

The Healthy Humboldt Coalition

March 8, 2007

Attn: Martha Spencer
Humboldt County Planning Department
Community Development Services
3015 "H" Street
Eureka, California 95501

Re: Mineral Resources GP Update Group 2, Chapter 16, Mineral Resources

Dear Planning Commissioners:

This letter and supporting documents are being submitted on behalf of the Healthy Humboldt Coalition for inclusion in the board packets for your March 15, 2007 meeting. After reviewing the staff reports and policy options, we would like to offer the following observations and recommendations.

Humboldt County has an obligation to conserve its mineral resources, but as the staff report notes, "New residential owners then become concerned that there is an active mining operation in the vicinity of their residences and claim that it is a nuisance through the hearing process, even though the mining operations had been conducted under the conditions of their previous permit for many years." Consequently, identification of these resources and their haul routes is crucial to prevent further encroachment on those areas. Development of a Mineral Resource Overlay Zone would define those areas that are not suitable for non-compatible development. Perhaps reaching a consensus on where we cannot build out will help build a consensus for where and how we can accommodate growth.

The staff's report also comments on the existence of naturally occurring asbestos in relation to a Klamath River Aggregates (Ammon Quarry) permit renewal and application of the California Asbestos ATCM to the permit issued by the NCUAQMD for that Willow Creek site. You will recall that the Use Permit was denied by you, but overturned by the BOS. Consequently, residents appealed that decision and won an out of court settlement whereby the

applicant withdrew their Use Permit. I am also familiar with the Barn II and Rouseau quarries in Kneeland, both of which tested positive for asbestos by the NCUAQMD but were not reported to the County because these are noncommercial quarries (borrow pits) operated for use on THP properties (gravel for logging roads). As lead agency for mineral resources, the County should have some method for permitting these quarries as well.

Recently prosecutors reached a \$350,000 settlement with a pair of El Dorado Hills developers and a contractor accused of blasting operations that exposed the area to asbestos. El Dorado County Deputy District Attorney Gloria Mas remarked, "Our county Board of Supervisors took a position of zero tolerance on construction-dust violations in areas of naturally occurring asbestos." [Full story in Sac Bee: <http://www.sacbee.com/142/story/72508.html>]

I talked to APCO Rick Martin today (3/7/07). He said although only recently informed, the NCUAQMD would like to be involved in the GP update of the Mineral Resource and Air Quality elements. Healthy Humboldt recommends a liaison be established to formally adopt rules of communication and cooperation between the County Planning Department and the NCUAQMD.

The Healthy Humboldt Coalition
P.O. Box 1301, Eureka CA 95502 707.822.1166
www.healthyhumboldt.org mail@healthyhumboldt.org

The Healthy Humboldt Coalition

The county staff points to "numerous existing policies, standards and Co., State and Federal regulations" and "any remaining issues are often so specific that general standards would not be useful". However, a recent review of the State's Mineral Resources Management Program by the State Mining and Geology Board really points to the fact that while ordinance review statewide is good, mineral resource management policy compliance rate is very poor and the CEQA process is basically dysfunctional (see supporting documents).

Fees collected to offset road use by heavy rock trucks and other mitigations are far lower than many other counties.

Follow up and enforcement of reclamation plans upon the expiration of permits has long been neglected in Humboldt County.

With consideration of the above observations and suggestions, the Healthy Humboldt Coalition supports the staff recommendations as listed under "Plan Alternative A" beginning on page 13 of the Preliminary Hearing Draft for Mineral Resources dated Feb. 15, 2007.

We also support the establishment of a Mineral Resource Combining Zone (MR-S3) and enactment of Permitted Land Use Designations (MR-S4) be adopted as the New Standards for the framework of the GP Update for Mineral Resource Policies (page 20 of Preliminary Hearing Draft for Mineral Resources).

Thanks for your consideration.

