
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair

2025 - 2026 Regular

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Author:	Carrillo		
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Urgency:	No	Fiscal:	Yes
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Subject: The Surface Mining and Reclamation Act of 1975: idle reserve mine status

SUMMARY

This bill would create an “Idle Reserve Mine Status” of up to 10 years length for idle construction aggregate mines, among other provisions, as provided.

BACKGROUND AND EXISTING LAW

Mining in California

According to the California Geological Survey, in 2022, about 634 active mines produced about \$5.5B in “non-fuel mineral production” of which about 25% by value is construction aggregate. California is one of the largest producers of construction aggregate in the country. According to the California Construction and Industrial Materials Association (CalCIMA), there are approximately 1,000 mines capable of producing construction aggregate in the state. Demand for construction aggregate is highly cyclical and can fluctuate widely from year to year. If there is not a local source of aggregate, the aggregate has to be hauled to the construction site. Increased haul distances increase the cost to the customer, and result in increased emissions of combustion pollutants to the atmosphere. There are concerns that permitted mines, due to the high variability in demand, may become idle and run the risk of being forced into the reclamation process despite having substantial reserves remaining.

The Surface Mining and Reclamation Act of 1975 (SMARA)

SMARA (Public Resources Code (PRC) §§2710 *et seq.*) encourages the production, conservation, and protection of the state’s mineral resources, and requires annual reporting for all mines in the state. SMARA provides a comprehensive surface mining and reclamation policy with regulation of surface mining operations to ensure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition.

The Division of Mine Reclamation (division) and the State Mining and Geology Board (board) are jointly charged with ensuring proper administration of SMARA. The board promulgates regulations to clarify and interpret SMARA, and serves as a policy and appeals board. The division provides ongoing technical assistance for lead agencies and operators, maintains a database of mine locations, and is responsible for compliance-related matters.

Unique among most other states, in California the permitting and approval of reclamation plans for surface mining are undertaken by local governments acting as the lead agency. Under SMARA, a lead agency may be a city, county, the San Francisco Bay Conservation and Development Commission, or the board. Lead agencies have

the primary responsibility for the administration and enforcement of SMARA. As of 2017, 95 lead agencies included 55 counties, 39 cities, and the board.

Under SMARA, mine operators must submit a reclamation plan for review and approval by local lead agencies and the division. The law requires that mines be regularly inspected for compliance with their reclamation plans. Mine operators pay annual fees and must provide financial assurances to ensure that adequate funding will be available to reclaim a mine site.

SMARA's requirements apply to anyone, including government agencies, engaged in surface mining operations in California (including those on federally managed lands) which disturb more than one acre or remove more than 1,000 cubic yards of material. This includes, but is not limited to: prospecting and exploratory activities, dredging and quarrying, streambed skimming, borrow pitting, and the stockpiling of mined materials.

Idle mines

Under current law, mine operators can suspend their operations and idle their mines when it is not commercially viable to continue mining. Providing for idle status also helps prevent the abandonment of mines and ensure regulatory oversight and inspections continue until the mine is reclaimed. An operator can submit an interim management plan for approval, and, if approved, can maintain that status for up to 5 years so long as certain fees are paid, financial assurances remain in effect, and inspections continue. This status can only be renewed two additional 5-year periods prior to the mine having to be reclaimed. This change was designed to prevent operators from using the interim management plan procedures to delay or avoid final reclamation obligations. Under these reform measures, a mine can remain idle up to 15 consecutive years.

Existing law:

- 1) Establishes the board, and the division within the Department of Conservation. The division is led by the Supervisor of Mine Reclamation (supervisor). (PRC §§607, 2006.5)
- 2) Authorizes the State Geologist, among other things, to make, facilitate, and encourage special studies of the mineral resources, mineral industries, and geology of the state. (PRC §2205)
- 3) States the continuing policy of the state in the interest of the wise use of mineral resources and for other sound conservation activities, as provided. (PRC §2650)
- 4) Requires the board to adopt regulations that establish state policy for the reclamation of mined lands, as provided. (PRC §2755)
 - a) Defines "reclamation" as the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to

affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

- 5) Requires the owner or operator of a mining operation within the state to annually forward to the supervisor information about the mining operation including its location; its status as active, idle, reclaimed, or in the process of being reclaimed; the commodities produced by the mine; approval date for the reclamation plan; and proof of financial assurance, among other requirements. Requires a lead agency to submit to the supervisor official copies of an approved reclamation plan or plan amendment, interim management plan, financial assurances, and other information, as provided. (PRC §§2207, 2774.2.5)
- 6) Prohibits a person from conducting surface mining operations unless a permit is obtained from, a reclamation plan has been submitted and approved by, and financial assurance for reclamation have been approved by the lead agency, as provided. (PRC §2770)
- 7) Requires lead agencies to conduct annual mine inspections to determine compliance with SMARA.
- 8) Requires the board to impose an annual reporting fee for each active or idle mining operation.
- 9) Requires, within 90 days of a surface mining operation becoming idle, the operator to submit an interim management plan to the lead agency for review. The approved interim management plan is an amendment to the surface mining operation's approved reclamation plan. (PRC §2770(h)(1))
 - a) Defines "idle" to mean that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum annual mineral production within any of the last five years during which an interim management plan has not been approved. (PRC §2727.1)
- 10) Authorizes an interim management plan to remain in effect for up to 5 years, at which time the lead agency is required to either renew the interim management plan for up to another 5 years twice or require the operator to commence reclamation. (PRC §2770(h)(2))
- 11) Requires lead agencies to obtain financial assurances, as specified, from the surface mining operation operator. Requires the financial assurance for the surface mine to remain in effect while it is idle. (PRC §§2770(h)(3), 2773.1)
- 12) Requires a surface mining operation to be considered abandoned if it remains idle for more than one year without obtaining approval of an interim management plan, as specified. (PRC §2770(h)(6))
- 13) Requires a reclamation plan to be filed with the lead agency by any person who owns, leases, or otherwise controls or operates on all or any portion of any mined lands and who plans to conduct surface mining operations on the lands. Prior to

approving a surface mining operation's reclamation plan or plan amendment, the lead agency shall submit it to the supervisor for review. (PRC §§2772 2772.1)

- 14) Requires every lead agency to 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, as provided. Requires the lead agency to cause surface mining operations to be inspected in intervals of no more than 12 months. (PRC §2774)
- 15) Requires the board to exercise some or all of a lead agency's powers under SMARA if the board finds that the lead agency has failed to inspect surface mining operations or other steps. (PRC §2774.4)

PROPOSED LAW

This bill would create an "Idle Reserve Mine Status" of up to 10 years length for idle construction aggregate mines, among other provisions, as provided.

Specifically, this bill would:

- 1) State legislative intent to minimize the waste of construction resources, while ensuring the timely reclamation of idle construction aggregate mines rather than allowing for indefinite delays in or avoidance of reclamation efforts.
- 2) Define the following terms:
 - a) "Construction aggregate material" as cinders, decomposed granite, decorative rock, dimension stone, fill dirt, limestone, pumice, rock, stone, sand, gravel, or both sand and gravel.
 - b) "Reserves" as that part of the resource base that could be economically extracted or produced within the foreseeable future and usually referring to permitted resources. The term "reserves" need not signify that extraction facilities are in place and operative.
- 3) Authorize a surface mining operation authorized for extraction of construction aggregate materials but currently idle, to apply for and request the division to review and approve an application for Idle Reserve Mine Status to determine whether all of the following conditions are met:
 - a) The State Geologist determines the surface mining operation has a volume of reserves to address future infrastructure needs.
 - b) The surface mining operation is not located on federal public land.
 - c) The division has previously received fewer than 12 applications for Idle Reserve Mine Status within the same fiscal year in which the subject application is received.
- 4) If the division concludes that all of the conditions in (a) - (c) of 3) above are met and approves an application for Idle Reserve Mine Status, and if the lead agency concurs with the division's review, the lead agency may extend the maximum

renewal period that an interim management plan may remain in effect by up to 10 years in addition to the specified time frames if both of the following conditions are met:

- i) The applicant pays actual costs associated with the division's review in addition to the required fees.
 - ii) The approval of an application for Idle Reserve Mine Status does not renew the interim management plan for a period beyond the effective term of any applicable surface mining permit or reduce existing financial assurance obligations for reclamation pursuant to this bill.
- 5) Require the lead agency to inspect a mine with approved Idle Reserve Mine Status in intervals of no more than 12 months, solely to determine whether the surface mining operation is in compliance with SMARA.

ARGUMENTS IN SUPPORT

According to the author, "Assembly Bill 982 is crucial for the continued success of our local mining industry and the construction projects that rely on it. By allowing mines across California to extend their operations, we ensure that valuable resources are preserved for future use, reducing unnecessary shutdowns and costly transportation. In rural districts like mine, where mines are spread far apart, the closure of any mine forces longer travel for resources, which increases emissions and makes it harder to attract investment in local construction projects. This bill will help keep construction materials local, reducing fuel consumption, CO₂ emissions, and traffic congestion. By supporting AB 982, we're investing in our local economy, job creation, and sustainable development, while ensuring that we have the resources to build the infrastructure our communities need and deserve."

