



Publication Date: Thursday, September 14th, 2023

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, September 21st, 2023, at 10:00 a.m.

**California Natural Resources Headquarters
715 P Street, Conference Room 2-302 A and B
Sacramento, California 95814**

**This meeting will be held in-person and
via video conference and will be recorded.**

To avoid any background noises while the meeting is in session, we ask that you mute your device. To join the meeting, please download the latest version of MS Teams by visiting their website at <https://aka.ms/getteams> or install the MS Teams app on your phone. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the meeting (**Meeting ID: 224 637 218 126 and Passcode: 7sJmZ5**). You may also join us by phone by dialing (916) 318-8892 and entering the Phone Conference ID Number: **192 694 465#**.

For questions or comments regarding this Agenda, please contact the Board by email at smgb@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's website at: <https://www.conservation.ca.gov/smgb>.



PUBLIC MEETING AGENDA (REVISED)

1. **Call to Order (Sheingold)**
2. **Pledge of Allegiance**
3. **Roll Call and Declaration of a Quorum**
4. **Review of the Agenda (Sheingold)**
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
 - Division of Mine Reclamation Report (Campbell)
 - California Geological Survey Report (TBA)
6. **Chair Report (Sheingold)**
7. **Executive Officer Report (Schmidt)**
8. **Geologist Report (Fry, Jones)**
9. **Board Committee Reports**
 - Policy and Administration (Chair Landregan)
 - Geohazards (Chair Zafir)
 - Mineral Conservation (Chair Anderson)
 - SMARA Compliance (Chair Kenline)
10. **Ex-Parte Communication Disclosure**

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code (PRC) Sections 663.1 and 663.2.
11. **Public Comment Period**

This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. Speaker testimony is limited to three minutes except by special consent of the Chair.
12. **Consent Items**

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the consent calendar and consider it separately.

 - A. Consideration and approval of minutes for the Regular Business Meeting held on:
August 17, 2023
13. **Executive Session (Closed to the Public)**
 - A. The Board will discuss information from its legal counsel on potential litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.

- B. The Board will discuss nominations to the Department of Conservation for appointment of a State Geologist pursuant to Public Resources Code, Section 677. This session is being held under Government Code, Section 11126(a)(1).

14. Regular Business Items

- A. Nomination of the State Geologist - Board consideration of the ad-hoc Committee's nomination for transmittal to the Director of Conservation.
- B. Consideration and adoption of the Board's Mining Ordinance Guidance Document.

15. Presentations, Reports, and Informational Items

- A. Hallwood Floodplain and Side Channel Restoration Project: Phase 3 Update (April Sawyer, Senior Ecohydrologist, CBEC)

16. Announcements and Future Meetings

17. Adjournment

THE STATE MINING AND GEOLOGY BOARD

THE BOARD

The State Mining and Geology Board (Board) serves as a regulatory, policy, and appeals body representing the State's interests in the reclamation of mined lands, geology, geologic and seismologic hazards, and the conservation of mineral resources.

The Board was established in 1885 as the Board of Trustees to oversee the activities of the State Mineralogist and the California Division of Mines and Geology (now the California Geological Survey). It is second oldest Board in California. Today's Board has nine members appointed by the Governor and confirmed by the State Senate, for four-year terms. By statute, Board members must have specific professional backgrounds in geology, mining engineering, environmental protection, groundwater hydrology and rock chemistry, urban planning, landscape architecture, mineral resource conservation, and seismology, with one member representing the general public.

Mission Statement

The mission of the Board is to provide professional expertise and guidance, and to represent the State's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

STATUTORY AND REGULATORY AUTHORITY

The Board is an independent entity within the Department of Conservation under the Natural Resources Agency and is granted responsibilities and obligations under the following acts:

Surface Mining and Reclamation Act of 1975

Under this Act, Public Resources Code Sections 2710 et seq. and its regulations at 14 California Code of Regulations Section 3500 et seq., the Board provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. SMARA also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act

Under this Act, Public Resources Code Section 2621 through Section 2630, and its regulations at 14 California Code Regulations Section 3600 et seq., the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by Lead Agencies in complying with the provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act

Under this Act, Public Resources Code Section 2690 through Section 2699.6 and its regulations at 14 California Code of Regulations Section 3720 et seq. the Board is authorized to provide policy and guidance through regulations for a statewide seismic hazard mapping and technical advisory program to assist cities, counties, and State agencies in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction or other ground failure, landslides and other seismic hazards caused by earthquakes, including tsunami and seiche threats.

