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Notice Date: March 18, 2024

## **NOTICE OF PROPOSED ADOPTION**

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

**TITLE 14. NATURAL RESOURCES  
Division 2. Department of Conservation  
Chapter 8. Mining and Geology  
Subchapter 1. State Mining and Geology Board  
Article 1. Surface Mining and Reclamation Practice,  
Article 2. Areas Designated to be of Regional Significance,  
Article 4. Designation Appeals Procedures,  
Article 5. Reclamation Plan Appeals,  
Article 8. Fee Schedule,  
Article 9. Reclamation Standards,  
Article 11. Financial Assurance Mechanisms; and,  
Article 12. Administrative Penalty Petition Procedures**

**NOTICE IS HEREBY GIVEN** that the State Mining and Geology Board (SMGB) during a regular business meeting will consider adoption of a non-substantive rulemaking package that is intended to correct spelling and grammatical issues, as well as to reflect a change of address of the Department of Conservation (DOC), Division of Mine Reclamation (DMR), and the SMGB, when collectively they relocated its official address from 801 K Street in Sacramento to the new Natural Resource Agency building on 715 P Street in Sacramento.

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

The date, time, and location of the meeting are:

**Thursday, April 18, 2024  
10:00 a.m.**

**This meeting will be held in person at:**

**715 P Street RM 2-221A  
Sacramento, California 95814  
AND  
Virtually via Microsoft Teams**

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: 255 558 414 701 and Passcode: jfTRPc**). You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 685 886 984#**.

**BACKGROUND**

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

On April 18, 2016, Governor Brown signed Senate Bill 209 (SB 209) and Assembly Bill 1142 (AB 1142) into law making significant revisions to SMARA. As a result, regulations implementing SMARA1 required significant conforming amendments. The SMGB began advancing a series of rulemaking packages to conform the regulations to the revisions made to SMARA2. This non-substantive rulemaking package continues that effort.

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

**AVAILABILITY OF DOCUMENTS**

Documents related to the proposed action can be reviewed here:

<https://www.conservation.ca.gov/smgb/Pages/Rulemaking/index.aspx>