

**DEPARTMENT OF CONSERVATION  
STATE MINING AND GEOLOGY BOARD**

**STATEMENT OF BASIS  
FOR  
“SECTION 100” CHANGE WITHOUT REGULATORY EFFECT – 2024**

**INTRODUCTION**

The Legislature adopted the Surface Mining and Reclamation Act of 1975 (“SMARA,” Public Res. Code § 2710 et seq.) to provide a comprehensive surface mining and reclamation policy with the intention of: (1) preventing or minimizing the adverse environmental effects of mining, (2) reclaiming mined lands to a usable condition which is readily adaptable for alternative land uses, and (3) encouraging the production and conservation of minerals, “while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.” (See Public Res. Code § 2712.)

On April 18, 2016, Governor Brown signed Senate Bill 209 (SB 209) and Assembly Bill 1142 (AB 1142) into law making significant revisions to SMARA. As a result, regulations implementing SMARA<sup>1</sup> required significant conforming amendments. The State Mining and Geology Board (hereinafter the “SMGB” or the “Board”) began advancing a series of rulemaking packages to conform the regulations to the revisions made to SMARA<sup>2</sup>. This non-substantive rulemaking package continues that effort.

**PROBLEM STATEMENT**

While both SB 209 and AB 1142 together made significant substantive changes to SMARA, SB 209 changed the structure of the executive department authorized to administer SMARA at the state level. SB 209 created the Division of Mine Reclamation (DMR), headed by a Supervisor of Mine Reclamation (Supervisor), to replace the Office of Mine Reclamation (OMR), headed by the Director (Director) of the Department of Conservation<sup>3</sup> (Department). While the Board has incorporated this change in previous rulemaking packages, it is necessary to fully incorporate SB 209’s structural changes throughout SMARA’s associated regulations through non-substantive rulemaking under Section 100 of Title 1 of the California Code of Regulations.

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<sup>1</sup> Article 1, Subchapter 1, Chapter 8, Division 2 of Title 14 of California Code of Regulations, beginning at section 3500, et seq.

<sup>2</sup> The SMGB has authority to adopt regulations implementing SMARA under Public Resources Code section 2755.

<sup>3</sup> See Public Resources Code sections 607 and 2006.5.

Additionally, AB 1142 reorganized the provisions of SMARA governing the Supervisor's review of proposed reclamation plans and plan amendments, and financial assurance cost estimates, pursuant to subdivision (c) of Public Resources section 2774. AB 1142 added Public Resources Code sections 2772.1 and 2773.4, moving the Supervisor's review of proposed reclamation plans and plan amendments, and financial assurance cost estimates to these new sections, respectively.

Finally, this non-substantive rulemaking package is intended to correct spelling and grammatical issues, as well as to reflect a change of address of the Department, DMR, and the SMGB, when collectively the Department relocated its official address from 801 K Street in Sacramento to the new Natural Resource Agency building on 715 P Street in Sacramento.

This statement justifies proposed changes to sections 3504, 3550.1, 3550.7, 3550.9, 3550.10, 3550.14, 3550.16, 3550.17, 3631, 3653, 3697, 3698, 3699, 3710, 3801, 3802, 3803.2, 3804, 3805, 3805.5, 3806.1, 3806.2, 3900, 3901, 3902, 3903, 3906, 3909, 3910, and 3911, that meet the requirements of Section 100 of Title 1 of the California Code of Regulations for changes that are not required to comply with the rulemaking procedure specified in Article 5 of the Administrative Procedure Act.

## **PROPOSED AMENDMENTS WITHOUT REGULATORY EFFECT**

### Amend: § 3504.

*Section summary.* Section 3504 describes lead agency administrative record keeping and financial assurance requirements for mining operations within their respective jurisdictions.

*Proposed changes.* The Board proposes to conform "director" to "supervisor," and "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

### Amend: § 3550.1.

*Section summary.* Section 3550.1 is an area designated to be of regional significance in the Tujunga and Pacoima Wash areas of the San Fernando Valley Region, Los Angeles County.

*Proposed changes.* The Board proposes to correct “deposts” to “deposits”.

*Justification.* In the version of the regulation that made it into print, “deposits” is misspelled. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.7.

*Section summary.* Section 3550.7 is an area designated to be of regional significance in the Claremont-Upland Region.

*Proposed changes.* The Board proposes to correct “Clarement” to “Claremont”.

*Justification.* In the version of the regulation that made it into print, “Clarement” is misspelled. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.9.

*Section summary.* Section 3550.9 is an area designated to be of regional significance in the Saugus-Newhall and Palmdale Regions.

*Proposed changes.* The Board proposes to correct “Castiac” to “Castaic”.

