, has further refined the definition of "Project" that is subject to CEQA; and,

*Whereas:* The Board finds that established and similar practices within the Department of Conservation that designate areas of the State to contain geological hazards are not subject to CEQA requirements;

*Therefore be it resolved:* That it is the finding of the Board, and hereafter the Board's Policy, that CEQA compliance is not required for actions of the Board pursuant to PRC § 2790 et seq. designating specific geographic areas of the State as areas of regional or statewide mineral significance. This policy is based on the Board's conclusion that the designation process in and of itself does not constitute a "Project" as defined under CEQA.

  
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DeWayne Holmdahl, Chairman

*Adopted: January 15, 1998*