For the Healthy Humboldt Coalition,

Dave Spreen
P.O. Box 113
Kneeland, CA 95549
Tel: 707-445-2244
Fax: 707-445-1024
Email: dspreen@humboldt1.com

Healthy Humboldt Coalition
PO Box 1301
Eureka, CA 95503

Please find these supporting documents attached:

MR Policy Options 03/HHC
letter to Richardson 03/MR
Letter to BOS/PC 03/Asbestos/MR
MyWord04/Mineral Resources
SMGB 06 MR Management report
Recent articles/MR

Appendix E: Policy Options Worksheet

The following list of policy options is a compendium of policy described in the resource and hazard chapters. The numbers correspond to the applicable chapters where these options are discussed. A preliminary evaluation is provided to highlight features of the options. This worksheet is provided as a tool for members of the public to evaluate policy options and indicate preferences for accepting (indicated by "Yes"), for modifying (indicated by "Modify"), or for rejecting (indicated by "No") these policy options in the Public Preference column. For policies marked as "Modify", please state how the policy should be modified in the comments column.

<i>Policy Option/Evaluation Criteria:</i>	<i>Public Preference</i> (Yes, No or Modify)	<i>Comments</i>
<p>7. Mineral and Energy Resources</p> <p>Option 7.1 Establish provisions for "-MR" Mineral Resource combining zone to facilitate implementation of the County's regulations for surface mining and reclamation.</p>	Modify	<p>Establish provisions for "-MR" Mineral Resource combining zone to facilitate implementation of the County's regulations for surface mining, <i>conservation</i> and reclamation.</p>
<p>Option 7.2 Amounts of hard rock permitted for extraction annually shall not exceed 200,000 tons (total of open pit plus quarry) until after the California Geological Survey is completed for Humboldt County.</p>	Additional Policy Option	<p>The figure of 200,000 tons per year exceeds the annual average tons extracted for the ten-year period 1992-2001 which is 170,566 tons per year. (Source: California Department of Conservation, facsimile correspondence, 18 October 2002)</p>
<p>Option 7.3 Based upon the inventory shown by the California Geological Survey, cumulative effects of extractions shall be analyzed and future needs projected every time the County General Plan is updated.</p>	Additional Policy Option	
<p>Option 7.4 Evaluation of applications for surface mining permits shall include distribution of sites so that individual watersheds are not disproportionately</p>	Additional Policy Option	

<p>impacted.</p> <p>Option 7.5 To ensure that scarce resources remain available for the benefit of Humboldt County's citizens and other species, export of minerals from Humboldt County shall be prohibited unless a surplus of a specific commodity is verified (A surplus of gravel might be deposited some years.)</p>	<p>Additional Policy Option</p>	<p>Hardrock is an irreplaceable resource; millions of years and cataclysmic events are required for hardrock formation. Varieties required for watershed restoration and jetty repair (e.g., blue schist and greenstone) are rare.</p>
<p>Option 7.6 Use and development of alternative materials and processes shall be encouraged.</p>	<p>Additional Policy Option</p>	<p>Examples of alternative materials are recycled tires and plastics; an example of an alternative process is recycling of asphalt during road repair.</p>

Drafted Jan 19, 2003 by Healthy Humboldt Coalition

Attn. Michael Richardson
Humboldt County Planning Department
Planning Division of Community Development Services
3015 "H" Street,
Eureka, California 95501

January 21, 2003

Re: General Plan Update – Mineral and Energy Resource Policies

Dear Mr. Richardson:

The undersigned have been focusing on the "Mineral and Energy Resource" Policies of the Humboldt County General Plan (GP) Update. We have examined goals and existing policies, which are described within the "Natural Resources & Hazards Report" (sec. 7.4) and incorporated into "Appendix D: Existing Policy Worksheet". We also examined the related section of "Appendix E: Policy Options Worksheet", which lists only "Option 7.1 – Establish provisions for "MR" Mineral Resource combining zone...".

Based upon our studies, discussions with Planner Michael Wheeler, participating in the GP Update Workshop at College of the Redwoods on Oct. 22, 2002, and my telephone conversations with you on Oct. 18, 2002 and again on Jan. 14, 2003, I believe we are ready to present our findings and recommendations for your consideration. After you have had time to review this letter and accompanying materials, we look forward to meeting you in person to offer our input in a form that allows easy adoption should the offered policies eventually be presented to the Board of Supervisors as the preferred alternatives within the General Plan Update. It may be prudent to amend and add to Humboldt County's policies related to mineral resources as soon as possible. They could be refined further as the General Plan Update process plays out to conclusion.

