



Publication Date: Thursday, December 7th, 2023

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Wednesday, December 20th, 2023, at 10:00 a.m.

**California Natural Resources Headquarters
715 P Street, Conference Room 2-310
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: 271 399 674 182** and **Passcode: i9XjNw**. You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID Number 190 312 358#**.

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

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 (TBA)
 - California Geological Survey Report (Lancaster)
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 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:
September 21, 2023
13. **Regular Business Items**
 - A. Consideration of a request for an exemption to the Surface Mining and Reclamation Act pursuant to Public Resources Code 2714(f) for the Gold Discovery Group for an exploratory drilling project located in Kern County.
 - B. Consideration and Approval of the 2022-2023 Annual Report.

C. Consideration and Approval of the 2024 SMGB Meeting Schedule.

14. Presentations, Reports, and Informational Items

A. Graniterock's Green Journey: Lessons and considerations for our new energy transition
(Jon Erskine, Director, Geological and Engineering Services, Graniterock)

15. Executive Session (Closed to the Public)

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.

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

The Board is governed by the Bagley-Keene Open Meeting Act that requires the Board to:

- (1) Publish an Agenda at least ten days in advance of any meeting
- (2) Describe in the Agenda specific items to be transacted or discussed
- (3) Refuse to add an item no later than ten days prior to any meeting and republishing of the agenda
- (4) Call a closed session by the Chair to discuss litigation and other matters
- (5) Make all testimony, files, and documents part of the administrative record

Other Agenda material and reports will be available approximately one week prior to the scheduled Board meeting. All Board related information is available at <https://www.conservation.ca.gov/smgb>.

The Board encourages the submittal of comments, written material, or technical reports thirty days prior to the applicable Board meeting. All such material concerning any matters on the agenda can be submitted to: smgb@conservation.ca.gov or addressed to:

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



Agenda Item No. 12A

December 20th, 2023

Consideration and Approval of Minutes for the September 21, 2023, Regular Business Meeting

INTRODUCTION:

Approve the Conformed Minutes for the State Mining and Geology Board's September 21, 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 September 21st, Regular Business Meeting.

Respectfully submitted:

A handwritten signature in blue ink, consisting of several loops and a horizontal line extending to the right.

Jeffrey Schmidt,
Executive Officer



*****DRAFT*****

CONFORMED MINUTES

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)**
Meeting was called to order by Chair Sheingold at 10:03 am.
2. **Pledge of Allegiance**
Executive Officer Jeffrey Schmidt led the Pledge of Allegiance.
3. **Roll Call and Declaration of a Quorum**
Natalie Decio called roll with Members Anderson, Kenline, Zafir, Vice Chair Landregan, and Chair Sheingold present and Quorum was declared. Members Kappmeyer and Los Huertos were not present.
4. **Review of the Agenda (Sheingold)**
Chair Sheingold reviewed the agenda, highlighting the inclusion of an Executive Session that would be closed to the public. Sheingold noted that during the Executive Session, the public would be excused from the conference room, and the video and audio linked to those on Teams would be disabled until regular business resumed.
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
Deputy Director, Gabe Tiffany announced a new, recurring working group focused on all things mining and geology. Those involved in the group include State Mining and Geology Board Staff, Department Staff, Division of Mine Reclamation, and California Geological Survey. He also announced that the new State Oil and Gas Supervisor, Doug Ito, started on Monday September 18th.
 - Division of Mine Reclamation Report (Campbell)
DMR supervisor, Cameron Campbell announced that the next Mine Inspector workshop will be held in Sacramento on November 8th and 9th. He added that non-flier letters went out, and DMR may be looking into removing non-filers from the purchase preference list. Cameron warned that removals from the list may result in some appeals to the Board. Additionally, he brought up that Santa Barbara County reached out to DMR regarding the Colson mine to inform them of their inability to access the site due to heavy rains and debris flows that washed away the route to the site. This raises questions on how to proceed with inspections and annual reporting if there is no access to the site. Cameron brought up the possibility of the Board implementing new regulations to address future situations like this. Finally, on the AML side of things, there were two field teams out this week performing some remediation scoping, and unfortunately at another site in Death Valley, there was an issue accessing it due to Tropical Storm Hillary.
 - California Geological Survey Report (Newton)
Jeff Newton had nothing to report.
6. **Chair Report (Sheingold)**
Chair Sheingold reported that he communicates frequently with board staff, and he has meetings over the phone and virtually with DOC staff. Additionally, he has participated in the interdepartmental working group.
7. **Executive Officer Report (Schmidt)**

Executive Officer Schmidt reported that the Board has joined DOC in a geology, mining, and seismic working group to support climate resiliency and an energy transition. This group meets monthly, and he plans to brief the Board on their progress going forward. Additionally, rulemaking continues with the regulations associated with the 2714(f) exemption, eight separate mineral designations that are under staff review, and the Mineral Classification Designation guidelines that are being worked on regularly as well. Lastly, with today's adoption of the Mining Ordinance Guidance document, the Board will initiate the process of contacting lead agencies and requesting updated mining ordinances. To date the Board has certified two ordinances with two currently under review.

8. Geologist Report (Fry, Jones)

Geologist Mallory Jones reported on activities board staff have been working on including the continued collaboration with CGS, DMR, OLRA, and DOC on mineral designations and 2714(f) rulemaking, the completion of all 2022 FACE reviews, and the continued scheduling of mine inspections for the 2023 cycle. Board staff also presented at the DOC's September New Employee Orientation (NEO) and began planning the March 2024 NEO field trip that the board staff is responsible for hosting. Lastly, board staff finalized the Mining Guidance Document and conducted three trial runs in the HQ conference room to address hybrid meeting audio and visual issues.

