SMARA Ordinance – Comparison Table

Following the July 9, 2026, Planning Commission hearing on the proposed ordinance to repeal and reenact Chapter 88.03 of the San Bernardino County Development Code relating to local surface mining and land reclamation regulations ("Proposed Ordinance"), the County received written comments from the Center for Biological Diversity, Earthworks, Sierra Club, and National Parks Conservation Association ("Commenters") requesting revisions to the Proposed Ordinance. The Board of Supervisors considered the Proposed Ordinance at its August 18, 2026, meeting and directed the Land Use Services Department ("Department") to review the Commenters' proposed revisions and other public comments received. In response to that direction, Department staff has evaluated the requested revisions and identified those that the Department believe are appropriate to incorporate into the Proposed Ordinance, with the basis for each determination summarized in the Table below:

Request No.	Original Proposed Language	Requested Change (Redline)	Updated Ordinance Language (Redline)	Justification
1a Subsection 88.03.040(b)	Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies as functionally equivalent to meet the County's requirements under this Chapter, consistent with the 1992 Memorandum of Understanding between the State of California and such federal agencies, and any subsequent amendments or successor agreements entered into by the parties. A Permit shall not be required for those portions of surface mining operations that require and obtain a federally approved plan of operation, or other federal authorization, to conduct surface mining operation.	~~Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies as functionally equivalent to meet the County's requirements under this Chapter, consistent with the 1992 Memorandum of Understanding between the State of California and such federal agencies, and any subsequent amendments or successor agreements entered into by the parties. A Permit shall not be required for those portions of surface mining operations that require and obtain a federally approved plan of operation, or other federal authorization, to conduct surface mining operation.~~	See 1b.	LUS does not recommend deleting Subsection 88.03.040(b) in its entirety because it is intended to clarify the coordination between the County and federal agencies for mining activities on federal lands within the County's jurisdiction. Deleting the provision would leave the ordinance silent on this coordination and could create the same uncertainty regarding County and federal responsibilities raised by the commenters.
1b (alternate) Subsection 88.03.040(b)	Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies as functionally equivalent to meet the County's requirements under this Chapter, consistent with the 1992 Memorandum of Understanding between the State of California and such federal agencies, and any	Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies that meet or exceed lead agency requirements as included in the lead Agency's State-certified surface mining and reclamation ordinance and any other applicable laws and regulations including the California Environmental Quality Act as functionally equivalent to meet the County's requirements under this Chapter, only after	Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies as functionally equivalent to ~~meet~~ the extent the document or study satisfies the County's requirements under this Chapter including, but not limited to, complying with the requirements of CEQA, consistent with the 1992 Memorandum of Understanding between the State of California and such federal	Subsection 88.03.040(b) has been revised to clarify that federal documents and studies may be accepted only to the extent they satisfy applicable requirements of this Chapter, including CEQA. The requested public notice, comment period, and Board approval were not incorporated because those requirements would be unnecessarily stringent and the determination would generally occur in conjunction with County

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	subsequent amendments or successor agreements entered into by the parties. A Permit shall not be required for those portions of surface mining operations that require and obtain a federally approved plan of operation, or other federal authorization, to conduct surface mining operation.	public notice and comment regarding the County's intent to do so and a finding by the Board that the standard has been met. ~~consistent with the 1992 Memorandum of Understanding between the State of California and such federal agencies, and any subsequent amendments or successor agreements entered into by the parties. A Permit~~ A Conditional Use Permit pursuant to Chapter 85.06 of this Code shall not be required for those portions of surface mining operations on Federal lands that require and obtain a federally approved plan of operation, or other federal authorization, to conduct surface mining operation. All other applicable County and State permits are required including, but not limited to, an approved Reclamation Plan and financial assurances issued by the County, unless exempt under SMARA.	agencies, and any subsequent amendments or successor agreements entered into by the parties. A Permit shall not be required for those portions of surface mining operations on federal lands that require and obtain a federally approved plan of operations, or other federal authorization, to conduct surface mining operation. The exemption from the requirement to obtain a County Permit under this subsection does not exempt a surface mining operation from any other applicable requirements of SMARA, the State Regulations, or this Chapter, including, but not limited to, an approved reclamation plan and financial assurances.	approvals. The subsection was also revised to clarify that the exemption from a County Permit under this subsection does not exempt an operation from other applicable legal requirements, including an approved reclamation plan and financial assurances.
2 Subsection 88.03.050(b)	(b) Exemptions. This Chapter shall not apply to activities that are exempt from SMARA pursuant to SMARA section 2714 and State Regulations subsection 3505(a).	(b) Exemptions. This Chapter shall not apply to activities that are exempt from SMARA pursuant to SMARA section 2714 ~~and State Regulations subsection 3505(a)~~.	No change.	LUS does not recommend the deletion because State Regulations section 3505(a) establishes SMARA exemptions. The commenters' concern relates to application of the exemption, not the regulatory exemption itself.