As you know, the Surface Mining and Reclamation Act (SMARA) requires local governments to address mineral recovery activities on 2 levels: direct regulation of mining activities and through planning policies. In relation to the general plan, counties must amend their policies to conform to the requirements of Public Resources Code, section 2650 and 2755-2764, especially §2762. Counties may also develop their own mineral resource management policies by using the criteria detailed by the Mining and Geology Board (California Code of Regulations, Title 14, Division 2, Chapter 8, subchapter 1, especially Article 6 (Mineral Resource Management Policies) §3676).

Our major findings and recommendations related to Mineral and Energy Resource Policies of the Humboldt County General Plan (GP) update are as follows:

1. Petition the State of California for an Official California Geological Survey, which has been done for many counties by the California Department of Conservation. In fact, in a phone conversation, Gerald Marshall in the local office of the California Geological Survey (phone 441-3536) advised me to tell those interested to request local politicians to petition for an Official Geological Survey for Humboldt County. The survey is essential for detailing location, quantities and identification of mineral resources by uniform statewide standards and classifications.
2. Create a Mineral Resource (MR) Overlay Zone. This would help anticipate and diminish land use conflicts as was experienced in the PALCO application to operate a commercial quarry in Kneeland, which came before the Planning Commission on September 5, 2002, and was subsequently suspended by the applicant. Based on the results of the California Geological Survey, as recommended above, the Humboldt County MR Overlay Zone could designate areas and resources to be allocated for best use while also incorporating a conservation element based on the Geological Survey findings. There are many examples of MR zoning in other counties. Sonoma County's "MR Mineral Resource Combining District" is attached as an example of what works for their county. The general purpose, as defined in Sec. 26-72-005 of Sonoma's MR combining district is common among these overlay zone plans.
3. During the transition period while the California Geological Survey and Mineral Resource (MR) Overlay Zone for Humboldt are being prepared, amounts of "hard rock" permitted for extraction annually shall not exceed 200,000 tons total of open pit plus quarry (the figure of 200,000 tons per year exceeds the annual average tons extracted for the ten-year period 1992-2001, which is 170,566 tons per year).

We are working on the "Appendix D: Existing Policy Worksheet" and "Appendix E: Policy Options Worksheet" to reflect the findings and recommendations above and look forward to presenting them to you during our meeting. Adopting this work into the General Plan Update process would put Humboldt County in a stronger position to show we are in compliance with the California Environmental Quality Act (CEQA) during the Draft EIR stage of General Plan Update.

Please call if you have any questions or advice. I will contact you early in February to schedule a meeting after you have had a chance to review our material.

Sincerely,

Dave Spreen
5503 Greenwood Hts. Dr.
Kneeland, CA 95549
707-445-2244

Drafted by:

David M. Spreen, B.A. (Mathematics)
President, Freshwater-Kneeland Community Association

Nathan S. Lomba, P.E. (Civil Engineer, CA & ID)
Volunteer, Humboldt Watershed Council

Steve Dodson
Founder, Freshwater-Kneeland Community Action Network

Shirley Shelburn
Volunteer, Humboldt Watershed Council

Humboldt County Board of Supervisors
Humboldt County Courthouse
825 Fifth Street, Room 111
Eureka, CA 95501

Humboldt County Planning Commission
Community Development Services
3015 "H" Street
Eureka, California 95501

July 14, 2003

Re: Asbestos Ordinance/Mineral Policies Updates

Dear Supervisors and Commissioners:

The purpose of this letter is to inform you of the possibly negligent lack of county policy regarding the known presence and risk of exposure to asbestos related to the disturbance of naturally occurring asbestos in mineral (rock) resources by strip mining, quarrying, grading and other operations in the county. Attached are letters dated June 10, 2003 and June 23, 2003 to the North Coast Unified Air Quality Management District (NCUAQMD) requesting investigation of compliance and enforcement of the Asbestos ATCM regulations in regards to the Barn II Quarry located in Kneeland, California. The NCUAQMD investigation is ongoing as of this date and the NCUAQMD has sent you copies of responses to the attached letters.