*Justification.* In the version of the regulation that made it into print, “Castiac” is misspelled. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.10.

*Section summary.* Section 3550.10 is an area designated to be of regional significance in the South San Francisco Bay Region.

*Proposed changes.* The Board proposes to correct “Mucho” to “Mocho” and “Alamada” to “Alameda.”

*Justification.* In the version of the regulation that made it into print, “Mucho” and “Alamada” were misspelled. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which

include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.14.

*Section summary.* Section 3550.14 is an area designated to be of regional significance in Stockton-Lodi Production Consumption Region in San Joaquin and Stanislaus Counties.

*Proposed changes.* The Board proposes to correct "Road" to "road".

*Justification.* In the version of the regulation that made it into print, "Road" was inappropriately capitalized. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.16.

*Section summary.* Section 3550.16 is an area designated to be of regional significance in the Bakersfield Production-Consumption Region, Kern County.

*Proposed changes.* The Board proposes to correct a double comma by deleting one of the commas after the number 12 for the "Candidate Sector D-4."

*Justification.* In the version of the regulation that made it into print, an extra comma was inappropriately included. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3550.17.

*Section summary.* Section 3550.17 is an area designated to be of regional significance in the San Luis Obispo-Santa Barbara Production-Consumption Region.

*Proposed changes.* The Board proposes to correct "Plain" to "plain".

*Justification.* In the version of the regulation that made it into print, "Plain" was inappropriately capitalized. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3631.

*Section summary.* Section 3631 describes notice requirements for hearings before the Board, filed pursuant to Public Resources Code section 2775.

*Proposed changes.* The Board proposes to correct "appal" to "appeal".

*Justification.* In the version of the regulation that made it into print, "appal" is misspelled. The proposed change would correct the spelling and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3653.

*Section summary.* Section 3653 describes the Board's authority to consult with technical staff of the Department of Conservation for determination of the adequacy of reclamation plans or plan amendments prepared for surface mining operations that are appealed to the Board pursuant to Public Resources Code section 2770.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3697.

*Section summary.* Section 3697 describes requirements for the submission of annual reporting fees by mining operators under Public Resources Code section 2207.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3698.

*Section summary.* Section 3698 describes the method of calculating annual reporting fees paid by mining operators under Public Resources Code section 2207.

*Proposed changes.* The Board proposes to add “of the Department of Conservation” following the reference to the “Director.”

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. SB 209 retained the authority of the Director of the Department of Conservation over revenue collections and determinations under Public Resources Code section 2207. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3699.

*Section summary.* Section 3699 describes the process operators must follow when applying for an exemption from the method of fee assessments set forth in 14 CCR section 3698.

*Proposed changes.* The Board proposes to conform “Department of Conservation” to “Division of Mine Reclamation,” or “Division of Mine Reclamation's” where appropriate.

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3710.

*Section summary.* Section 3710 describes performance standards applicable to reclamation plans for stream protection, including surface and groundwater protection.

*Proposed changes.* The Board proposes to correct “degredation” to “degradation”.

*Justification.* In the version of the regulation that made it into print, “degredation” is misspelled. The proposed change would correct the spelling and meets the

requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3801.

*Section summary.* Section 3801 describes the authorities of lead agencies, operators, and the Department, with respect to financial assurances.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3802.

*Section summary.* Section 3802 provides definitions governing the interpretation of Article 11 of Subchapter 1, of Chapter 8, of Division 2, of Title 14 of the California Code of Regulations.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3803.2.

*Section summary.* Section 3803.2 provides the requirements for irrevocable letters of credit as a financial assurance mechanism available to mining operators and incorporates by reference a form, designated as version "ILoC-1 (1/18)." The designated form for the Irrevocable Letter of Credit can be found on the Board's website.

*Proposed changes.* The Board proposes to update the designated form's previous address of the Department of Conservation and the Division of Mine Reclamation of "801 K Street, MS 09-06," to their new address of "715 P Street, MS 1905." The version date for the form will be updated to 3/24.

*Justification.* On December 23, 2021, the Department, DMR, along with the Board, relocated their official address from 801 K Street in Sacramento to the new Natural Resource Agency building on 715 P Street in Sacramento. The proposed change updates the address of the Department and DMR following the relocation and meets the requirements of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations by making a change without regulatory effect.

Amend: § 3804.

*Section summary.* Section 3804 provides the method by which operators must calculate the amount of their financial assurances associated with their approved reclamation plans.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3805.

*Section summary.* Section 3805 describes the Department's review of proposed financial assurance cost estimates.

*Proposed changes.* The Board proposes to conform the section heading and body of text "Department of Conservation" to "Division of Mine Reclamation," and "director" to "supervisor."

