



VENTURA COUNTY SURFACE MINING ORDINANCE UPDATE

May 6, 2025
11:00 AM to 12:00 PM
Mining Stakeholder Meeting



COUNTY of VENTURA
Resource Management Agency

Welcome and Introductions



Land Logistics

- Senior Associate Nash Gonzalez

County Staff

- Planning Director Dave Ward
- Planning Manager Aaron Engstrom
- Associate Planner Brittany Webber



Background



- Ventura County's SMARA Ordinance is in the Non-Coastal Zoning Ordinance (NCZO Section 8107-9)
- Originally certified by the SMGB on November 11, 1999 (Resolution No. 99-34, Ord. No. 4187).
- State SMARA was updated in 2008, 2013, and 2017, with changes becoming effective in 2018 and in 2020.
- In December 2024, State updates were included in the Mining Ordinance Guidance Document (SMBG Guidance).
- GP Program COS-MM: The County shall evaluate and as necessary update the local Surface Mining Reclamation Act ordinance within three years of adoption of the 2040 General Plan.

History of County Ordinance



- Since Ventura County's SMARA ordinance last SMGB certification on November 11, 1999 (Resolution Number 99-34. Ordinance Number 4187). Updates to the State SMARA include topics:
 - Financial assurances,
 - Inspections,
 - Reclamation Plans,
 - Idle mines, and
 - Addressing violations of the state statutes.
- The County and Mine Operators have followed State statute in administering and enforcing SMARA
- The County's ordinance is out of date and could potentially be subject to the provisions of PRC Section 2774.5(a), in which the SMGB requests an updated ordinance within 90 days, and potential loss of authority at the local level until the update is certified by SMGB.

SMARA Requirements



- The Surface Mining and Reclamation Act (**SMARA**; Public Resources Code Section 2710 *et seq.*) requires that each city and county with a surface mining operation within its jurisdiction adopt a surface mining ordinance in accordance with State Policy.
- Establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations.
- SMGB certifies local agency mining ordinances (PRC Section 2774.3).

Updates to SMARA Regulations



- AB 1142 and SB 209 (2013) required changes and responsibilities under SMARA, specifically requiring clarification of the required contents of reclamation plans for new reclamation plans for new surface mining operations.
- Most significant change requires all maps, diagrams or calculations prepared by engineering, geologists, or land surveyors include signatures and seals as registered professionals.
- Additionally, SMARA now requires an “official copy” of the reclamation plan and plan amendments that incorporate all approved modifications, including an index showing any reclamation related permit conditions of approval or mitigation measures under CEQA.
- These changes need to be amended into the County’s NCZO.

Updates to SMARA Regulations (cont.)



- The changes to State SMARA now provide a more defined process and specific timelines for State review of financial assurance documents. PRC Code Section 2773.4 was amended adding new sections to the law requiring how financial assurances are to be reviewed, which now require the County's NCZO to be amended.
- Currently under SMARA, there are specific time periods for review and approval of financial assurance cost estimates (FACE) and how they are to be approved.
 - Specifically requiring a FACE to be submitted to the County 30 days following the annual inspection,
 - County has 60 days to review the FACE for adequacy and submittal to the State.
 - Department of Conservation (DOC) for 45-day review and concurrence.

Updates to SMARA Regulations (cont.)



- Another change that became effective on January 1, 2018, (PRC §2727.7(a)) now requires a lead agency, upon approval of a reclamation plan or amendment to reclamation plan, to record a “Notice of Reclamation Plan Approval” with the county recorder. The notice shall read: “Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the _____ (lead agency), a copy of which is on file with the _____.”
- PRC § 2727.7(b) also states that in addition to the information required by subdivision (a), the notice shall also include the name of the owner of record of the mine operation, the name of the lead agency, and the acknowledgement signature of the lead agency representative.
- Other updates include the definitions require to be amended in the County’s NCZO, as many of these have changed due to current practices and in State SMARA.

Current Mine Operators



As a mine operator, how does this affect me/my operation/company?

- If you currently are operating under an approved Reclamation Plan and Use Permit, there will be no changes as the County has been operating in compliance with SMARA, including the review of Reclamation Plans, Annual SMARA Inspections, review of Financial Assurance Cost Estimates (FACEs) and Financial Assurance Mechanisms (FAMs).
- New or amended reclamation plans have to conform with all statutes of State SMARA. The updated ordinance will just codify the State SMARA processes.

Benefits of an Updated Ordinance



What the benefits of having an updated Surface Mining Ordinance?

- The County remains in compliance with State SMARA
- There is more certainty for Mine Operators
- This update provides an opportunity to include specific local conditions and consider comments from mining stakeholders.

Ordinance Update Process



1. Stakeholder Meeting (receive your comments and inform operators on process)
 - Suggestions/comments due by May 20th
2. County prepares a draft NCZO update
3. Consult with SMGB regarding draft NCZO update
4. CEQA Analysis –exemption?
5. NCZO update will be heard by Planning Commission w/recommendation to BOS
6. Board of Supervisors will hear and adopt NCZO Update
7. County will send to SMGB for Certification
8. Once certified by SMGB, the County now has a certified ordinance per PRC §2774.3

Public Input



Suggestions due by May 20th

- Please provide written comments to brittany.webber@ventura.org
- Other opportunities to comment will be before Planning Commission, Board of Supervisors, SMGB.

Next Steps



1. Review suggestions/comments from operators
2. Prepare a draft NCZO ordinance update
3. Begin early consultation with SMGB – to help streamline approach

Steps 1 and 2 to be completed by end of Summer 2025



QUESTIONS?

Land Logistics: nash@landlogistics.com

County Planner: Brittany.webber@ventura.org