In relation to the larger picture regarding mineral resource policies, attached you will find a letter to the Humboldt County Planning Department dated January 21, 2003 regarding "General Plan Update – Mineral and Energy Resource Policies". You will note that #1 of our finding was to "Petition the State of California for an Official California Geological Survey, which has been done for many counties by the California Department of Conservation". It is interesting to note that the Humboldt County Board of Supervisors meeting agenda for July 15, 2003 includes "SUPPLEMENTAL AGENDA ITEM (Posted Friday, July 11, 2003, at 4:35 p.m.) - Letter of Support for California Geological Survey (Supervisor Neely) RECOMMENDATION: Authorize Chair to sign letter of support."

Yet, at the same time, the Humboldt County Planning Department is recommending approval of the permit application for commercial operation of the Ammon Quarry in Willow Creek despite the presence of materials likely to contain asbestos. The Planning Commission is considering the matter at its next meeting Thursday, July 17, 2003. [Conditional Use Permit, Surface Mining Permit, and Reclamation Plan application, Case Nos. CUP-02-15, SMP-02-01 & RP-02-01; KLAMATH RIVER AGGREGATES, applicant; File No. APN 524-075-23; Willow Creek area.]

Meanwhile, the Willow Creek Community Action Plan (CAP) is being updated. Consider this note from their meeting last October.

Source: Humboldt County Planning Department:
http://www.co.humboldt.ca.us/planning/planning/documents/action_plans/wc_notes/100202n.htm

Re-cap of Process Objectives & Notes from Meeting #2 - October 2, 2002

Community Member comments:

Patrick Shannon –

There is an open earth area on his wife's property that contains naturally occurring asbestos at "15 times" the national level for what is acceptable and "150" times the State level of acceptability. There is a need to cap this area and need to work together to stop this kind of thing from happening. Situations like this could negatively impact tourism if visitors find out that they are possibly being exposed to high levels of asbestos.

Problems in El Dorado County began in 1998. Here is a recap, link to their county ordinance and article in Sacramento Bee regarding the situation now.

Source: <http://www.sacbee.com/static/archive/news/projects/asbestos/>

"Projects in El Dorado churning up asbestos: Potential cancer hazard in unearthed bedrock", by Chris Bowman, Bee Staff Writer ©1998, The Sacramento Bee, Published March 29, 1998:

El Dorado is the worst county in the state when it comes to policing environmental rules on serpentine quarries and other mines, state mining regulators said. Lou Green, the county's chief attorney, said that any problems are in the past. "We are on top of it now and we are performing our enforcement responsibilities as lead agency," he said.

All five members of the county Board of Supervisors said the county should address the issue immediately.

El Dorado County now has a Naturally Occurring Asbestos & Dust Protection Ordinance No. 4548, which became law on February 3, 2000):
http://www.co.el-dorado.ca.us/emd/reports/asbestos_ordinance.html

El Dorado County is currently updating their ordinance to close a loophole over objections of a major quarry operator.

Source:

http://www.sacbee.com/content/politics/local_government/story/6424006p-7376214c.html

"El Dorado hiring asbestos expert: The supervisors also seek better integration of state and federal monitoring", by Cathy Locke, Bee Staff Writer, Published April 9, 2003:

Despite concerns about adding staff during a period of budget cuts, El Dorado County supervisors have agreed to hire a full-time air quality engineer to manage long-term projects, including the monitoring of naturally occurring asbestos.

The county has been grappling for years with the issue of asbestos found locally in serpentine rock. Mining and construction activities can stir up asbestos-containing dust, creating a potential cancer hazard for area residents.

This is a serious health hazard.

Source: <http://www.braytonlaw.com/asbestos/usc3601.htm>

Brayton Law - "No Safe Level of Exposure"

The United States Congress has concluded, after extensive hearings, that there is no "safe level of exposure" to asbestos.