ARGUMENTS IN OPPOSITION

None received

COMMENTS

Balancing competing priorities. One of the goals of the SMARA reforms during the Brown Administration was to limit how long a surface mining operation could be idle prior to reclamation, at least in part to minimize the risk to the state of the operation becoming abandoned. This is the motivation for the cap on the number of times idle status could be renewed without returning to active status for a surface mining operation. On the other hand, given the weight of construction aggregate, it is also in the state's interest to minimize how far construction aggregate travels from quarry to construction site, and to not force the reclamation of sites while economically viable reserves remain. The new Idle Reserve Mine Status means a mine can be idle for 25 consecutive years prior to reclamation. To be sure, a mine with idle status can still be used for production – just not much.

Construction aggregate facilities have been particularly prone to becoming idle, due to spikes in production from large infrastructure projects. The statutory definition of idle is a fall to less than 10% of a mining operation's maximum production of the five prior years when an interim management plan has not been approved. Spike production can significantly raise the bar on the minimum production needed to maintain at least

10% of the spike and not be idle. This can result in a site being forced into idle status, based on a single year of high production for a large infrastructure project. Further the construction materials market has seen significant reductions in construction aggregate demand in recent decades.

CalCIMA, the bill sponsor, believes that the impact of current law on operations whose mineral reserves are not currently needed for active mineral production, but which have significant amounts of mineral reserves still available, is forced, premature reclamation of essential, already-permitted mineral resources.

Scope of need unclear. The bill sponsors indicated that on the order of 70 – 100 construction aggregate mines, based upon their review of the division's records, might be candidates for idle reserve mine status. While the division's online interactive map is helpful at identifying and reviewing available information for individual mines, it does not yet provide aggregated data. Existing reporting requirements suggest that the division ought to have all of the information available to it to track how long a mine has been active or idle. It is difficult for the Legislature to make informed decisions about necessary updates to SMARA without there being better data available to it. There is also an argument to provide an opportunity for the Legislature to assess the need for idle reserve mine status and any implementation issues, particularly the potential for a processing bottleneck with the limitation on the number of applications processed annually, after the new status has been in effect for a reasonable amount of time.

In view of this, the Committee may wish to amend the bill to add a 10 year sunset and require an ongoing reporting requirement to understand the need for idle reserve mine status. [Amendment #2]

Technical amendments. The Committee may wish to amend the bill to make a series of clarifying and technical amendments to require that reserves may only be counted if they are part of an existing reclamation or interim mine status plan, and clarify that the board will use its existing authority to promulgate regulations to implement the idle reserve mine status, among others. [Amendments #1 and #2]

Related legislation.

AB 580 (Wallis, 2025) would extend, until January 1, 2051, the sunset date on the authority for the Metropolitan Water District of Southern California to develop a single master reclamation plan to comply with its obligations under SMARA. (This bill is pending before this Committee.)

AB 442 (Mayes, Chapter 166, Statutes of 2021) until January 1, 2026, allows the Metropolitan Water District of Southern California to prepare a single master reclamation plan for its earth moving operations conducted on lands it owns or leases, or upon which easements or rights-of way were granted to Metropolitan, as provided.

SB 1133 (Wolk, Chapter 235, Statutes of 2016) eliminates the sunset date and retains the annual reporting requirement and other requirements per SMARA for the Cache Creek Resources Management Plan to serve as a functional equivalent of a reclamation plan for the removal of sand and gravel necessary for restoration projects or channel maintenance activities in Lower Cache Creek.

SB 209 (Pavley, Chapter 8, Statutes of 2016) makes numerous changes to SMARA that are all part of the year-long stakeholder process convened by the Governor's office in 2015 to recommend substantive and procedural changes to the state's mining laws.

AB 1034 (Obernolte, Chapter 595, Statutes of 2015) requires a lead agency to consider the construction and operation of a renewable energy generation facility on disturbed mined lands to be an interim use and would prohibit a lead agency from requiring an amendment to an approved reclamation plan if specified criteria are met.

SB 447 (Lara, Chapter 417, Statutes of 2013) allows, until January 1, 2019, a surface mining operator, whose operations are not in compliance with its approved reclamation plan, to continue to sell mining products to a state or local agency if the operator stipulates to an order to comply with the lead agency and/or the Department of Conservation, and also requires legislative reports regarding SMARA, as provided.

SB 143 (Rubio, Chapter 324, Statutes of 2012) limits the renewal of an idle surface mining operation's Interim Management Plan to one additional five-year renewal period at the expiration of the first five-year renewal period.

SB 108 (Rubio, Chapter 491, Statutes of 2011) amended the definition of an idle mine by taking a snapshot of a five-year period, rather than the life of the mine, to determine if production has been curtailed to the point where the interim management plan requirements apply; allowed a mining operation that was considered abandoned prior to January 1, 2013, to be returned to idle status if an interim management plan is approved by July 1, 2013, and various requirements, as specified, are met, among other provisions.