9. Board Committee Reports

- Policy and Administration (Chair Landregan)
Vice Chair Landregan had nothing to report.
- 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 Kenline 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

There were no public comments.

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 17th, 2023.

Member Kenline motioned to approve the minutes from the August 17th Regular Business Meeting if a slight adjustment was made to the minutes. In Item 5 under the CGS summary report, Kenline asked for a minor modification to the language, changing rare Earth minerals to

Lithium mineral resources. Vice Chair Landregan seconded the motion, and a vote was taken. The conformed minutes were approved with all present members voting yes while Member Anderson abstained as he was not present at the previous meeting.

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).

Re-open Regular Business Session, Announce Results of Executive Session

After re-opening the regular board meeting, Chair Sheingold noted that SMGB legal counsel, Nicole Rinke, briefed board members on privileged matters, and the board members also discussed the State Geologist position.

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.

Member Landregan motioned for a vote to approve the recommendation to nominate Jeremy Lancaster and Diane Barclay to be State Geologist. Member Kenline seconded the motion, and the motion was voted upon and passed with all present members voting yes.

- B. Consideration and adoption of the Board's Mining Ordinance Guidance Document.

Senior Geologist Paul Fry presented on the newly updated Mining Ordinance Guidance Document (MOG) that board staff have been working on since 2021 and asked the board members to adopt the MOG. The MOG update was a collaborative effort between board staff, DOC, DMR staff, legal counsel, and Board members. It was expanded from 16 sections to 21, and there were updates to narrative language, model language, and changes that reflect the updates in SMARA. There was a public comment from Adam Harper of CALCIMA who thanked the board for their work on this document as it fosters consistency and clarity. Member Kenline motioned for the Board to adopt the MOG and Vice Chair Landregan seconded the motion. A vote was called with all present Board members voting yes passing the motion.

15. Presentations, Reports, and Informational Items

- A. Filling in for CEBEC's April Sawyer, Chris Hammersmark (Director/Ecoengineer, CBE), presented an overview of the first three phases of the Hallwood Floodplain and Side Channel Restoration Project which included updates on CFS flows, before and after grading pictures, and a video of a June 2023 flyover. Phase four is estimated to be completed prior to Thanksgiving, including a full site LiDAR data collection and a final report summarizing biological monitoring.

16. Announcements and Future Meetings

The next Regular Business Meeting will be held October 19th, 2023. The meeting is anticipated to be a hybrid meeting that will be held via MS Teams and in-person at the Natural Resources Conservation Agency Headquarters.

17. Adjournment

The September State Mining and Geology Board Regular Board Meeting was adjourned by Chair Sheingold at 12:14 PM.

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

The Board is governed by the Bagley-Keene Open Meeting Act that requires the Board to:

- (1) Publish an Agenda at least ten days in advance of any meeting
- (2) Describe in the Agenda specific items to be transacted or discussed
- (3) Refuse to add an item no later than ten days prior to any meeting and republishing of the agenda
- (4) Call a closed session by the Chair to discuss litigation and other matters
- (5) Make all testimony, files, and documents part of the administrative record

Other Agenda material and reports will be available approximately one week prior to the scheduled Board meeting. All Board related information is available at <https://www.conservation.ca.gov/smgb>.

The Board encourages the submittal of comments, written material, or technical reports thirty days prior to the applicable Board meeting. All such material concerning any matters on the agenda can be submitted to: smgb@conservation.ca.gov or addressed to:

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



Agenda Item No. 13A.

December 20th, 2023

Consideration of a request for an exemption to the Surface Mining and Reclamation Act pursuant to Public Resources Code 2714(f) for the Gold Discovery Group for an exploratory drilling project.

INTRODUCTION:

The Surface Mining and Reclamation Act of 1975 (SMARA) exempts certain specified activities from its requirements. SMARA also allows for exemption from its requirements any other surface mining operations that the State Mining and Geology Board (SMGB) determines to be of an infrequent nature and that involve only minor surface disturbances.

On October 31, 2022, SMGB staff were contacted by Mr. Sean Tucker with Gold Discovery Group (GDG), LLC. Mr. Tucker requested an exemption from SMARA, under Public Resources Code (PRC) Section 2714(f), for their exploratory drilling and sampling project near Atolia, California. The proposed project area is located on 32 unpatented mining claims on federally managed lands in both San Bernardino and Kern counties. (See Google Maps link: <https://maps.app.goo.gl/fQHjZRBs9MJ5Mf758>)

Documents related to Agenda Item No. 13A can be viewed and downloaded from this link: <https://doc.box.com/s/te6klkf7zysx54zj184m0atkbwx9o3kq>

STATUTORY AND REGULATORY AUTHORITY:

Public Resource Code (PRC) Section 2735 defines surface mining operations and states:

“Surface mining operations” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.*
- (b) The production and disposal of mining waste.*
- (c) Prospecting and exploratory activities.”*

In addition, SMGB regulations at California Code of Regulations (CCR) Section 3501 define surface mining operations as follows:

“In addition to the provisions of Section 2735 of the Act, borrow pitting, streambed skimming, segregation and stockpiling of mined materials (and recovery of same) are deemed to be surface mining operations unless specifically excluded under Section 2714 of the Act or Section 3505 of these regulations.”

PRC Section 2714(d) exempts the following activity from SMARA:

“Prospecting for or the extraction of minerals for commercial purposes where the removal of overburden or mineral product totals less than 1,000 cubic yards in any one location and the total surface area disturbed is less than one acre.”