This finding was echoed by the National Institute for Occupational Health and Safety (or "NIOSH") at the Centers for Disease Control and Prevention ("CDC") which finds that "all levels of asbestos exposure studied to date have demonstrated asbestos-related disease" and "there is no level of exposure below which clinical effects do not occur." See Asbestos Bibliography, DHHS (NIOSH) Publication No. 97-162, p. 25 (1997).

Is mining rock a higher priority than health & safety? The NCUAQMD is only an administrative agency and is confined to the Asbestos ATCM regulations. However, the Humboldt County Board of Supervisors and the Humboldt County Planning Commission are the discretionary bodies that can act in the best interests of all their constituents.

The bottom line is we currently have over-permitted capacity now for rock and gravel materials. There is no compelling need to subject residents, and especially children, to the potentially fatal exposure to asbestos fibers.

I believe all of the information, taken together, forms a convincing argument that these issues need to be addressed now to avoid a potential disaster.

Yours truly,

Dave Spreen
P.O. Box 113
5503 Greenwood Hts. Dr.
Kneeland, CA 95549
Tel: 707-445-2244
Fax: 707-445-1024
Email: dspreen@humboldt1.com

Times-Standard
Published Tuesday, June 08, 2004

Laws needed now to address local asbestos, mineral resource issues
My Word by Dave Spreen

Humboldt County currently has no ordinance related to naturally occurring asbestos. In fact, the county has no ordinance specifically related to mineral resources. The California Geological Survey recognizes that aggregate is the most important mineral resource consumed in California and that some communities have allowed land use that is incompatible with mining to encroach upon local aggregate resources.

Many counties in California have rocks that contain asbestos minerals. The most notorious strip-mining case was recently revealed in the book "An Air That Kills," about small-town Libby, Mont., and the devastation caused there by the mining of vermiculite, which led to exposure to asbestos that caused and is causing the deaths of hundreds of Libby residents. The increased incidence of disease along haul routes is still being investigated.

Think it can't happen now or here? El Dorado County has been dealing with serious asbestos contamination since 1998, which still continues:

"The U.S. Environmental Protection Agency is considering Superfund cleanups of El Dorado Hills schoolyards, parks and other public grounds contaminated with asbestos, the result of foothill development carved through veins of the hazardous minerals." — Sacramento Bee, Feb. 23.

The USGS is conducting a remote sensing project with the California Geological Survey (CGS) in El Dorado and Plumas counties to identify areas that may contain naturally occurring asbestos. The mineral maps may also prove useful for locating roads and other surfaces that are covered with serpentine aggregate, which can contain asbestos.

Economical remote sensing could be very important for Humboldt County too, because noncommercial quarries have been producing gravel from hard-rock quarries primarily for logging roads for years. It is likely that sections of these roads and other graded areas contain asbestos.

Ironically, as taxpayer dollars are spent removing minute amounts of non-friable asbestos in schools, rock trucks drive by the school grounds spewing off dust potentially containing deadly asbestos fibers!

In October 2002 the state legislature approved an updated Asbestos Airborne Toxic Control Measure (ATCM), which local Air Quality Management Districts were required to implement by March 2003.

The North Coast Unified Air Quality Management District (NCUAQMD) has six personnel to monitor all sources of stationary air emissions in Humboldt, Del Norte and Trinity counties. A recent survey determined there are at least 92 potential sites (68 in Humboldt) that are strip mining or processing material potentially containing naturally occurring asbestos. Most have yet to be tested.

On May 25, the Humboldt County Board of Supervisors decided to override the Planning Commission and approve a conditional use permit to operate an asbestos-laden Willow Creek area quarry for 15 years. The county is still deferring all monitoring and enforcement to the NCUAQMD, which is why the Planning Commission denied the permit in the first place — the commissioners doubted the ability of the NCUAQMD to do the job.

The supervisors could have easily learned from the lessons in other counties. El Dorado County's "Naturally Occurring Asbestos and Dust Protection Ordinance" can be downloaded at www.co.el-dorado.ca.us/emd/apcd/PDF/Naturally_Occuring_Asbestos_June_12.pdf El Dorado's ordinance applies to both noncommercial and commercial use. Humboldt has no ordinance and no control over noncommercial operations.

