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SB-1133 Cache Creek Resource Management Plan. (2015-2016)

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Senate Bill No. 1133

CHAPTER 235

An act to amend Section 2715.5 of the Public Resources Code, relating to surface mining.

[Approved by Governor August 29, 2016. Filed with Secretary of State August 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1133, Wolk. Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975 governs surface mining operations and reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies with respect to surface mining operations. Until December 31, 2017, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented is required, until December 31, 2017, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations.

This bill would delete the repeal date for these provisions, thereby extending the operation of these provisions indefinitely. By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program.

The bill would require the board of supervisors of that county to include the quantity of materials produced in an annual report and would exempt the board from the payment of annual reporting fees. The bill would make a surface mining operator, acting under the authority of the management plan, responsible for payment of annual fees associated with the quantity of materials produced and require the operator to include the quantity of materials produced in the operator's annual report to the director. The bill would also require the release of required financial assurances to comply with specified regulatory provisions and incorporate certain cross-reference changes made by Chapter 7 of the Statutes of 2016.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2715.5 of the Public Resources Code is amended to read:

2715.5. (a) The Cache Creek Resource Management Plan, in conjunction with a site specific plan deemed consistent by the lead agency with the Cache Creek Resource Management Plan, shall be considered to be a functional equivalent of a reclamation plan for the purposes of this chapter. No other reclamation plan shall be required to be reviewed and approved for any excavation project subject to the Cache Creek Resource Management Plan that is conducted in conformance with an approved site specific plan that is consistent with the Cache Creek Resource Management Plan and the standards specified in that plan governing erosion control, channel stabilization, habitat restoration, flood control, or infrastructure maintenance, if that plan is reviewed and approved by a lead agency pursuant to this chapter.

(b) For purposes of this section, the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented shall prepare and file an annual report required to be prepared pursuant to Section 2207, indicating the quantity of minerals produced. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented shall be exempt from the payment of annual reporting fees imposed pursuant to paragraph (1) of subdivision (d) of Section 2207. A surface mining operator, acting under the authority of the Cache Creek Resource Management Plan, shall include in the operator's annual report required pursuant to Section 2207 the quantity of materials produced and shall be responsible for payment of annual fees associated with the quantity of minerals produced.

(c) Nothing in this section precludes an enforcement action by the board or the department brought pursuant to this chapter or Section 2207 if the lead agency or the director determines that a surface mining operator, acting under the authority of the Cache Creek Resource Management Plan, is not in compliance with the requirements of this chapter or Section 2207.

(d) For purposes of this section, "site specific plan" means an individual project plan approved by the lead agency that is consistent with the Cache Creek Resource Management Plan. Site specific plans prepared in conformance with the Cache Creek Resource Management Plan shall include, at a minimum, the information required pursuant to subdivision (c) of Section 2772, shall comply with the requirements of Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, and shall be provided along with a financial assurance estimate to the department for review and comment pursuant to Section 2772.1 or 2773.4, as applicable. Notwithstanding the number of days authorized by subdivision (b) of Section 2772.1 or subdivision (c) of Section 2773.4, the department shall review the site specific plan and the financial assurance estimate and prepare any written comments within 15 days from the date of receipt of the plan and the estimate.

(e) Prior to engaging in an excavation activity in conformance with the Cache Creek Resource Management Plan, a surface mining operation shall be required to obtain financial assurances that meet the requirements of Section 2773.1. Release of financial assurances shall comply with Section 2773.1 and the provisions of Article 11 (commencing with Section 3800) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.