Additional specific exemptions are provided for, among other things, certain farming and agricultural activities, construction of structures, operation of mineral processing plants, and emergency excavations or grading conducted by certain agencies in order to repair property affected by natural disasters. SMARA also provides for an exemption from its requirements when the SMGB determines that a surface mining operation is infrequent and involves only minor surface disturbance. PRC Section 2714(f) specifically states:

“Any other surface mining operations that the board determines to be of an infrequent nature and which involve only minor surface disturbances.”

The SMGB is not imbued with permitting authority, therefore an exemption under PRC Section 2714(f) relieves the operator from obtaining an approved reclamation plan and financial assurances.

ADDITIONAL BACKGROUND:

Portions of the project have been classified by the California Geological Survey in Open Field Report 99-15 as Mineral Resource Zones 2 and 3.

A Memorandum of Understanding, dated October 1992, exists between the United States Department of the Interior, Bureau of Land Management (BLM); the United States Department of Agriculture, Forest Service; the California Department of Conservation; and the State Mining and Geology Board.

A Memorandum of Understanding, dated June 1994, exists between the BLM and Kern County.

Nelson v. Kern, a published Opinion from the Court of Appeal of the State of California, Fifth Appellate District, dated November 19, 2010, regarding the California Environmental Quality Act.

Copies of documents can be viewed and downloaded from this link:

<https://doc.box.com/s/te6klkf7zysx54zj184m0atkbwx9o3kq>

CONSIDERATIONS:

The SMGB typically considers the four criteria while determining an exemption from SMARA under PRC Section 2714(f):

Criteria 1 - Compliance with the California Environmental Quality Act (CEQA):

Pursuant to PRC Section 2712(a), has an environmental review been completed for the proposed activity either separately or as part of a larger project? PRC Section 2712(a) states *“It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that: (a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.”*

Criteria 2 - Local authority:

Pursuant to PRC Sections 2715 and 2770(a), is the proposed activity permitted or otherwise authorized by a local lead agency? PRC Section 2715 states *"No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on any of the following:*

(a) On the police power of any city or county or on the power of any city or county to declare, prohibit, and abate nuisances.

(b) On the power of the Attorney General, at the request of the board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

(e) On the power of any lead agency to adopt policies, standards, or regulations imposing additional requirements on any person if the requirements do not prevent the person from complying with the provisions of this chapter.

(f) On the power of any city or county to regulate the use of buildings, structures, and land as between industry, business, residents, open space (including agriculture, recreation, the enjoyment of scenic beauty, and the use of natural resources), and other purposes."

PRC Section 2770(a) states *"Except as provided in this section, no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation pursuant to this article."*

Criteria 3 - End use of the mined lands:

Pursuant to PRC Sections 2711(b) and 2712, is the end use or proposed end use of property on which the activity is proposed to occur defined? PRC Section 2711(b) states *"The Legislature further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land."*

PRC Section 2712 states *"It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:*

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated."

Criteria 4 - Impacts of the operation on commercial activities:

Pursuant to PRC Section 2714(b), have the potential impacts on commercial interests resulting from the proposed activity been considered? PRC Section 2714(b) states *"Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:*

(1) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, Division 13 (commencing with Section 21000).

(2) The lead agency's approval of the construction project included consideration of the onsite excavation

and onsite earthmoving activities pursuant to Division 13 (commencing with Section 21000).

(3) The approved construction project is consistent with the general plan or zoning of the site.

(4) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.”

DISCUSSION:

Not all surface mining operations are an efficient “fit” under SMARA, and that many projects of limited size, duration, economic and environmental impact would be prevented, delayed, or rendered uneconomic if the requirements of SMARA were fully applied. To address these special situations, SMARA provides the SMGB with authority under PRC Section 2714(f) to grant exemptions under specific conditions when the proposed activity is of “an infrequent nature” and involves only “minor surface disturbance.”

According to GDG, approximately 5.37-acres would be disturbed and roughly 4 cubic yards of material will be removed as a result of the exploratory and sampling activities. GDG indicated that they will be drilling 293 exploratory borings, with each boring taking approximately one day to complete.

Criteria No. 1: Pursuant to PRC Section 2712(a), has an environmental review been completed on the proposed activity either separately or as part of a larger project?

The BLM has completed environmental review of the project under the National Environmental Policy Act. GDG did not provide documentation of environmental analysis for this project under CEQA from either Kern or San Bernardino Counties.

Criteria No. 2: Pursuant to PRC Sections 2715 and 2770(a), is the proposed activity permitted or otherwise authorized by a local lead agency?

GDG has obtained authorization from the BLM to “enter and gather samples of material from 32 unpatented placer mining claims, driving a rubber-tired drill rig along certain routes to and within those claims, drilling a series of 293 sample holes up to 30 feet deep and 8-inches diameter, refilling and plugging the same holes with the excess material, and raking any tire tracks upon exiting each drill location.” (BLM Record of Decision, dated August 21, 2023). A detailed project description can be reviewed at BLM’s website: <https://eplanning.blm.gov/eplanning-ui/project/2023447/510>

GDG provided email documentation that the portion of the project located in San Bernardino County was not subject to SMARA. GDG did not provide permit, authorization, or CEQA documents from San Bernardino County.

GDG provided a letter from Kern County, dated January 11, 2022, generally indicating that the portion of the project located in Kern County was subject to SMARA as it exceeded the one-acres that the BLM authorizations were not sufficient to conduct the exploratory activities. Kern County also advised GDG that the SMGB could potentially determine that the project is exempt from SMARA under PRC section 2714(f), in which case a permit, reclamation plan, and financial assurance would not be required.

