



February 27, 2020

Ventura County Resource Management Agency, Planning Division  
Attn: Susan Curtis, Manager, General Plan Update Section  
800 S. Victoria Ave., L #1740  
Ventura, CA 93009-1740

Governor's Office of Planning & Research

**FEB 25 2020**

**STATE CLEARINGHOUSE**

Copy sent via email: [GeneralPlanUpdate@ventura.org](mailto:GeneralPlanUpdate@ventura.org)

SUBJECT: Ventura County 2040 General Plan (SCH # 2019011026); Draft Environmental Impact Report (EIR)

Dear Ms. Curtis:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Ventura County 2040 General Plan Draft EIR. The project as described in the Draft EIR proposes to update the County of Ventura's 2040 General Plan and will identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation.

The Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Division's primary focus is on existing surface mining operations and the return of those mined lands to a usable and safe condition while giving consideration to environmental and recreational values; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines.

The Division has reviewed the subject Draft EIR pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and offers these comments.

1. The Division recommends editing Section 1.4: Lead, Responsible, and Trustee Agencies (Page 1-5) from, "...the Department of Conservation, which has responsibility for approving mining Reclamation Plans..." to "...the Department of Conservation, which has responsibility for reviewing and commenting on surface mine Reclamation Plans...", as this better reflects the Division's role and SMARA statutes (PRC Section 2772.1).

2. The County should consider updating surface mining ordinances, which were last certified by the State Mining and Geology Board on November 10, 1999. As a result of Assembly Bill 1142 and Senate Bill 209, significant statutory changes to SMARA went into effect January 1, 2017. These changes provided updates to the statutes governing approval of reclamation plans and financial assurances. Additionally, during the recent Lead Agency Review and Assistance (LARA) Program review, the Division recommended the County update their surface mining ordinance.

PRC Section 2774(a) states that "[E]very lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations... [T]he ordinances shall establish procedures ...to ensure that the ordinances continue to be in accordance with state policy." Additionally, PRC Section 2757 states that the SMARA statutes "shall be used as standards by lead agencies in preparing specific and general plans, including the conservation and land use elements of the general plan and zoning ordinances."

Please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices or supplemental environmental documents), as well as a copy of the certified final Environmental Impact Report, to the address below, attention to Carol E. Atkins, Division of Mine Reclamation.

If you have any questions, please contact either of us at (916) 323-9198.

Sincerely,



Carol E. Atkins, Manager  
Environmental Services Unit



Paul Fry, Manager  
Engineering and Geology Unit

cc (sent by email):

State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))

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