Another drawback of relying totally on the NCUAQMD Asbestos ATCM permit process is that it contains no specific penalty provisions to encourage compliance. Compare that with the El Dorado ordinance section on penalties of \$2,500 for negligent violations, \$25,000 for intentional violations, and misdemeanors carrying \$1,000 fines and/or six months in jail.

El Dorado County leaders learned their lesson the hard way. Decision makers in the Humboldt County Planning Department and the Board of Supervisors are negligently deferring their responsibility and needlessly exposing this county to liability for potential damage by their actions.

To put this in the larger context of mineral resource policies, for which the county is the lead agency, the State Mining and Geology Board created a "Model SMARA (Surface Mining And Reclamation Act) Ordinance" for use by county lead agencies in 1996 (revised 1999). The 16-page document can be downloaded at www.consrv.ca.gov/SMGB/Guidelines/MODELORD.pdf

Humboldt County has currently permitted about 10 times the actual annual extraction rate of mineral resources that was demanded by the market. The county has no accurate inventory of these assets, which could be dearly needed for infrastructure development within the county in the future. Meanwhile, the Harbor Revitalization Plan envisions aggregate exports as a major industrial use of the bay.

Mineral resource land use is a complex and important subject of growing importance to all of Humboldt County. Concerned residents have created an online archive and general forum at www.humboldt1.com/~dspreen/kneeland/board to facilitate understanding and discussion of the related issues. An ounce of prevention now could avoid developing an incurable situation in the future.

Dave Spreen, who has a bachelor's degree in mathematics, is a consultant, writer and community activist. He lives in Kneeland.

[This supporting document submitted for March 15, 2007 Planning Commission Meeting – Mineral Resource GP Update]

Dave Spreen
Healthy Humboldt Coalition

Excerpts:

Asbestos dust case settled in El Dorado

By Chris Bowman - Bee Staff Writer

Tuesday, November 7, 2006

Story appeared in MAIN NEWS section, Page A1

Prosecutors have reached a \$350,000 settlement with a pair of El Dorado Hills developers and a construction contractor accused of numerous public health offenses in blasting open hillsides that bear a particularly toxic form of asbestos.

The most serious allegations concern the thick dust clouds from explosions in areas the county had designated as known or likely to contain naturally occurring asbestos, Marcella McTaggart, head of the El Dorado County Air Quality Management District, said after signing the settlement Friday.

(snip)

The settlement divides the \$350,000 among the county air district, the District Attorney's Office and the California District Attorneys Association's environmental circuit prosecution project, which assists rural counties. In calculating the total amount, prosecutors assigned the highest payments per violation to those involving asbestos dust, Deputy District Attorney Gloria Mas said.

"Our county Board of Supervisors took a position of zero tolerance on construction-dust violations in areas of naturally occurring asbestos," Mas said.

Full article: <http://www.sacbee.com/142/story/72508.html>

Excerpts:

Feb. 16, 2007

ENVIRONMENT

**Asbestos fears halt dredging
Swift Creek soil endangers health, EPA says**

KATIE N. JOHANNES
THE BELLINGHAM HERALD

NOOKSACK — Every year, a slow-moving landslide containing asbestos creeps down the side of Sumas Mountain and clogs Swift Creek with sediment.

For at least the past 25 years, Whatcom County crews have dredged the creek to protect neighboring farms, houses, bridges and roads from flooding. The U.S. Army Corps of Engineers and private landowners dredged the creek before that.

(snip)

In 2006, EPA crews collected and analyzed samples of dredged material. Crews dressed in white protective suits simulated different activities in the sediment, including loading and hauling dredged material, and walking, jogging and biking on it.

Even though the sediment was damp, and crews saw little or no dust in the air, their equipment detected enough asbestos fibers to break EPA's threshold of acceptable risk. The risks associated with regular

exposure to the sediment range from a one in a million to a one in 10,000 chance of getting cancer, said Julie Wroble, an EPA risk assessor.