GENERAL PROCEDURAL INFORMATION ABOUT BOARD MEETINGS

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- (5) Make all testimony, files, and documents part of the administrative record

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**State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814**



Agenda Item No. 12A

September 21st, 2023

Consideration and Approval of Minutes for the August 17th, 2023 Regular Business Meeting

INTRODUCTION:

Approve the Conformed Minutes for the State Mining and Geology Board's August 17th, 2023 Regular Business Meeting.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the Conformed Minutes for the August 17th, Regular Business Meeting.

Respectfully submitted:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Jeffrey Schmidt,
Executive Officer



*****DRAFT*****

CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, August 17th, 2023, at 10:00 a.m.

**California Natural Resources Headquarters
715 P Street, Conference Room 2-302 A and B
Sacramento, California 95814**

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PUBLIC MEETING AGENDA (REVISED)

1. **Call to Order (Sheingold)**
Meeting was called to order by Chair Sheingold at 10:02 am.
2. **Pledge of Allegiance**
Executive Officer Jeffrey Schmidt led the Pledge of Allegiance.
3. **Roll Call and Declaration of a Quorum**
Mallory Jones called roll with Members Zafir, Kenline, Landregan, Kappmeyer, Los Huertos, and Chair Sheingold present and Quorum was declared. Vice chair Anderson was not present.
4. **Review of the Agenda (Sheingold)**
Chair Sheingold reviewed the agenda and made general announcements.
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
Deputy Director, Gabe Tiffany reported on progress with bio-fuel pilot project progress with two-phase grant program to study the viability of bio-fuels to reduce carbon emissions. Public participation with the guidelines is set for end of August. He also discussed carbon sequestration being a topic of collaboration with other departments.
 - Division of Mine Reclamation Report (Campbell)
DMR supervisor, Cameron Campbell discussed details on the Mine Inspector Workshop that was held on August 8th and 9th and mentioned the next workshop will be help in-person in November. Annual reporting is wrapping up and DMR is preparing to issue Notice of Violations to operators who have not reported for the 2022 fiscal year. AMLU is finishing up a project in Nevada County, remediating an open shaft that opened up near a school. They are also working in death valley with the feds.
 - California Geological Survey Report (Newton)
Jeff Newton discussed Seismic Hazard Zoning Maps were to be released soon, and the watershed emergency response team had been deployed around the Bond fire burned area to map potential debris/mud flow hazard areas. CGS is also working with USGS on a proposal for a mineral mapping project near Bristol Lake for rare earth minerals.
6. **Chair Report (Sheingold)**
Chair Sheingold reported nothing to note but has been available and participating in conversations as needed.
7. **Executive Officer Report (Schmidt)**
Executive Officer Schmidt reported the SSA position had been filled by Natalie Decio, who has been onboarding the past few days. He also discussed the number of rulemaking packages being worked on including eight mineral designation packages, the Mineral Classification and Designation Guidelines, and 2714(f).
8. **Geologist Report (Fry, Jones)**
Geologist Mallory Jones reported on activities Board Staff have been working on including 2022 annual inspection and FACE reviews being nearly complete, the Mining Ordinance Guidance

Document also close to completion, their participation in the Mine Inspector Workshop in Oceanside with DMR, and rulemaking packages. Board staff also participated in the interviews for the SSA position filled by Natlie Decio.

9. Board Committee Reports

- Policy and Administration (Chair Landregan)
Member Landregan reported briefly on the interviews for the State Geologist that were held on August 2, 2023.
- Geohazards (Chair Zafir)
Member Zafir had nothing to report.
- Mineral Conservation (Chair Anderson)
Nothing to report for the Mineral Conservation Committee.
- SMARA Compliance (Chair Kenline)
Member Keline also had nothing to report.

10. Ex-Parte Communication Disclosure

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code (PRC) Sections 663.1 and 663.2.

Nothing to report.

11. Public Comment Period

Travis Deane of Shannon and Wilson spoke on behalf of CalGeo to discuss letters set to CGS regarding SP 117A not being updated since 2008. Technology and practice has evolved since it was last revised and therefore the guidelines are outdated. The guidelines are used in the private industry as well as by Lead Agencies and it needs to be updated. Chair Sheingold responded that more attention will be given to SP 117A and will have some progress with the update by the end of the year.

Rhoda Fry – commented on the Permanente Quarry located in Santa Clara County.

12. Consent Items

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the Consent Calendar and consider it separately.

- A. Consideration and Approval of Minutes for the Regular Business Meeting held on:
June 15, 2023.

Member Kappmeyer motioned for the approval of the conformed minutes for the Regular Business Meeting held on June 15, 2023. Member Landregan seconded the motion. The conformed minutes were approved.

13. Regular Business Items

- A. Nomination of State Geologist - Report from the Ad Hoc Committee regarding the interview results and Board approval of the Committee's nomination for transmittal to the Director of Conservation.