Criteria No. 3: Pursuant to PRC Sections 2711(b) and 2712, is the end use or proposed end use of property on which the proposed activity is to occur defined?

The end use or proposed end use of the area on which the activity is proposed will remain as open space.

Criteria No. 4: Pursuant to PRC Sections 2714(b), have the potential impacts on commercial interests resulting from the proposed activity been considered?

The materials to be excavated from the mining operation are proposed to be used solely for the extraction of representative materials for geologic sampling and bulk testing. Since the activity being performed is related to site specific testing, no impact on commercial interests or competitive advantage exists.

RECOMMENDATIONS:

SMGB staff note that CEQA documentation for the project has not been provided. If the SMGB decides to grant the exemption request, the SMGB should consider conditioning its approval to ensure that environmental analysis under CEQA has been completed by Kern and San Bernardino counties.

SUGGESTED SMGB MOTION:

To grant the request for a one-time exemption:

Board Chair, in light of the information before the SMGB today, I move that the SMGB find that the project as proposed by Gold Discovery Group LLC, and as described in this report and its attachments, is not subject to the requirements of SMARA, and that the SMGB grant a one-time exemption for this project from SMARA under its authority provided by Public Resources Code Section 2714(f).

OR

To deny the request for a one-time exemption:

Board Chair, in light of the information before the SMGB today, I move that the SMGB find that the project as proposed by Gold Discovery Group LLC, and as described in this report and its attachments, is subject to the requirements of SMARA, and that the SMGB deny a one-time exemption from SMARA for this project under its authority provided by Public Resources Code Section 2714(f).

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer



Agenda Item No. 13B.

December 20th, 2023

Consideration and Approval of the 2022 – 2023 Annual Report

INTRODUCTION:

The 2022 – 2023 *Annual Report of the State Mining and Geology Board* (Annual Report) is prepared for both the State Legislature and the Governor, as is provided for in statute pursuant to PRC Section 2717. Reporting periods follow the State’s fiscal year calendar from July 1st of one year to June 30th of the following year.

This Annual Report summarizes activities and actions set forth by the SMGB during the 2022 – 2023 reporting period, and also presents “legislative recommendations” where the SMGB believes improvements can be made for the future well-being of the State’s people and wise use of its natural resources under the Surface Mining and Reclamation Act of 1975 (SMARA).

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 2022-2023 Annual Report and direct the Executive Officer to distribute the report to the Governor and legislature as appropriate.

Respectfully submitted:

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

Jeffrey Schmidt,
Executive Officer



Honorable Members of the State Legislature and Governor Newsom,

The 2022 - 2023 Annual Report covers the reporting period from July 1st, 2022, through June 30th, 2023, and is submitted by the California State Mining and Geology Board to both the State Legislature and the Governor pursuant to *Public Resources Code section 2717*. This report serves as an overview of the Board, its statutory and regulatory mandates, its activities, and its legislative recommendations.

The Board believes that the regulation of the surface mining industry, the reclamation of mined lands, the dissemination of earthquake and seismic hazard information, and the prudent use of State's natural resources is an ongoing and essential process crucial to the economy, the infrastructure, and the people of the State of California.

Respectfully submitted on behalf of the State Mining and Geology Board,

Jeffrey Schmidt

Executive Officer
State Mining and Geology Board

State Mining and Geology Board



2022 - 2023 Annual Report

TABLE OF CONTENTS

State Mining and Geology Board	2
The Board	2
Mission Statement.....	2
Membership.....	2
Committees	3
Staff.....	3
History.....	3
Key Stakeholders	3
Board Meetings	3
Statutory and Regulatory Authority	3
Surface Mining and Reclamation Act of 1975 (SMARA).....	4
Alquist-Priolo Earthquake Fault Zoning Act (APA).....	4
Seismic Hazards Mapping Act (SHMA).....	4
Lead Agency Responsibilities	4
Surface Mine Inspections and Annual Financial Assurance Cost Estimates	7
Enforcement.....	7
Surface Mining Ordinances	7
Annual Mine Fee Schedule.....	7
Alquist-Priolo Act Responsibilities	8
Seismic Hazard Zone Responsibilities	8
Mineral Conservation and Reclamation Responsibilities	8
Classification and Designation Reports	8
Mineral Resource Management Plans.....	9
Regulatory Responsibilities	9
Board Outreach and Industry Involvement	9
Ongoing Board Work.....	9
Legislative Recommendations	10

STATE MINING AND GEOLOGY BOARD

THE BOARD

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

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.

MEMBERSHIP

Pursuant to *Public Resources Code sections 660 and 662*, the Board is composed of nine members appointed by the Governor and confirmed by the State Senate for four-year staggered terms. Each Board member must have a specific professional background in one of the following:

- Geology
- Mining Engineering
- Environmental Protection
- Groundwater Hydrology and Rock Chemistry
- Local Government
- Landscape Architecture
- Mineral Resource Conservation
- Seismology
- Public Member

Today's Board consists of seven members with two vacancies to be filled.

