

SMARA LEGISLATION: SB 854

Public Resources Code §§ 2774, 2774.2.5

June 2018

On June 27, 2018, Governor Brown approved changes to the Surface Mining and Reclamation Act (Pub. Resources Code § 2710, et seq [“SMARA”]) relating to how certain mine-related information is submitted, maintained, and made available to the public. The changes are part of the Brown administration’s ongoing effort to digitize state records and to improve public access to that information.

Currently, SMARA requires lead agencies to annually submit the following information to the Department of Conservation, Division of Mine Reclamation (“DMR”) for each active or idle mine within the lead agency’s jurisdiction:

- 1) A copy of any permit or reclamation plan amendments, if any, or, alternatively, a statement that no changes were made to a mine operation’s permit or reclamation plan during the preceding year;
- 2) The date of each mine operation’s last inspection; and
- 3) The date of each mine operation’s last financial assurance review.

Lead agencies typically comply with this requirement by submitting paper records to DMR, which DMR then stores in hard copy form and in digital format after scanning.

SB 854 now requires lead agencies to submit required documents to DMR exclusively in electronic format. The bill also authorizes DRM to adopt regulations specifying the particular means and methods for lead agencies to make required submittals.

Lead agencies should be aware that in addition to requiring electronic submittals, SB 854 expands the list of documents that lead agencies must submit to DMR, and also includes new timelines for doing so, as follows:

- 1) Approved reclamation plans or plan amendments, within 60 days after approval;
- 2) Interim management plans, “at the time of approval”;
- 3) Financial assurance cost estimates, within 30 days after approval;
- 4) Notices of violation, “at the time of issuance”;
- 5) Orders to comply and stipulated orders to comply, “at the time of issuance”, as well as any notices to an operator of a violation or failure to comply with either;
- 6) Orders imposing an administrative penalty, “at the time of issuance”;
- 7) Notices of completion of inspection, “at the time of issuance”;
- 8) Permits to conduct surface mining operations, “at the time of approval”; and

9) Vested rights determinations, but no submittal timeframe specified.

SB 854 newly requires DMR to post all of the above documents on DMR's website "in a database and in a geographic information system interface." In other words, the data would be graphically correlated to each active and idle mine across the state.

The full text of SB 854 is available [here](#).

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