



# **STATE MINING AND GEOLOGY BOARD**

**Policy and Legislation Committee**

*George Kenline, Chair; Jelisaveta Gavric, Negar Noushkam*

**EXECUTIVE OFFICER'S REPORT**

**For Meeting Date: July 11, 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 information and analysis from its Executive Officer prior to considering policy decisions. 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. This report was prepared based on interest previously expressed by the SMGB. The Policy and Legislation Committee (Committee) received a synopsis of this report at its June 13, 2013 meeting, and is considering approving this report for publication on the SMGB's website.

**BACKGROUND:** 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. In summary, sections of 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 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



*Executive Officer's Report*

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, and direct the Executive Officer to make this report available on the SMGB’s website.*

Respectfully submitted:



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Stephen M. Testa  
Executive Officer