

(Continued from page 15)

51238.2 gives local governments the discretion to approve mineral extraction on Williamson Act lands that cannot meet the three-prong compatibility test set forth above under two conditions.

First, the board or council must find that the activity will not significantly impair the contractual commitment to preserve prime and non-prime land for open space use. Second, the contracted land must be returned according to the SN4ARA reclamation standards for prime or non-prime land. For prime lands, this means that topsoil shall be salvaged and segregated by A, B, and C soil horizons and the land returned to a productive capability equivalent to or exceeding for two consecutive years, that of the premining condition (Title 14 California Code of Regulations section 3707). It is unlikely that long-term mining operations can meet part one of the section 51238.2 test by showing no significant impairment to the contractual commitment to preserve agricultural lands. Short-term operations of two to three years may be able to meet this condition.

Plant sites are not compatible uses. While they are associated with mining, they are not mineral extraction as that term is used in section 51238.2. Under SMARA, plant sites may be separately zoned as industrial sites, and thereby avoid reclamation requirements.

The SMARA performance standards for non-prime or "other

agricultural land" require that in addition to topsoil salvage, maintenance and redistribution, non-prime agricultural lands shall be reclaimed so as to be capable of sustaining economically-viable production of crops commonly grown in the surrounding areas (Title 14 California Code of Regulations section 3708).

The Williamson Act requires that prime farmland be reclaimed to prime soil quality and other agricultural land be reclaimed to economically-viable productive capacity, and allows "no exception" to the SMARA performance standards. As an example, reclaiming contracted agricultural land to an open pit filled with water would not be compatible under section 51238.2.

Grapevines. California's wines are among the world's best in quality, diversity, and flavor. The development of California's wine industry as well as its viticulture and enology - the study of grape growing and wine making - are globally recognized for their excellence.

The Department sometimes sees mining project applications that would reclaim contracted land to "open space" use. As noted above, the Williamson Act requires that contracted agricultural lands be reclaimed to their previous soil capabilities. These standards are contained in Title 14 California Code of Regulations section 3707 and 3708 for prime or nonprime land, respectively. Furthermore, "open space" is narrowly defined under section 51201(o) of the Williamson Act as: (1) a scenic highway corridor; (2) a wildlife habitat area for which the county has consulted with the Department of Fish and Game; (3) a salt pond; (4) a managed wetland area diked off from a water body; or (5) a tidal submerged area. The requirements for any of these