SPECIALTY	MEMBER NAME	TERM
Non-specialized public member	Larry Sheingold, Chair	2022-2026
Landscape Architect	Stephanie Landregan Vice-Chair	2022-2026
Mining Engineer with background and experience in mining in California	George Kenline	2021-2025
Environmental protection or the study of ecosystems	Vacant	2021-2025
Registered Geologist with background and experience in mining geology	Janet Kappmeyer	2021-2025
Mineral resource conservation, development, or utilization	Brian Anderson	2019-2023
Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology	Zia Zafir	2020-2024
Groundwater hydrology, water quality, or rock chemistry	Marc Los Huertos	2020-2024
Representative of local government with background and experience in urban planning	Vacant	2019-2023

COMMITTEES

To enable the Board to meet its responsibilities more effectively, the following standing committees have been established to gather information and formulate recommendations on a variety of topics:

- Policy and Administration
- Geohazards
- Mineral Conservation
- Surface Mining and Reclamation Act Compliance

STAFF

The day-to-day activities of the Board are managed by:

- Jeffrey Schmidt, Executive Officer
- Paul Fry, Senior Geologist
- Mallory Jones, Engineering Geologist
- Jocelyn Fernandez, Office Technician

HISTORY

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 and the Division of Mine Reclamation). It is the second oldest Board in California.

KEY STAKEHOLDERS

Key stakeholders include:

- City and County Lead Agencies with jurisdictions over zoning ordinances, building codes, and general plans
- Geological, geophysical, and engineering consulting community
- Environmental, land use, and conservation groups
- Teachers and educational and academic institutions
- Contractors and developers
- Surface mining industry
- Realtors, insurers, and homeowners
- Natural Resources Agency
- Department of Conservation
- California Geological Survey
- Division of Mine Reclamation
- Seismic Safety Commission
- Board for Professional Engineers, Land Surveyors and Geologists
- State Water Board and Regional Water Quality Control Boards
- Metropolitan Water District of Southern California
- Bay Conservation and Development Commission
- Board of Forestry
- State Legislature

BOARD MEETINGS

Pursuant to *Public Resources Code Section 668*, the Board held regular business meetings or standing committee meetings seven times during the reporting period. One of our meetings was held in-person, two meetings were held as a hybrid in-person/virtual and four meetings were held virtually on Microsoft Teams. Attendance at these meetings averaged around fifty participants. Among its activities, the Board received briefings from the Department of Conservation, the Division of Mine Reclamation, and the California Geological Survey. The Board also hosts a speaker series during our regular meetings that brings in members of the industry to present on various topics related to mining, mineral conservation, geohazards, the environment and redevelopment of formerly mined lands.

STATUTORY AND REGULATORY AUTHORITY

The Board operates 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 (SMARA)

Pursuant to *Public Resources Code sections 2710* and its regulations at *14 California Code of Regulations Section 3500*, the Board manages a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Surface Mining and Reclamation Act also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act (APA)

Pursuant to *Public Resources Code sections 2621 through 2630* and its regulations at *14 California Code Regulations Section 3600*, 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 to comply with provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act (SHMA)

Pursuant to *Public Resources Code sections 2690 through 2699.6* and its regulations at *14 California Code of Regulations section 3720*, 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.

LEAD AGENCY RESPONSIBILITIES

The primary entity responsible for the Surface Mining and Reclamation Act administration, compliance, and enforcement, is the local lead agency, generally, the city or county where the surface mining is taking place. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the lead agency; therefore, the lead agency is responsible for assuring that all surface mine operations within its jurisdiction are in full compliance with these provisions. Specific duties of lead agencies which are charged with the primary administration and enforcement of the Surface Mining and Reclamation Act are to:

- Review and approve reclamation plans that meet the minimum requirements established by the Surface Mining and Reclamation Act and the Board's reclamation performance standards for surface mines
- Approve financial assurances, subject to annual review, that are sufficient to pay for the costs of reclamation of the lands disturbed by surface mining operations according to the requirements of the approved reclamation plan
- Approve local land use permits for surface mining operations
- Conduct an annual inspection of each surface mine to confirm that the operation complies with the requirements of the Surface Mining and Reclamation Act and its approved reclamation plan, and to remedy the situation if the operation is not in compliance
- Issue Administrative Penalties to operators who do not come into compliance
- Maintain a surface mining ordinance that is in accordance with the Surface Mining and Reclamation Act
- Incorporate mineral resource management plans into their general plans and conserve mineral lands "classified" or "designated" within the lead agency's jurisdiction

Should a lead agency fail to bring a surface mining operation into compliance, statute allows the Supervisor of the Division of Mine Reclamation to commence enforcement. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the Supervisor. The Division is also responsible for providing technical reviews of reclamation plans and financial assurances to lead agencies to ensure that the requirements of the Surface Mining and Reclamation Act have been addressed in the reclamation plans prior to their formal approval by the lead agency.

Under the Surface Mining and Reclamation Act, the Board is provided authority to hear appeals of enforcement actions taken by the Supervisor against surface mine operators, as well as appeals of certain decisions made by a lead agency regarding reclamation plans and financial assurances. In addition, the Board is provided authority to exercise a lead agency's powers, in whole or in part with exception to local land use and other regulatory permitting, when a lead agency's actions are in violation of the statute, or if the lead agency defaults on its responsibilities and obligations. The Board also reviews lead agency ordinances that establish local permit and reclamation procedures to determine whether each ordinance is in accordance with State policy for reclamation of surface mining operations and for conservation of mineral resources.

The Surface Mining and Reclamation Act affects one hundred and twenty-five jurisdictions comprised of seventy cities and fifty-five counties (excluding those directly overseen by the Board).

The Board served as the lead agency under the Surface Mining and Reclamation Act for forty-nine individual surface mining operations during the reporting period including:

- Nineteen located within two counties (El Dorado County and Yuba County)
- Eight located within six cities (Richmond, Marina, Jurupa Valley, Desert Hot Springs, Palm Springs, and Santa Paula)
- Seven marine sand and oyster shell mining operations located within the jurisdiction of the San Francisco Conservation and Development Commission
- Fourteen borrow pits located appurtenant to the Colorado River Aqueduct operated by the Metropolitan Water District of Southern California (Riverside County and San Bernardino County).

