

REQUEST FOR INFORMATION

FOR

THE DEVELOPMENT OF UPDATES TO SMGB AND CGS GUIDELINES FOR CLASSIFICATION & DESIGNATION OF MINERAL LANDS

The State Mining and Geology Board (SMGB) and the California Geological Survey (CGS) (collectively “the project team”) in the Department of Conservation are seeking interested party input on opportunities to update guidelines related to Mineral Resource Classification and Designation. Information gathered from this Request for Information (RFI), as well as additional discussions with interested parties, will guide the update of the guidelines, which may include incorporation of part or all of the guidelines into the California Code of Regulations.

This document outlines the project team’s objectives with this RFI and some discussion questions to aid the project team in information and data-gathering. Members of the public are encouraged to provide input on how best to accomplish these goals. Suggestions about a specific regulatory approach, comments on objectives, and answers to general discussion questions are most useful if they are supported by discussion of the benefits and drawbacks of the approach. References to specific zones, published data, and research is highly encouraged.

Information and documents associated with this effort, including the existing Guidelines for Classification and Designation of Mineral Lands, can be found at: <https://www.conservation.ca.gov/smgb/Guidelines/>

Submission of Written Comments

Written submissions can be provided through September 15, 2023 by email to: MineralZoneComments@conservation.ca.gov

or by mail to:

State Mining and Geology Board
Attn: Mineral C&D Guidelines
715 P Street, MS 1909
Sacramento, CA 95814

Written comments received during the comment period will be reviewed and considered to inform the update of the Guidelines for Classification and Designation of Mineral Lands.

BACKGROUND

The Surface Mining and Reclamation Act of 1975 (SMARA) mandated the initiation by the State Geologist of mineral land classification in order to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the SMGB, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Currently, the State Geologist's SMARA classification activities are carried out under a single program for urban and non-urban areas of the state. Mineral lands are mapped according to jurisdictional boundaries (i.e., counties, groups of counties, or major parts of counties), mapping mineral commodities at one time in the area, including aggregate, common clay, and dimension stone using the California Mineral Land Classification System. Priority is given to areas where future mineral resource extraction could be precluded by incompatible land use or to mineral resources likely to be mined during the 50-year period following their classification.

The Guidelines for Classification and Designation of Mineral Lands were previously formalized in Special Publication 51 but have been segregated for this effort. The Guidelines, which will be updated after careful consideration of comments received in response to this request for information, will then be considered for incorporation into regulation. The existing Guidelines for Classification and Designation of Mineral Lands can be found at: <https://www.conservation.ca.gov/smgb/Guidelines/>

Statutory Authority

Public Resources Code 2761 (b) requires the State Geologist to classify mineral deposits as being of regional or statewide significance. This determination should be made on the basis solely of geologic factors, and without regard to existing land use and land ownership. This provides the authority to classify the mineral resources.

Public Resources Code 2790 provides SMGB with the authority to designate specific geologic areas of the state and specify the boundaries of those areas by regulation adopted after a public hearing. This designation process takes place when SMGB receives a classification report from the State Geologist.

Public Resources Code 2791 requires SMGB to consider the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification and designation of areas of statewide and regional significance.

Why the Update is Needed

The current Guidelines lack a process to assess mineral resource potential and obtain geologic data to address the changing needs and resource priorities of the state. Despite the potential for significant resources across the state, limitations in data availability and documented geologic observations restrict our ability to classify these resources.

An updated classification process will result in Guidelines that maximize available data, focuses on observations, and avoids misinterpretations of resource potential.

Updating the Guidelines will ensure better alignment with national standards for conducting mineral resource assessments and will meet the needs of a wide and diverse group of end users and interested parties.

OBJECTIVES

The objectives for this RFI are to:

- Identify needed changes or improvements to the classification and designation systems and processes as described in the Guidelines for Classification and Designation of Mineral Lands.
- Identify alternatives to the classification and designation systems and processes described in the Guidelines for Classification and Designation of Mineral Lands.
- Identify benefits and drawbacks of updating the classification and designation systems and processes described in the Guidelines for Classification and Designation of Mineral Lands.
- Identify economic impacts associated with different options, if any.

QUESTIONS FOR DISCUSSION

In your response, please feel free to respond to only one question or as many questions as you wish. Provide evidence, research, and documentation supporting your claims and recommendations wherever possible.

Classification, Guidelines Pages 2 - 8

1. What are some of the current challenges or drawbacks with the current classification system and process as described in the Guidelines for Classification and Designation of Mineral Lands?
2. What are some of the strengths of the current classification system and process as described in the Guidelines for Classification and Designation of Mineral Lands?

3. How might the Guidelines be changed to overcome challenges, reduce drawbacks, or magnify strengths of the classification system and process?
4. Are there alternatives to the current classification system and process that should be considered? Please describe any alternative, its pros and cons, and any economic impacts if known.

Designation, Guidelines pages 8 – 9

5. What are some of the current challenges or drawbacks with the current designation process as described in the Guidelines for Classification and Designation of Mineral Lands?
6. What are some of the strengths of the current designation process as described in the Guidelines for Classification and Designation of Mineral Lands?
7. How might the Guidelines be changed to overcome challenges, reduce drawbacks, or magnify strengths of the designation process?
8. Are there alternatives to the current designation process that should be considered? Please describe any alternative, its pros and cons, and any economic impacts if known.

Classification & Designation Petitions, Guidelines pages 9 - 10

9. What are some of the current challenges or drawbacks with the current petition process as described in the Guidelines for Classification and Designation of Mineral Lands?
10. What are some of the strengths of the current petition process as described in the Guidelines for Classification and Designation of Mineral Lands?
11. How might the Guidelines be changed to overcome challenges, reduce drawbacks, or magnify strengths of the petition process?
12. Are there alternatives to the current petition process that should be considered? Please describe any alternative, its pros and cons, and any economic impacts if known.

CONTACT INFORMATION

If you have any questions regarding the process for this public comment, please contact Chris Hansen with the Office of Legislative & Regulatory Affairs at Christine.Hansen@conservation.ca.gov.