



November 14, 2013

To: State Mining and Geology Board

Re: November 14, 2013 Meeting Agenda Item X-7 – Approval of Proposed Regulatory Language for Designation of Mineral Lands within the San Luis Obispo-Santa Barbara Production-Consumption Region, California.

The focus of our comments on this agenda item are in regards to: SMGB's failure to adequately address the issue of CEQA compliance in the Designation process, the impacts of designation on current ministerial entitlements,, and language discrepancies pertaining to gradation specifications.

CEQA Compliance in the Designation Process

The issue of CEQA compliance has been raised at several junctures. Response by SMGB has consisted of referencing Resolution 98-01 as justification that SMGB is exempt from this requirement. We do not believe the existence of Resolution 98-01, in and of itself, provides justification for it's conclusion. Response to comments within Mr. Babak Naficy's March 28, 2013 correspondence, asserting that assumptions and case law used to arrive at Resolution 98-01 were flawed, has not been provided.

We recommend that SMGB delay any further action on this agenda item until the content of Mr. Naficy's March 28, 2013 correspondence has been thoroughly addressed.

Impacts of Designation on Current Ministerial Entitlements

We find it anomalous that Designation imposes restrictions on existing land-uses while not providing any additional advantage to a mining applicant on the local level. Residential uses within Residential Rural and other land use categories would become subject to increased restrictions, requiring discretionary permits for project types currently considered ministerial

entitlements. The application process for quarries and mines, however, remains unchanged, still subject to the discretionary Conditional Use Permit and Reclamation Plan requirements. What changes is that the proof of compatibility presumption is reversed as a result of designation. If, in fact, Designation is nothing more than mapping of resources, as communicated numerous times by SMGB, then it would seem that Classification has already accomplished that. The level of interest exhibited by an active mining applicant within this P-C Region would suggest there is something more in play.

Because Designation must be incorporated into the General Plan by the local lead agencies, we suggest the recommendation we've presented above to the issue of CEQA compliance is equally applicable to this situation. Amendments to General Plans, and actions that trigger them are subject to CEQA.

Regarding Grade of Material being Considered for Designation

There appears to be a discrepancy in the consistency of language, depending on which document is being referenced, being used to reference the resource being considered for Designation:

- The California Geological Survey (CGS) in its Special Report-215, "Update of Mineral Land Classification: Concrete Aggregate in the San Luis Obispo-Santa Barbara Production-Consumption Region, California," emphasizes the heightened importance of classification of Portland cement concrete (PCC)-grade and asphaltic concrete (AC)-grade aggregate. SR-215 goes on to declare that "these two commodities are referred to as 'concrete aggregate' and are generally among the scarcest and most valuable construction aggregate resources."
- The CGS, in its four map plates concerning the "*Candidate Areas for Designation in the San Luis Obispo-Santa Barbara Production-Consumption (P-C) Region, California - ----- Part*", only depicts and refers to the "*Sectors: Areas classified MRZ-2 for Concrete-Grade (PCC-Grade and AC-Grade) Aggregate having current Land uses deemed compatible with potential mining at the time of this study.*"
- The San Luis Obispo-Santa Barbara P-C Region CGS Reports (162 & 215) are specific in classifying "concrete aggregate" as the resource that is being classified.
- We realize that the initial commodity targeted by SMGB Classification-Designation was "construction aggregate". However, utilizing material suitable to achieve high-grade PCC and AC aggregate for lower grade aggregate products such as base and sub-base, the lowest common level of the definition for "construction aggregate", has potential to defeat the

underlying purpose of the designation process. Encouraging resources to be easily squandered could impinge the future availability of the most scarce and needed resources. SR-215 acknowledges this problem (pg. 21), stating that if all of the concrete-grade aggregate reserves were used exclusively as concrete aggregate, the supply would “theoretically” last nearly twice as long as currently projected in the report.

We suggest that any language being carried forward accurately identify the resource being protected by specifically naming “concrete-grade construction aggregate” as the commodity being designated .

Thank You for considering our input,

Roy Reeves

A handwritten signature in black ink, appearing to read 'Roy Reeves', with a long horizontal stroke extending to the right.

President, Margarita Proud