



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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June 12, 2007

Martha Spencer
Senior Planner
Planning Division, Community Development Services
3015 H Street
Eureka, California 95501-4484

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PLANNING OFFICE
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**RE: Humboldt County General Plan Update – Mineral Resources Chapter –
Mineral Resource Management Policies Amendments**

Dear Ms. Spencer:

Thank you for the opportunity to review the proposed alternatives and amendments to the update of the Humboldt County General Plan Mineral Resources Chapter - Mineral Resource Management Policies (MRMPs). Your document was mailed to office of the State Geologist by mistake. It is the responsibility of the State Mining and Geology Board (SMGB), not the State Geologist, to review and accept MRMPs, so the document was delayed in reaching us.

Mineral Resource Management Policies (MRMPs)

The purpose and intent of the MRMPs are to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by the Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resources Code Section 2710, et seq.), and the SMGB's regulations. When draft MRMPs are received for review, they are examined for **Content, Clarity, and Conflict**. The review is conducted by the Executive Officer, one or more administrative and/or technical analysts from the Office of Mine Reclamation, and the SMGB's legal counsel. If necessary, additional technical and legal advice may be sought from the California Geological Survey or from the Attorney General's Office.

Content: MRMPs are examined to determine if all SMARA requirements are addressed and contained within the ordinance.

Clarity: The contents of the MRMPs are examined to determine if they are clearly stated or might be construed in more than one way, which might lead to later confusion.

Conflict: The contents are examined to determine that they are not in conflict with statute, nor are in conflict internally with other portions of the MRMPs.

The Staff Review offers two types of review comments: **Recommendations** and **Suggestions**. These comments are not binding and are offered as a constructive service.

Recommendations are comments that should be followed if the ordinance is to be certified by the SMGB. These recommendations relate to serious omissions in content or statements in conflict with SMARA or the SMGB's Regulations.

Suggestions are comments that are made to improve the clarity of statements, usually by making them more complete or by offering references.

General Comments

The submitted document does not appear to have been integrated into the existing Humboldt County MRMPs, but is instead a series of possible changes and additions. Without knowing which of the alternatives the County Board of Supervisors will adopt, it is impossible to tell whether the final document will be in compliance with the Surface Mining and Reclamation Act (SMARA) and the SMGB's regulations.

Specifically, on pages 16-12 and 16-13 Humboldt County staff recommends continuation of "Policies P1 through P 13, Standards S1 and S5, and Implementation Measures IM1 through IM5." However, section 16.3 on page 16-4 also lists Policies P6, 7, 8, 9, 11, and 15, and Standards S2, 3, 4, 6, and 7. It is unclear if these are to be continued, modified, or eliminated in the final MRMPs. Also, which of the additional proposed Policies, Standards, and Implementation Measures described in the table beginning on page 16-17 are ultimately adopted by the County Board of Supervisors will also have an obvious impact on the SMGB's review for compliance with SMARA.

Specific Comments

Regarding the update of the General Plan Mineral Resource Chapter, we offer the following comments, suggestions and recommendations:

Page 16.1 - , Chapter 16. Mineral Resources, Subsection 16.2 Background - (Suggestion for clarity): On page 16.1, paragraph 2, you refer to the "1997 State Division of Mines and Geology Strategic Plan". The document you are referencing is actually the 1997 State Mining and Geology Board Strategic Plan, and should be so referenced.

Page 16.14 - , Alternative A, MR-P20. Export of Mineral Resources - (Recommendation for conflict): On page 16.14, MR-P20 prohibiting export of minerals from Humboldt County is in conflict with SMARA's acknowledgement that mineral deposits under the jurisdiction of one lead agency may also be needed by an adjoining lead agency, and are thus of regional significance. This prohibition may also constitute an illegal restraint of trade - not specifically a SMARA issue but one that should be researched by your legal staff.

Page 16.14 - , Alternative A, MR-S5. Hard Rock Extraction Ceiling - (Recommendation for conflict): On page 16.14, MR-S5 establishing an annual extraction ceiling of 200,000 tons for hard rock quarrying plus open pits is an

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issue that should be addressed on a site by site analysis as permits are requested and not established as a blanket limit for the entire county. Contrary to statements on Page 16-15 under the discussion of MR-P32, rock types suitable for watershed restoration and jetty repair are not rare, and the 200,000 ton annual ceiling may not meet the needs of the region and may also constitute an illegal restraint of trade – although this matter is not specifically a SMARA issue, it is recommended that it be researched by your legal staff.

Page 16.15 -, Discussion MR-P28 – (Suggestion for clarity): On page 16.15, paragraph 1, you refer to the “Guidelines for Classification and Designation Petitions” as a publication of CGS (California Geological Survey). It is in fact a publication of the SMGB and should be so referenced.



As you continue your process of revision and come to a point where you have a complete document ready for the approval of your Board of Supervisors, that document should be resubmitted to the SMGB's office in Sacramento for final review prior to a recommendation that it is in compliance with the SMARA and the SMGB's regulations. The MRMPs could then be formally recognized by the SMGB at the first regular business meeting scheduled after receipt of that document.

Thank you for the opportunity to provide input into the Humboldt County revised MRMP in the General Plan Mineral Resource Chapter. We ultimately look forward to the receipt and review of a complete document that addresses the suggestions indicated above. If you have any questions, please do not hesitate to contact us at the SMGB office in Sacramento at (916) 322-1082.

Sincerely,

A handwritten signature in cursive script that reads "David J. Beeby".

David J. Beeby
Supervising Geologist

A handwritten signature in cursive script that reads "Stephen M. Testa".

Stephen M. Testa
Executive Officer