The following table lists the surface mines where the Board exercised lead agency authority:

SMGB SMARA LEAD AGENCY SURFACE MINES				
CA ID No.	Mine Name	Status	Primary Commodity	Local Lead Agency
91-07-0006	Richmond Quarry	Active	Recycled Aggregates	City of Richmond
91-09-0001	Bear Creek Quarry	Active	Aggregates	County of El Dorado
91-09-0002	Weber Creek Quarry	Closed – Reclamation in Progress	Aggregates	County of El Dorado
91-09-0003	Diamond Quarry	Active	Aggregates	County of El Dorado
91-09-0004	Chile Bar Slate Mine	Active	Slate	County of El Dorado

SMGB SMARA LEAD AGENCY SURFACE MINES

CA ID No.	Mine Name	Status	Primary Commodity	Local Lead Agency
91-09-0005	Cool Cave Quarry	Active	Aggregates	County of El Dorado
91-09-0006	Timm Mine	Active	Gold	County of El Dorado
91-09-0009	Somerset Sand Pit	Active	Sand	County of El Dorado
91-09-0010	Lawyer Pit	Closed – Reclamation in Progress	Decomposed Granite	County of El Dorado
91-09-0012	Snows Road Quarry	Active	Sand and Gravel	County of El Dorado
91-09-0015	Marin Quarry	Active	Aggregates	County of El Dorado
91-27-0006	Lapis	Closed - Reclamation in Progress	Sand	City of Marina
91-33-0002	Avalon Mine	Active	Aggregates	City of Jurupa Valley
91-33-0003	Super Creek Quarry	Active	Decorative Stone	City of Desert Hot Springs
91-33-0029	Philadelphia Mine	Closed – Reclamation in Progress	Recycled Aggregates	City of Jurupa Valley
91-33-0031	Garnet Pit	Active	Sand and Gravel	City of Palm Springs
91-33-0062	Pyrite Quarry	Active	Aggregates	City of Jurupa Valley
91-38-0001	Alcatraz, Point Knox	Active	Marine Sand	San Francisco Bay Conservation and Development Commission (BCDC)
91-38-0002	Point Knox South	Active	Marine Sand	San Francisco BCDC
91-38-0003	Point Knox Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0004	Alcatraz South Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0005	Hanson Suisun Bay	Active	Marine Sand	San Francisco BCDC
91-38-0007	Jerico Suisun Bay Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0011	Morris Marine Mining	Active	Marine Oyster Shells	San Francisco BCDC
91-56-0034	Santa Paula Materials	Active	Recycled Aggregates, Fill Dirt	City of Santa Paula
91-58-0001	Western Aggregates	Active	Sand and Gravel	County of Yuba
91-58-0002	Knife River Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0003	Cal Sierra Development	Active	Gold	County of Yuba
91-58-0004	Sperbeck Quarry	Idle	Aggregates	County of Yuba
91-58-0006	Teichert Hallwood	Active	Sand and Gravel	County of Yuba

SMGB SMARA LEAD AGENCY SURFACE MINES				
CA ID No.	Mine Name	Status	Primary Commodity	Local Lead Agency
91-58-0011	Dantoni Pit	Idle	Sand and Gravel	County of Yuba
91-58-0013	Parks Bar Quarry	Active	Aggregates	County of Yuba
91-58-0019	Teichert Marysville	Idle	Sand and Gravel	County of Yuba
91-58-0022	Long Bar Property	Active	Sand and Gravel	County of Yuba
91-58-0025	Simpson Lane	Idle	Sand	County of Yuba
91-70-0001	Metropolitan Water District (x14 borrow pits)	Active	Aggregates	Counties of Riverside and San Bernardino

Surface Mine Inspections and Annual Financial Assurance Cost Estimates

Board staff conducted annual inspections and reviewed financial assurances for the surface mining operations under the Board’s Surface Mining and Reclamation Act lead agency authority during the reporting period.

Enforcement

Pursuant to Public Resources Code sections 2270, 2770, 2773.1, 2774.1, 2774.2, 2774.5, 2775, 2796.5 and California Code of Regulations sections 3696.5, 3810, and 3940, the Board may enforce the annual reporting requirements and other provisions of the Surface Mining and Reclamation Act.

Formal enforcement notices or orders were not required, and no fines or penalties were assessed during the reporting period.

Surface Mining Ordinances

Pursuant to *Public Resources Code section 2774.3*, the Board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with State policy and shall certify the ordinance as being in accordance with State policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the Board pursuant to this chapter.

The Board certified updated mining ordinances for San Benito County and Solano County during the reporting period.

Annual Mine Fee Schedule

Pursuant to *Public Resources Code section 2207(d)(1)* the Board imposes an annual reporting fee on, and method for collecting annual fees from, each active and idle surface mining operation. *Public Resources Code section 2207(d)* also states that, starting in fiscal year 2020 – 2021, the maximum fee for any single mining operation may not exceed ten thousand dollars (\$10,000) annually and may not be less that one hundred dollars (\$100) annually. The maximum annual fees are adjusted for cost of living as measured by the California Consumer Price Index.

Pursuant to *Public Resources Code section 2207(d)(2)(A)* a schedule of fees shall be calculated on an equitable basis reflecting the size and type of the operation. Section 2207 further states that the fee schedule must provide for the collection of the amount specified in the Governor's proposed Budget for the Department of Conservation's costs in implementing *Section 2207* and

the Surface Mining and Reclamation Act.