Members Landregan and Kappmeyer, along with Executive Officer Jeffrey Schmidt held interviews for the State Geologist on August 2, 2023. They nominated both Jeremy Lancaster and Diane Barclay to be considered by the Director of DOC for the position of

State Geologist. Member Kappmeyer motioned to approve the recommendation and Member Landregan seconded. A vote was called and Members Kappmeyer, Kenline, Landregan, Los Huertos, and Chair Sheingold voted to approve the motion, Member Zafir abstained from the vote. The motion passed. Member Zafir asked to have the vote rescinded as he did not think that the full Board had reviewed the candidates properly. A motion was made, the Board voted and the item was rescinded. The State Geologist nomination will be revisited at the next Regular Board Meeting.

B. Election of the Board's Vice-Chair

Member Landregan was nominated to succeed Member Anderson as Vice-Chair of the Board. Chair Sheingold motioned for a vote for the election of Member Landregan and Member Kappmeyer seconded the motion. The motion was voted upon and passed with all present members voting yes. Chair Sheingold thanked Member Anderson for his year of service and welcomed the new Vice-Chair, Member Landregan.

C. Certification of the San Benito County Amended Surface Mining and Reclamation Ordinance as being in accordance with the Surface Mining and Reclamation Act (Public Resources Code Section 2710 et seq.).

Senior Geologist Fry presented the process of completion involving San Benito County and their consultant and Board staff for the Mining Ordinance. San Benito County that has submitted this ordinance for certification by the Board to bring them into compliance with SMARA. Newly appointed Vice-Chair Landregan motioned for the Board to certify the San Benito Mining Ordinance and Member Kappmeyer seconded the motion. A vote was called with all present Board members voting yes passing the motion.

14. Presentations, Reports, and Informational Items

A. Teichert presentation on post-reclamation beneficial uses of reclaimed lands discussed Teichert and its sister company's efforts to repurpose mined lands to benefit the communities they are located in. Some examples of repurpose that were presented were housing, schools, and agriculture.

B. California Geological Survey (CGS) presented on the Preliminary Maps of Earthquake Fault Zones for the southern Rodgers Creek fault zone in the Cotati, Glen Ellen, Petaluma River, Santa Rosa, and Sears Point 7.5-minute Quadrangles in Sonoma County. Affected jurisdictions include the City of Santa Rosa and parts of unincorporated Sonoma County.

C. CGS presented on the Preliminary Maps of Seismic Hazard Zones (Liquefaction and Earthquake-induced landslides) for the Diablo, Mare Island, Richmond, San Quentin, Vine Hill and Walnut Creek 7.5-minute Quadrangles in Contra Costa County. Affected jurisdictions include: Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, and parts of unincorporated Contra Costa County.

15. Executive Session (Closed to the Public)

No executive session was held during this meeting.

16. Announcements and Future Meetings

The next Regular Business Meeting will be held September 21, 2023. This meeting is planned to be a hybrid meeting and will be held via MS Teams and in-person at the Natural Resources Conservation Agency Headquarters.

17. Adjournment

The August State Mining and Geology Board Regular Board Meeting was adjourned by Chair Sheingold at 12:02 PM.

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**State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814**



Agenda Item No. 13A

September 21st, 2023

Nomination of the State Geologist

BACKGROUND:

The State Mining and Geology Board (Board) nominates, and the Director of the Department of Conservation appoints the State Geologist.

STATUTORY AND REGULATORY AUTHORITY:

PRC Section 677: The Board shall nominate, and the director shall appoint, the State Geologist, who shall either be registered in compliance with the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code) at least one year from the date of appointment, or the Board for Professional Engineers and Land Surveyors may, upon the review of academic and professional experience, grant registration. The State Geologist shall possess general knowledge of mineral resources, structural geology, seismology, engineering geology, and related disciplines in science and engineering, and the reclamation of mined lands and waters. The State Geologist shall advise the director regarding technical, scientific, and engineering issues, including the scientific quality of the division's products and activities.

DISCUSSION:

Two candidates for the position of the State Geologist were screened by the Department of Conservation and provided to the Board for potential nomination. Subsequently, an ad hoc committee of the Board was formed to interview the candidates for the State Geologist position. On August 2, 2023, the Ad Hoc committee members determined that both Jeremy Lancaster and Diane Barclay are qualified to be California State Geologist and nominates them for the position.

SUGGESTED MOTION:

Board Chair and Members, considering the information before the Board today, I move that the Board approve the recommendation to nominate Jeremy Lancaster and Diane Barclay to be the State Geologist and to transmit their names to the Director of Conservation.

