

ADD TO CALIFORNIA DEPARTMENT OF CONSERVATION:

ADD TO "KEY PROJECT FEATURES":

- o Activity includes removal of earth materials or dredged materials.

ADD TO "JURISDICTION AND DUTIES":

The Surface Mining and Reclamation Act (SMARA) requires that mined lands be returned to a productive second use after mining, and includes requirements for annual reporting, payment of an annual fee, and provision of a financial assurance to guarantee reclamation. SMARA specifically includes borrow pits and dredging in the statutory definition of mining. Thus, a reclamation plan, annual report and financial assurance are required for any activity which uses borrow pits, dredges materials for sale, or removes other earth materials for sale. Mining activities by government agencies generally fall under SMARA.

SMARA contains specific exemptions for certain types of operations. In particular, "on-site construction" removal of materials is exempt from SMARA if certain criteria are met. Also, mining activities on lands owned or controlled by the California Department of Water Resources are exempt from many of the law's requirements. To trigger the requirements of SMARA, more than 1,000 cubic yards of material must be removed, or more than one acre disturbed by mining activities.

ADD TO "PERMITS AND CONSULTATION":

The Department of Conservation also provides oversight of SMARA administration. Most SMARA duties are administered at the local government level. When an entity is planning to mine an area, it must apply for a mining permit with the appropriate city or county (or, in rare cases, the Bay Conservation and Development Commission). The potential miner must also prepare a reclamation plan, which must meet specified performance regulations. Upon approval of the permit and reclamation plan by the local jurisdiction, the potential miner must send a report and pay a fee to the Department of Conservation. Also, a financial assurance, payable to both the local government and Department, must be in place.

Upon completion of mining, the site must be reclaimed per the approved reclamation plan. Upon certification by the local jurisdiction that reclamation is complete, the financial assurance can be returned or terminated.

ADD TO "HOW TO APPLY FOR A PERMIT":

Potential mine operators must apply for a mining permit and reclamation plan approval to the city or county in which the extraction operation is to take place.

ADD TO "PERMIT APPLICATION FEE":

Fee requirements vary widely between local jurisdictions. A reporting fee of \$500 is due to the Department within 30 days of permit approval.

ADD TO "AUTHORITIES REFERENCED":

California Public Resources Code Sections 2207 and 2710 et seq.

HANDBOOK OF ENVIRONMENTAL COMPLIANCE FOR CALFED BAY-DELTA PROGRAM

Changes to page 3-83 (second paragraph)

Compatible uses under the Williamson Act are determined by the city or county having with jurisdiction, relative to compatible use standards defined in statute.

Changes to page 3-83 (fourth paragraph)

Williamson Act coverage may be terminated in four ways: 1) nonrenewal process where a public agency goes through formal condemnation proceedings to acquire the land initiated by landowner or jurisdiction which removes contract restrictions in nine years. 2) cancellation where the contract is actively canceled. 3) city annexation under certain conditions where land use planning requires contract cancellation, and 4) eminent domain where a public agency goes through formal condemnation proceedings to acquire the land or purchases the land in lieu of eminent domain proceedings.

Changes to page 3-83 (heading for last paragraph)

~~HOW TO APPLY FOR A PERMIT~~ NOTIFICATION PROVISIONS

Changes to page 3-84)

~~PERMIT APPLICATION FEE~~

~~No fee is required.~~

~~WHERE TO APPLY FOR A PERMIT~~

WHERE TO SEND NOTICES

CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT NOTIFICATION PROVISIONS

Notification provisions of the Williamson Act (Government Code Section 51291) require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted land for a public improvement. Such notification must occur when land enrolled in a Williamson Act contract is being considered for acquisition by a public agency, being acquired, the original public improvement for the acquisition is changed, or the land acquired is not used for the public improvement. The local governing body responsible for the administration of the agricultural preserve must also be notified.

CONSIDERATION

The following information must be included in the notification when land within an agricultural preserve is being considered for acquisition:

1. The total number of acres of Williamson Act contracted land to be acquired and whether the land is considered prime agricultural land according to Government Code Section 51201.
2. The purpose for the acquisition and why the parcel was identified for acquisition.
3. A description of where the parcel is located.
4. Characteristics of adjacent land (urban development, Williamson Act contracts, agricultural productions, etc).
5. A vicinity map and a location map.
6. A copy of the contract covering the land.
7. Explanation of the preliminary consideration of Government Code Section 51291.

ACQUISITION

The following information must be included in the notification when land within an agricultural preserve has been acquired. The notice must be forward to the Director within 10 working days of the acquisition of the land. The notice must also include the following:

1. A general explanation of the decision to acquire the land, and why noncontracted land is not available for the public improvement.
2. Findings made pursuant to Government Code Section 51292, as amended.
3. If the information is different from that provided in the previous notice sent upon consideration of the land, a general description of the land, and a copy of the contract covering the land shall be included in the notice.

SIGNIFICANT CHANGE IN PUBLIC IMPROVEMENT

Once notice is given as required, if the public agency proposes any significant change in the public improvement, the Director of the Department of Conservation must be notified of the changes before the project is completed.

LAND ACQUIRED IS NOT USED FOR PUBLIC IMPROVEMENT

If the acquiring public agency does not use the land for the public improvement acquired and plans to return it to private ownership, before returning the land to private ownership, the Director of the Department of Conservation must be notified at the following address:

Department of Conservation, Director's Office
801 K Street, M.S. 24-01
Sacramento, CA 95814