*Proposed changes.* The Board proposes to conform the cross-reference section "2774(c)" to "2773.4."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute

where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

AB 1142 deleted and moved subdivision (c) of Resources Code section 2774 into a new section, Public Resources Code section 2773.4, which describes the submission, review, comment, and approval process for financial assurance cost estimates. The proposed change would correct the cross-reference and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3805.5.

*Section summary.* Section 3805.5 describes the modification or release of financial assurances.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation," "director" to "supervisor," and "director's" to "supervisor's."

*Proposed changes.* The Board proposes to conform the cross-reference section "2774" to "2773.4."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

AB 1142 deleted and moved subdivision (c) of Resources Code section 2774 into a new section, Public Resources Code section 2773.4, which describes the submission, review, comment, and approval process for financial assurance cost estimates. The proposed change would correct the cross-reference and meets the requirements of paragraph (4) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change without regulatory effect, which include but are not limited to, those that revise the structure, syntax, cross-reference, grammar, or punctuation.

Amend: § 3806.1.

*Section summary.* Section 3806.1 describes the requirements for a Pledge of Revenue as a financial assurance mechanism available to government agencies.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3806.2.

*Section summary.* Section 3806.2 describes the requirements for a Budget Set Aside as a financial assurance mechanism available to government agencies.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3900.

*Section summary.* Section 3900 describes the purpose of the regulations under Article 12, Subchapter 1, of Chapter 8, Division 2, Title 14 of the Code of Regulations.

*Proposed changes.* The Board proposes to conform "director" to "supervisor," and "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3901.

*Section summary.* Section 3901 describes requirements for persons filing a petition and notice of defense when appealing an administrative penalty under Public Resources Code section 2774.2.

*Proposed changes.* The Board proposes to conform “Director” to “supervisor,” “Director’s” to “supervisor’s,” and “Department of Conservation” to “Division of Mine Reclamation.”

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section’s references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3902.

*Section summary.* Section 3902 describes the Board’s determination of jurisdiction over appeals of administrative penalties issued by the Director of the Department of Conservation.

*Proposed changes.* The Board proposes to conform “Director’s” to “supervisor’s.”

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section’s references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3903.

*Section summary.* Section 3903 describes the content of the administrative record in appeals of administrative penalties issued by the Director of the Department of Conservation.

*Proposed changes.* The Board proposes to conform “Director” to “supervisor.”

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section’s references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a

change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3906.

*Section summary.* Section 3906 describes notice requirements imposed on the Board when scheduling an appeal of an administrative penalty.

*Proposed changes.* The Board proposes to conform "Director" to "supervisor," and "Department of Conservation" to "Division of Mine Reclamation."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3909.

*Section summary.* Section 3909 describes the authorities and procedures provided to the Board when conducting a hearing on an appeal of an administrative penalty.

*Proposed changes.* The Board proposes to conform "Director" to "supervisor."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3910.

*Section summary.* Section 3910 describes the Board's options when making a final determination following an appeal of administrative penalties issued by the Director of the Department and when and how notice of the Board's decision must be provided after the hearing.

*Proposed changes.* The Board proposes to conform "Director's" to "supervisor's," and "Director" to "supervisor."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

Amend: § 3911.

*Section summary.* Section 3911 provides an optional form entitled "PETITION/NOTICE OF DEFENCE," made available to petitioners filing administrative penalties.

*Proposed changes.* The Board proposes to conform "Department of Conservation" to "Division of Mine Reclamation" and "Office" to "Division."

The Board proposes to update the form's previous address of the Department of Conservation and the Division of Mine Reclamation of "801 K Street, MS 09-06," to their new address of "715 P Street, MS 1905," and the form's previous address of the Board's previous address of "801 K Street, MS 24-05," to their new address of "715 P Street, MS 1909."

*Justification.* SB 209 amended Public Resources Code section 607, establishing DMR under the direction of the Supervisor, in place of OMR under the direction of the Director of the Department. The proposed change would conform the section's references to current statute and meets the requirements of paragraph (6) of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations for a change making a regulatory provision consistent with a changed California statute where the regulatory provision is inconsistent with and superseded by the changed statute and the adopting agency has no discretion to adopt a change with differs in substance from the one chosen.

*Justification.* On December 23, 2021, the Department, DMR, along with the Board, relocated their official address from 801 K Street in Sacramento to the new Natural Resource Agency building on 715 P Street in Sacramento. The proposed change updates the addresses of the Department, DMR, and the Board, following the relocation and meets the requirements of subdivision (a) of Section 100 of Title 1 of the California Code of Regulations by making a change without regulatory effect.