Respectfully submitted:

Jeffrey Schmidt,
Executive Officer



September 21, 2023

David Shabazian, Director
Department of Conservation
715 P Street, MS 1900
Sacramento, CA 95814

Dear Director Shabazian:

Pursuant to Public Resources Code (PRC) Section 677, the State Mining and Geology Board is responsible for nominating a candidate for the position of State Geologist.

ARTICLE 2. State Mining and Geology Board [660 - 678]

PRC 677. The Board shall nominate, and the director shall appoint, the State Geologist, who shall either be registered in compliance with the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code) at least one year from the date of appointment, or the Board for Professional Engineers and Land Surveyors may, upon the review of academic and professional experience, grant registration. The State Geologist shall possess general knowledge of mineral resources, structural geology, seismology, engineering geology, and related disciplines in science and engineering, and the reclamation of mined lands and waters. The State Geologist shall advise the director regarding technical, scientific, and engineering issues, including the scientific quality of the division's products and activities.

On September 21, 2023, the State Mining and Geology Board determined that Diane Barclay and Jeremy Lancaster are qualified to be the California State Geologist and nominates them for the position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeffrey Schmidt".

Jeffrey Schmidt
Executive Officer

Enclosure: Candidate package

Agenda Item No. 14B

September 21, 2023

Consideration and Adoption of the Board's Mining Ordinance Guidance Document

STATUTORY AND REGULATORY AUTHORITY:

Pursuant to the Surface Mining and Reclamation Act of 1975, (SMARA), Public Resources Code (PRC) Division 2, Chapter 9, Sections 2710 Et seq., every City and County lead agency (lead agency) is required to adopt mining ordinances in accordance with state policy. SMARA ordinances establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of permits to conduct surface mining operations. However, any lead agency without a surface mining operation in its jurisdiction may defer adopting and implementing mining ordinances until a permit application for mining within the jurisdiction is filed. Local mining ordinances must be periodically reviewed and revised as necessary to ensure that they continue to be in accordance with SMARA and its implementing regulations found at California Code of Regulations, title 14, Division 2, Chapter 8, Subchapter 1, beginning at Section 3500.

A SMARA lead agency is defined as the entity "which has the principal responsibility for approving a reclamation plan" pursuant to PRC Section 2728. Lead agencies have the "primary responsibility for enforcing" SMARA, as well as the annual reporting requirements under PRC Section 2207.

BACKGROUND:

The State Mining and Geology Board (Board) has historically published suggested model ordinance language to assist lead agencies as they prepare their mining ordinances. The Board last updated guidance on mining ordinances in 2015. Significant changes were made to SMARA in 2016 because of AB 1142 and SB 209. Accordingly, the Board directed staff in late 2021 to update the guidance on mining ordinances.

Board staff collaborated with the Department of Conservation to update the Mining Ordinance Guidance Document (guidance document). In addition, on August 3, 2023, Board staff hosted a public workshop and engaged with local SMARA lead agencies, mining operators, and the interested public on the guidance document. During the public workshop, Board staff completed a presentation and solicited comments on the guidance document. Following the workshop, Board staff prepared a final version of the Mining Ordinance Guidance Document that considered and incorporated substantive comments received following the workshop.

The finalized guidance document includes both recommended guidance and model language that local agencies can utilize in developing their own mining ordinances. The guidance document contains elements SMARA requires to be included in mining ordinances, as well as some additional elements common to ordinances in use statewide. Beyond what SMARA and its implementing regulations require, the use of the guidance document is not required, and any suggested additional language or format is not mandated by law.

DISCUSSION AND NEXT STEPS:

Board staff seek adoption from Board on the content of the Mining Ordinance Guidance Document as presented today. The Mining Ordinance Guidance Document can be viewed using the link below:
<https://doc.box.com/s/6edg2aoqxgoiwacx0vatze5ivvz0an5q>

Board staff will post the Mining Ordinance Guidance Document to the SMGB website. Board staff will also begin to solicit lead agencies to submit their updated mining ordinances. This process will be structured to occur in a timely manner with the intention to not overwhelm Board staff.

EXECUTIVE OFFICER RECOMMENDATION:

Adoption of the Mining Ordinance Guidance Document and approval to move forward with solicitation of lead agency updated mining ordinances.

SUGGESTED MOTION:

Board Chair, considering the information before the Board today, I move that the Board adopt the Mining Ordinance Guidance Document as discussed today, and direct Board staff to proceed with solicitation of updated lead agency mining ordinances.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

Attachments:

- 1 – Mining Ordinance Guidance Document
<https://doc.box.com/s/6edg2aoqxgoiwacx0vatze5ivvz0an5q>