



STATE MINING AND GEOLOGY BOARD

Policy and Legislation Committee

George Kenline, Chair; Jelisaveta Gavric, Negar Noushkam

EXECUTIVE OFFICER'S REPORT

For Meeting Date: June 13, 2013

Agenda Item No. 3: State Mining and Geology Board's Information Report SMGB IR 2013-10 titled "Roles of the Engineering Geologist under California's Surface Mining and Reclamation Act (SMARA)".

INTRODUCTION: The State Mining and Geology Board (SMGB) conducts its business in public, and often considers policy topics of statewide interest. On occasion, the SMGB requests analysis from its Executive Officer prior to considering policy decisions. In the past, the SMGB's Executive Officer or his staff, has presented such analysis on topics of statewide interest to the SMGB in public meetings. Interest in these reports from industry, professional organizations, regulators, and other parties and stakeholders has been high, and they have approached the SMGB for copies of these reports in a user-friendly format. The Policy and Legislation Committee is considering approving a new report pertaining to a review of issues pertaining to the roles of engineering geologists under the Surface Mining and Reclamation Act (SMARA) for publication on the SMGB's website.

BACKGROUND: On occasion, the SMGB requests from its staff comprehensive or focused analysis for topics of interest to the SMGB, prior to making policy decisions. These reports commonly take the form of an Executive Officer's report, or an Information Report.

The SMGB's Information Report 2013-10 titled "*Roles of the Engineering Geologist under California's Surface Mining and Reclamation Act (SMARA)*" has been completed. SMGB Information Report 2013-10 does not set forth policy, but rather presents information of general interest to the SMGB's stakeholders, and information that the SMGB may consider in setting policy.

SMGB'S INFORMATION REPORT 2013-10 ABSTRACT: Sections of California's Surface Mining and Reclamation Act (SMARA) addressing annual mine inspections, evaluations of geological and/or engineering conditions, and preparation of financial assurance cost estimates specifically mention licensed geologists or professional engineers; however, SMARA contains no explicit requirements for the services of certified engineering geologists. California has elevated its scrutiny of preparation, review and execution of individual surface mining and reclamation plans and financial assurances, and has increased SMARA lead agency performance reviews. Increased state and local government attention has heightened awareness regarding situations where engineering geologists play key roles. Engineering geologists are favorably qualified to serve both mining operators and SMARA lead agencies. Operators developing projects may reduce financial liability by retaining engineering geologists during early planning to evaluate sites for potential adverse geological conditions, and to propose feasible mitigations per SMARA's requirements. Often operators postpone involvement of engineering geologists until after regulators review proposed activities and subsequently require submittal of supporting documentation—resulting in delays and potential enforcement actions. Qualified engineering geologists can also serve as valuable reviewers for SMARA lead agencies, providing recurring



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oversight of key program requirements, which if omitted, may trigger State review of lead agency performance. Furthermore, engineering geologists are particularly useful in conducting required annual mine inspections, as violations commonly surface due to inadequate slope design and construction. Although engineering geologists are not specifically designated to conduct activities under SMARA, current standards of practice dictate that certified engineering geologists, or similarly qualified geo-professionals (i.e., professional engineer, professional geotechnical engineer, etc.), should be involved in certain surface mining and reclamation tasks.

CONSIDERATION BEFORE THE COMMITTEE: Upon review and discussion, the Committee may authorize the Executive Officer to make available SMGB's Information Report No. 2013-10 titled "*Roles of the Engineering Geologist under California's Surface Mining and Reclamation Act (SMARA)*" on the SMGB's website.

EXECUTIVE OFFICER RECOMMENDATION: At this time, the Executive Officer offers the following motion for the Committee's consideration.

Motion to approve publication of the SMGB's Information Reports 2013-10 on the SMGB's website:

Mr. Chairman, in light of the information before the Committee today, I move that the Committee approve publication of the SMGB's Information Report 2013-10, for publication, and direct the Executive Officer to make this report available the SMGB's website.

Respectfully submitted:



Stephen M. Testa
Executive Officer