



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, October 13, 2016

9:30 A.M.

LOCATION:

**State Capitol
Assembly Hearing Room #444
Sacramento, California 95814**

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or electronically at smbg@conservation.ca.gov. This Notice and associated staff reports can be accessed electronically at the SMGB's web site at: <http://www.consrv.ca.gov/smgb/>.



AGENDA

1. Call to Order (Kracov)

2. Pledge of Allegiance

3. Roll Call and Declaration of a Quorum

The meeting was called to order at 9:39 a.m. with Members Noushkam and Zafir absent, and a quorum was declared.

4. Review of the Agenda (Kracov)

5. Department Reports

- Director's Report

Deputy Director, Jason Marshall, reported on the following:

- The Department is actively engaged in negotiations with the Department of Finance regarding the budget.
- The Abandoned Mines Program has begun focusing on abandoned mines on state owned properties, and has been working with the State Lands Commission and State Parks.

- State Geologist's Report

State Geologist, Dr. John Parrish, reported on the following:

- CGS participated in an education fair for the Girl Scouts last week, and also attended a California Science Teachers meeting in Palm Springs.
- At the request of Cal Fire, three CGS staff were deployed to the Soberantes Fire to map fire damage; additional staff is anticipated to be deployed to the Loma Fire as well.
- Preliminary A-P maps will be released in mid-December for the following: Los Angeles Quadrangle; El Monte Quadrangle; Mt. Wilson Quadrangle; Napa Quad; and Cutting Wharf Quadrangle. The release of the map for the Beverly Hills/Topanga Quad has been postponed until early 2017.
- CGS has hired Chase White as a Geotechnical Engineer.

- Office of Mine Reclamation Report

Assistant Director, Pat Perez, reported on the following:

- The rollout of the new Lead Agency Review and Assistance (LARA) Program has begun. OMR reached out to 50 Lead Agencies who were not part of the previous program and have begun reviewing their files.
- Pre-rulemaking workshops for the Lead Agency Inspector Training are being planned for late November/early December.

6. Chairman's Report (Kracov)

7. Executive Officer's Report (Schmidt)

- Introduced Nicholas Lash, the SMGB's new Associate Governmental Program Analyst.
- The Strategic Plan is still in progress; a draft is likely for the November meeting.

8. Senior Engineering Geologist's Report (Arcand)

- Three Financial Assurance reviews are anticipated for the November meeting.

9. SMARA Reform Rulemaking Report (Stevenson)

10. Ex-Parte Communication Disclosure

SMGB 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. All persons wishing to address the SMGB should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman.

12. Consent Items

All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any SMGB member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.

A. Approval of Minutes, August 11, 2016 Regular Business Meeting.

B. Acceptance of Inspection Reports as Performed and Completed Pursuant to Public Resources Code (PRC) Section 2774(b) for the following Surface Mining Operations:

- Timm Mine (CA Mine ID No. 91-09-0006), County of El Dorado County.

Member Kenline moved to accept the consent items. Member Landregan seconded and the motion carried with a unanimous roll call vote.

13. Adoption of Rulemaking Package for Proposed Revision to California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Article 8, Section 3698 – Fees Calculation. Member Anderson recused himself from the discussion.

Will Arcand gave a brief presentation on the status of the regulatory package, and stated that no changes to the regulatory language had been made since the initial submittal and publication.

Vice Chair Potter asked for clarification as to why this is a fair and equitable fee schedule; Mr. Arcand stated that based on the factors and formulas, this was the best way to structure the fees so the maximum fees reach the statutory cap.

Member Lane moved to adopt the regulatory text, approve the required documents, and direct staff to proceed with the rulemaking. Vice Chair Potter seconded and the motion carried with a roll call vote with Member Anderson recused.

14. Consideration of Initiation of Rulemaking Process for Financial Assurance Cost Estimate Form (PRC Section 2773.1(a)(4)).

Ian Stevenson presented the potential rulemaking documents and the timeline to reach a potential approval date of April 1, 2017. He outlined the form, instructions and reasoning behind the revisions.

Member Landregan moved to approve the documents and direct staff to initiate the rulemaking process. Member Lane seconded the motion, and the motion failed on a 4-2 roll call vote.

15. Report on Status of County of Riverside's SMARA Lead Agency Program.

Dave Jones, Planning Director for Riverside County presented an update on the County's SMARA program. No action was taken.

16. Consideration of Request for Exemption from SMARA per PRC Section 2714(f) for the Sycamore Road Agricultural Mining Project, Ventura County.

Deferred.

17. Special Reports and Presentations

Based on these Reports, the Chair may instruct SMGB staff to initiate administrative actions.

A. Informational Presentation on Office of Mine Reclamation's Abandoned Mine Lands Program Activities.

Information only, no action taken.

B. Informational Presentation on the Sierra Fund's *Abandoned Mines and the Legacy of Mercury Contamination in the Sierras*.

Information only, no action taken.

C. Discussion and possible action to update SMGB Strategic Plan.

No action taken.

D. Discussion and possible action on SMGB Annual Report under PRC Section 2717.

No action taken.

18. SMGB Committee Reports

- Geohazards Committee (Chair Potter)
- Minerals Conservation and Reclamation Committee (Chair Kenline)
- Board Policy and Administration Committee (Chair Landregan)
- Board Lead Agency Standards Committee (Chair Lane)

19. Executive Session (Closed to the Public)

The SMGB will discuss information from its legal counsel on personnel matters and pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.

Items to be discussed:

Pending Litigation to which the SMGB, or its officials, are a party:

- A. Dutra Materials v. SMGB, Chevron Products Company, Real Party in Interest (Contra Costa County Superior Court Case No. N10-0388; First District Court of Appeal Case No. A147277)
- B. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC, Real Party in Interest (Sacramento County Superior Court Case No. 34-20108000528; Third District Court of Appeal Case No. C082333)
- C. Joe & Yvette Hardesty v. SMGB (Sacramento County Superior Court Case No. 34-2010-80000594; Third District Court of Appeal Case No. C079617)
- D. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)

- E. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:10cv-02414-KJMKJN)

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

Deputy Attorney General, Chris Tiedemann, reported that Executive Session was held and no action was taken.

20. Announcements of Future Meetings

November 10 was announced as the date of the next meeting with Sacramento as the location.

21. Adjournment

The meeting was adjourned at 4:58 p.m.

APPROVED

Gideon Kracov, Chair

Jeffrey Schmidt, Executive Officer