Living in Seattle may carry a similar risk, but the difference is you can't point to the car that is producing the exhaust that is giving you cancer. This is an identifiable source in the environment that can be tested, she said.

"This is right at the edge of the risk range where we would start being concerned," said Lori Cohen, EPA associate director of environmental cleanup for the Pacific Northwest region. "We're concerned enough that we believe some next steps need to be taken."

EPA Report
EXECUTIVE SUMMARY

At the request of the Whatcom County Health Department, EPA began to investigate the site in 2006. EPA restricted its investigation to the dredged sediments along Swift Creek between Goodwin and Oat Coles Roads.

The results of EPA's April and May 2006 site characterization field events confirmed that asbestos is present in the dredged sediment materials and determined the distribution of asbestos concentration. The average concentration of asbestos in bulk samples collected from dredged sediment at the site was 1.7 percent (%) and ranged up to a maximum of 4.4 %.

Because of these potential health risks, EPA recommends that dredged materials no longer be removed from the site without personal protection and that it not be taken to other sites where further exposure is possible. EPA recommends that community education be considered to help prevent or minimize ongoing exposures to residents.

Source: <http://www.bellinghamherald.com/255/story/49006.html>

Full EPA report: http://www.bellinghamherald.com/images/downloads/SwiftCreek_FinalReport.pdf (68 k)

[This supporting document submitted for March 15, 2007 Planning Commission Meeting – Mineral Resource GP Update]

The county staff points to "numerous existing policies, standards and Co., State and Federal regulations and additionally on a project by project basis" and "any remaining issues are often so specific that general standards would not be useful". However, a recent review of the State's Mineral Resources Management Program by the State Mining and Geology Board really points to the fact that while ordinance review is good, mineral resource management policy compliance rate is very poor and the CEQA process dysfunctional. Reference follows.

Dave Spreen
Healthy Humboldt Coalition

Excerpts:

STATE MINING AND GEOLOGY BOARD

Minerals and Geologic Resources Committee Eric Gamer, Chair; Robert Griego; Seena Hoose
STAFF REPORT For Meeting Date: September 14, 2006
Agenda Item No. 1: A Review of the State's Mineral Resources Management Program and its Components.

INTRODUCTION: The staff of the State Mining and Geology Board (SMGB) performed a review of 1) the current status of the SMGB effectiveness in reviewing Mining Ordinances, Mineral Resource Management Policies (MRMP), and California Environmental Quality Act (CEQA) documents under the SMARA Mineral Resource Management Program, and 2) the state of compliance by local governments in adopting Mining Ordinances and incorporating Mineral Resource Management Policies into their general plans, pursuant to Public Resources Code (PRC) Sections 2762 and 2763, and Title 14 California Code of Regulations (CCR) Sections 3675 and 3676. A synopsis of this review is presented.

BACKGROUND: The SMGB oversees three primary program areas, among other responsibilities. These are the Alquist-Priolo Earthquake Fault Zone Mapping Program, the Seismic Hazards Mapping Program, and the SMARA Mineral Resource Management Program. Within the SMARA Mineral Resource Management Program are many functions, including policy development, regulation and guideline development, appeals, mine reclamation, mineral land classification and designation, and lead agency document review. This last area is the subject of this summary report. There are three types of documents reviewed by the SMGB and its staff: mining ordinances, MRMP and CEQA documents.
(snip)

ANALYSIS: An examination of SMGB records and archives beginning from the passage of SMARA in 1975 to the present was conducted to evaluate the status and effectiveness of each of the three review functions.

(snip)

STAFF CONCLUSION: The Mining Ordinance review and certification program is working well, with an effective compliance rate of 100%. The MRMP review and recognition program is not working well and the compliance rate, while not well documented, may be as low as 4% to 19%, which is unacceptable. The CEQA review and comment program within SMGB is currently dysfunctional and no documents were reviewed in 2005. If the later two programs are to regain their effectiveness, significant changes will need to be made.

Full report: <http://www.conservation.ca.gov/smgf/staffreports2006/SEP/0914a-1.pdf> (44 k)