In addition, *section 2207(d) (3)* outlines the amount of revenue to be generated by the fee schedule. The total revenue generated by the reporting fees may not exceed and may be less than eight million dollars (\$8,000,000). This amount shall be adjusted for the cost of living each fiscal year. Cost of living adjustments are addressed in *California Code of Regulations section 3698* and allow for increases to help maintain adequate funding for the Surface Mining and Reclamation Act programs within the Department. The cost-of-living adjustment, or rate of inflation, is measured by the consumer price index.

Section 2207(d)(4)(A) also requires the reporting fee revenue be deposited in the Mine Reclamation Account for carrying out the provisions of the Surface Mining and Reclamation Act. These provisions include the classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance reviews, surface mine inspections, and enforcement.

The annual fee was adjusted during the reporting period and met the requirements above.

ALQUIST-PRIOLO ACT RESPONSIBILITIES

Pursuant to *Public Resources Code section 2622(b)*, the State Geologist shall compile maps delineating earthquake fault zones. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

No Alquist-Priolo earthquake fault zone maps were released during the reporting period.

SEISMIC HAZARD ZONE RESPONSIBILITIES

Pursuant to *Public Resources Code section 2696(a) and (b)*, the State Geologist shall compile maps identifying seismic hazard zones, and upon completion, submit them to the Board. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

No seismic hazard zone maps were released during the reporting period.

MINERAL CONSERVATION AND RECLAMATION RESPONSIBILITIES

As California's population continues to grow, its communities face increasingly difficult land use decisions. The production of mineral resources necessary to support the expanding population must compete with other land uses such as agriculture, timber production, urban development, renewable energy, recreation, and conservation. The rapid growth of many communities and the incompatibility of mining with most other land uses often results in conflicts within those communities. Often, the resource is needed for the very use which threatens it. For example, construction grade aggregate deposits, which are necessary for construction and repair of roads, housing, and commercial development, often are built over before the resource can be extracted.

To address this issue, the Surface Mining and Reclamation Act provides a method by which mineral lands may be "Classified" by the State Geologist and "Designated" by the Board. These Classification and Designation processes are methods by which an inventory of the State's most valuable mineral deposits are designated as significant resources for local communities to consider in their land-use decision making.

Classification and Designation Reports

Pursuant to *Public Resources Code section 2790*, after receipt of mineral information from the State Geologist pursuant to *section 2761 (d)*, the Board may, by regulation adopted after a public hearing, designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries of the geographic areas.

There were no mineral land classification reports completed during the reporting period.

Mineral Resource Management Plans

Pursuant to *Public Resources Code section 2762*, a lead agency shall, in accordance with State policy, establish mineral resource management policies to be incorporated in its general plan to recognize mineral information classified by the State Geologist and transmitted by the Board, assist in the management of land use that affects access to areas of statewide and regional significance and emphasize the conservation and development of identified mineral deposits.

There were no new mineral resource management plans submitted during the reporting period.

REGULATORY RESPONSIBILITIES

Pursuant to *Public Resources Code (PRC) section 2755*, the Board has statutory authority to adopt, amend, or repeal regulations that establish State policy for the reclamation of mined lands within California. Currently, the Board is involved in rulemaking activities to update regulations related to comprehensive changes to the Surface Mining and Reclamation Act from the signing of AB 1142 and SB 209 in 2016.

BOARD OUTREACH AND INDUSTRY INVOLVEMENT

During the reporting period, the Board participated in the following public outreach programs:

- The Board worked with the Division of Mine Reclamation to help conduct a surface mine inspection workshop for operators and lead agencies throughout the State. The training included educating participants about the Board and current updated reforms made to the Surface Mining and Reclamation Act.
- The Board conducted two public pre-rulemaking workshops to propose regulatory language for how the Board exempts mining operations from the Surface Mining and Reclamation Act under Public Resources Code section 2714(f). Both were well attended, and the Board considered recommendations for the regulations.
- The Board conducted a model ordinance workshop to gather information from lead agencies and other interested parties to assist in the creation of a model ordinance guidance document. Several lead agencies offered suggestions which were incorporated into the document.

ONGOING BOARD WORK

The Board is actively working to create a model ordinance guidance document for lead agencies to update local mining ordinances to comply with the extensive reforms mandated by AB 1142 and SB 209. This document also offers suggestions to amend and/or clarify statutes and regulations pertinent to their ordinances.

The Board has become the SMARA lead agency for surface mining operations conducted by the Metropolitan Water District of Southern California (MWD). The Board approved MWD's master reclamation plan for 14 borrow pits associated with the maintenance of the Colorado River Aqueduct in Riverside and San Bernardino counties. Now the Board will conduct annual inspections and approve financial cost estimates.

The Board conducted interviews for the State Geologist and transmitted candidates to the Director of Conservation for consideration which led to the appointment of a new State Geologist.

The Board realigned our committees to better concentrate on specific topics and projects and now has a Geohazards Committee as well as a Mineral Conservation Committee.

The Board approved Special Report 253 - Mineral Land Classification: Portland Cement Concrete Aggregate in the Western Ventura County and Simi Production-Consumption Regions

that was produced by the California Geological Survey.

