

## Wall, Robert

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**From:** Mattson, Tom  
**Sent:** Monday, September 22, 2014 10:11 AM  
**To:** Wall, Robert  
**Subject:** GPU

Rob – I understand (by reading yesterdays paper) that you will be working through mining stuff this afternoon. Please consider these two comments on behalf of DPW

1. Why are we required to reup every mine site every 15 years? This is an additional cost to our road division that would be better spent on maintaining our roads. We have a number of extraction points all over the county in order to have material where we need it, most of the sites are used on a small volume basis and our operations, other than increased bmp's to keep up with the times, are not significantly different over the years. We would appreciate consideration of removing this repermitting requirement. It does not appear that many other counties do this.
2. It stated in the paper something to the order of not changing existing river bar elevations – Not sure but how can you mine without changing river bar elevations? My recommendation is that the wording be changed to "not undermine downstream structures such as bridges". I understand this comment as related to the Mad River and CHERT and the history there, but on the eel it is a completely different story as it is choked full of gravel it would enhance the environment to strategically remove and reduce the river bar elevations as well as create deep pools for the salmonoids.

Thanks

Tom

## FOREST ROADBED MATERIALS

### SURFACE MINING AND RECLAMATION ACT OF 1975

#### Public Resources Code, Division 2, Chapter 9

*[The Surface Mining and Reclamation Act of 1975 (SMARA) requires that a reclamation plan be approved for all sites where there is surface mining of minerals for commercial purposes and the removal of overburden in total amounts greater than 1000 cubic yards in any one location. In 1996, changes were made to SMARA that allow for special provisions for excavation or grading of materials for roadbed construction and maintenance conducted in connection with timber operations of forest management on land owned by the same person or entity. These provisions are excerpted below. Complete provisions, PRC 2200 et seq. and 2700 et seq., may be obtained from Barclays Publishers, <http://www.barclaysccr.com/index.htm>, or on the Internet at <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20>. Also included below are excerpts from the California Mining and Geology Board Reclamation Regulations. For complete provisions see the same sources as above, but on the Internet, rather than the Public Resources Code, select the California Code of Regulations, sections 3500 et seq.]*

#### Article 1. General Provisions

##### 2710. Chapter Title.

This chapter shall be known and may be cited as the Surface Mining and Reclamation Act of 1975.

##### 2711. Legislature Findings.

(a) The legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(b) The Legislature hereby finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(c) The Legislature further finds that the surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and the reclamation operations and the specifications therefore may vary accordingly.

**2712. Legislature Intent.** It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operation so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated.

**2713. Private Property Rights.** It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitution.

**2714. Exemptions.** This chapter does not apply to any of the following activities:

(j) (1) Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operation or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite

## SURFACE MINING AND RECLAMATION ACT OF 1975

excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

(2) This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

### **STATE MINING AND GEOLOGY BOARD RECLAMATION REGULATIONS. California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.**

#### **Article 9. Reclamation Standards.**

##### **3704. Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring.**

Backfilling, regrading, slope stability, and recontouring shall conform with the following standards:

(f) Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform with the surrounding topography and/or approved end use.

##### **3706(d). Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control.**

(d) Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.

**END**

**CALIFORNIA FOREST PRACTICE RULES 2014**