MARIPOSA COUNTY RESOLUTION NO. 80-39

A Resolution supporting the efforts of the Honorable John A. Nejedly in maintaining local control of Surface Mining regulation in California.

WHEREAS the California Surface Mining and Reclamation Act of 1975 (SMARA) required local governments to adopt SMARA ordinances; and

WHEREAS within this framework of this law, local governments are designated as lead agencies for the approving of reclamation plans and issuing mining permits; and

WHEREAS this process allows local governments to effectively express their concerns and implement local policy on surface mining activity; and

WHEREAS, policy and legislation appear to be developing to expand the purview of federal agencies in the regulation of surface mining activity through the Federal Surface Mining Control and Reclamation Act of 1977 thereby limiting or eliminating local government control of this activity.

NOW THEREFORE the Mariposa County Board of Supervisors hereby approves of and declares support for the position of the Honorable John A. Nejedly, of the Eleventh Senatorial District of the State of California, on actions to strengthen the State of California's stand on surface mining regulation.

BE IT FURTHER RESOLVED that following legislative proposals should be considered by the California Legislature during 1980 to further this goal:

(1) That SMARA establish a date for lead agency adoption of an ordinance implementing SMARA but provide that
jurisdictions without active surface mines may defer adopting an implementing ordinance until the filing of a permit application.

(2) That the Act provide a state agency with authority to issue permits and approve reclamation plans when a lead agency fails to adopt an implementing ordinance in compliance with state law.

(3) That the Act be clarified as to the responsibilities of lead agencies in making land-use decisions involving mineral information provided under the classification-designation process.

(4) That the Act designate a state agency with the authority to regulate the surface mining of coal pursuant to the Federal Surface Mining Control and Reclamation Act.

A copy of this resolution shall be forwarded to The Honorable John A. Nejedly, Tony Coelho, Ken Maddy, and Jim Costa.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 19 day of February, 1980, by the following vote:

AYES: Erickson, Moffitt, Dalton, Taber, Clark

NOES: None

NOT VOTING: None

ABSENT: None

ERIC ERICKSON, Chairman
Board of Supervisors

ATTEST:

JOAN J. LYNK
Clerk of the Board