The Board is currently working on the following regulatory projects:

- Review and draft clean up language for existing regulations (*California Code of Regulations Section 100*)
- Establish annual reporting and fees for geothermal lithium brine operations (*Public Resource Code Section 2207*)
- Develop and propose regulatory language for determining surface mining operations that are exempt from the Surface Mining and Reclamation Act (*Public Resources Code Section 2714 (f)*)
- Evaluate Corporate Bonding and Financial Tests (*Public Resources Code Section 2773.1.5*)
- Complete eight separate Mineral Designation regulation packages based on classifications made by the California Geological Survey

LEGISLATIVE RECOMMENDATIONS

Pursuant to *Public Resources Code Section 2717*, the Board is required to report to the Governor and Legislature and, on an annual basis, offer legislative recommendations for consideration regarding the Surface Mining and Reclamation Act.

SMARA includes several exemptions for construction, farming, timber, and flood control purposes, among others. One of the exemptions in SMARA allows the Board to exempt certain surface mining operations that are of an infrequent nature and that involve only minor surface disturbances but currently there is no specific exemption in place for habitat restoration projects that seek to mitigate damage caused by legacy gold mining.

The Board recommends that the State legislature amend *Public Resources Code Section 2714* to allow SMARA exemptions for habitat restoration projects that result in one-time removal of sediment from rivers, lakes, and reservoirs provided the project is:

- (a) sponsored by a public agency and/or a not-for-profit organization
- (b) has all required permits in place
- (c) has been approved by the Board; and,
- (d) is fully funded.

The Board is willing to draft language and assist in the legislative process should the legislature decide to pursue this action.



Agenda Item No. 13C.

December 20th, 2023

Consideration and Approval of the 2024 SMGB Meeting Schedule

INTRODUCTION

Adopt the 2024 meeting calendar.

BACKGROUND

Public Resources Code (PRC) Section 668 provides that the State Mining and Geology Board (SMGB) hold its meetings at such times and at such places as it shall determine. The SMGB is required to hold a minimum of six meetings annually, to be held in locations appropriate to the subject matter to be considered.

NOTICE DATES

Notice of regular business meetings, special meetings, and committee meetings are made pursuant to Government Code Section 11120 et seq., the Bagley-Keene Open Meetings Act, Government Code Section 11345.4, and the Administrative Procedures Act. Notices will be posted electronically on the SMGB's web site and provided to all SMGB members, the Director of the Department of Conservation, the State Geologist, the Assistant Director of the Division of Mine Reclamation, and any other interested person, at least 10 days prior to each regular business meeting.

DISCUSSION

A meeting schedule for 2024, as presented, proposes twelve (12) regular SMGB meetings throughout the year. Approval of the SMGB's 2024 meeting calendar does not prohibit the SMGB from deferring and/or rescheduling certain meeting dates should circumstances warrant such action.

RECOMMENDATION

The Executive Officer recommends that the SMGB adopt a 12-meeting calendar for 2024 in order to provide the flexibility to defer scheduled meetings if feasible. The SMGB may approve meeting locations in advance with this proposed schedule or leave locations "open" until later dates.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board adopt the proposed Regular Business Meeting calendar for 2024.

Respectfully submitted:

Jeffrey Schmidt,
Executive Officer



**State Mining and Geology Board
2024 Meeting Schedule**

JANUARY 18, 2024

AGENDA PUBLICATION DATE: JANUARY 5, 2024
CLOSING DATE: JANUARY 12, 2024

REGULAR BUSINESS MEETING

FEBRUARY 15, 2024

AGENDA PUBLICATION DATE: FEBRUARY 2, 2024
CLOSING DATE: FEBRUARY 9, 2024

REGULAR BUSINESS MEETING

MARCH 21, 2024

AGENDA PUBLICATION DATE: MARCH 8, 2024
CLOSING DATE: MARCH 15, 2024

REGULAR BUSINESS MEETING

APRIL 18, 2024

AGENDA PUBLICATION DATE: APRIL 5, 2024
CLOSING DATE: APRIL 12, 2024

REGULAR BUSINESS MEETING

MAY 16, 2024

AGENDA PUBLICATION DATE: MAY 3, 2024
CLOSING DATE: MAY 10, 2024

REGULAR BUSINESS MEETING

JUNE 20, 2024

AGENDA PUBLICATION DATE: JUNE 7, 2024
CLOSING DATE: JUNE 14, 2024

REGULAR BUSINESS MEETING

JULY 18, 2024

AGENDA PUBLICATION DATE: JULY 5, 2024
CLOSING DATE: JULY 12, 2024

REGULAR BUSINESS MEETING

AUGUST 15, 2024

AGENDA PUBLICATION DATE: AUGUST 2, 2024
CLOSING DATE: AUGUST 9, 2024

REGULAR BUSINESS MEETING

SEPTEMBER 19, 2024

AGENDA PUBLICATION DATE: SEPTEMBER 6, 2024
CLOSING DATE: SEPTEMBER 13, 2024

REGULAR BUSINESS MEETING

OCTOBER 17, 2024

AGENDA PUBLICATION DATE: OCTOBER 4, 2024
CLOSING DATE: OCTOBER 11, 2024

REGULAR BUSINESS MEETING

NOVEMBER 14, 2024

AGENDA PUBLICATION DATE: NOVEMBER 1, 2024
CLOSING DATE: NOVEMBER 8, 2024

REGULAR BUSINESS MEETING

DECEMBER 19, 2024

AGENDA PUBLICATION DATE: DECEMBER 6, 2024
CLOSING DATE: DECEMBER 13, 2024

REGULAR BUSINESS MEETING



Agenda Item No. 14A

December 20, 2023

Presentation: Graniterock's Green Journey

by Jon Erskine, Director, Geological and Engineering Services, Graniterock

INFORMATION:

Jon Erskine with Graniterock will talk about the lessons and considerations for their new energy transition.