SB 649 (Kuehl, Chapter 794, Statutes of 2003) prohibits operators of surface mines who are not in compliance with SMARA from selling California-mined materials to local agencies; increases the annual reporting fees on operators; and creates a new fee for precious metals (\$5 per ounce of gold and 10¢ per ounce of silver) to be used for the remediation of abandoned mines.

SUGGESTED AMENDMENTS

AMENDMENT 1

Revise Section 1 to read:

SECTION 1. It is the intent of the Legislature to minimize the waste of construction resources, while ensuring the timely reclamation of idle construction aggregate mines and not ~~rather than~~ allowing for indefinite delays in or avoidance of reclamation efforts.

AMENDMENT 2

Revise proposed PRC section 2770(h) to read:

(h) (1) Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit an interim management plan to the lead agency for review. The review and approval of an interim management plan shall not be considered a project for purposes of the California Environmental

Quality Act (Division 13 (commencing with Section 21000)). The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan for purposes of this chapter. The interim management plan shall only provide for necessary measures the operator will implement during its idle status to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions.

(2) The interim management plan may remain in effect for a period not to exceed five years, at which time the lead agency shall do one of the following:

(A) Renew the interim management plan for an additional period not to exceed five years, which may be renewed for one additional five-year renewal period at the expiration of the first five-year renewal period, if the lead agency finds that the surface mining operator has complied fully with the interim management plan.

(B) Require the operator to commence reclamation in accordance with its approved reclamation plan.

(C) (i) A surface mining operation authorized for extraction of construction aggregate materials but currently idle, may apply for and request the division to review and approve an application for "Idle Reserve Mine Status" to determine whether all of the following conditions are met:

(I) The State Geologist determines the surface mining operation has a volume of reserves to address future infrastructure needs. No reserves not included in an approved reclamation plan or interim management plan qualify for the State Geologist's determination.

(II) The surface mining operation is not located on federal public land.

(III) The division has previously received fewer than 12 applications for "Idle Reserve Mine Status" within the same fiscal year in which the subject application is received.

(ii) If the division concludes that all of the conditions in subclauses (I) to (III), inclusive, of clause (i) are met and approves an application for "Idle Reserve Mine Status," and if the lead agency concurs with the division's review, the lead agency may extend the maximum renewal period that an interim management plan may remain in effect pursuant to subparagraph (A) by up to 10 years in addition to the timeframes in subparagraph (A) if both of the following conditions are met:

(I) The applicant pays actual costs associated with the division's review in addition to the fees required pursuant to Section 2207.

(II) The approval of an application for "Idle Reserve Mine Status" does not renew the interim management plan for a period beyond the effective term of any applicable surface mining permit or reduce existing financial assurance obligations for reclamation pursuant to this chapter.

(iii) If a surface mining operation has acted in good faith pursuant to clause (i) and a determination on its application for "Idle Reserve Mine Status" has not yet been made pursuant to clause (ii), the surface mining operation's interim management plan may remain in effect until a determination has been made.

(iv) The board shall adopt regulations to implement clauses (i) and (ii).

(v) On or by September 1, 2027 and annually thereafter, the division shall compile the following information as of the end of the preceding calendar year and post it on the division's Internet web-site:

(I) The active mines by county, including the length of time in operation, and status of the reclamation plan and financial assurance for each mine.

(II) The idle mines by county, including the length of time in idle status, and status of the interim management plan and financial assurance for each mine.

(III) The idle reserve mine status by county, including the length of time in idle reserve mine status, and status of the interim management plan and financial assurance for each mine.

(IV) The number of mines approved for idle reserve mine status during that year.

(V) The number of mines seeking idle reserve mine status during that year, and the number of mines waiting to be processed for idle reserve mine status during that year.

(VI) The mines by county that moved from idle or idle reserve mine status to another status and the identification of that status.

(vi) To the extent feasible and to avoid duplicative effort, the division shall utilize information required to be provided to the division pursuant to section 2774.2.5 in compiling the information required in clause (v). The division may seek any additional information necessary from any lead agency.

(vii) This subparagraph shall sunset on January 1, 2036. Any mines with Idle Reserve Mine Status as of that date may retain that status for the remaining portion of the 10 year time period after that date.

SUPPORT

California Construction and Industrial Materials Association (CalCIMA) (sponsor)

A & A Ready Mix Concrete

Granite Construction

Graniterock

Holliday Rock

Knife River Construction

Lastrada Partners

Reed Family Companies, LLC

Robertson's Ready Mix

Stevens Creek Quarry, Inc.

The California Asphalt Pavement Association

Vulcan Materials Company

OPPOSITION

None received

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