Publication Date: Friday, September 5th, 2025

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Critical Minerals Committee Meeting on:

Thursday, September 18, 2025, at 9:30 a.m.

California Natural Resources Headquarters
715 P Street, Second Floor RM 2-302B
Sacramento, California 95814

This meeting will be held in-person and via video conference and will be recorded.

To avoid any background noises while the meeting is in session, we ask that you mute your device. 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: 293 691 283 980 6** and **Passcode: xk3Py3XN.** You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 377 214 307#**

For questions or comments regarding this Agenda, please contact the Board by email at smgb@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's website at: https://www.conservation.ca.gov/smgb.


CALIFORNIA STATE MINING AND GEOLOGY BOARD
EUREKA
EST. 1885

PUBLIC MEETING AGENDA

1. **Call to Order (Kenline)**

2. **Pledge of Allegiance**

3. **Roll Call and Declaration of a Quorum**

4. **Review of the Agenda (Kenline)**

5. **Chair Report (Kenline)**

6. **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. Speaker testimony is limited to three minutes except by special consent of the Chair.

7. **Consent Items**
   All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the consent calendar and consider it separately.

   A. Consideration and approval of minutes for the Critical Minerals Committee Meeting held on:

   June 19, 2025

8. **Discussion Items**
   A. Review and possible recommendation of initial definition of “critical minerals.”
   B. Proposal of plan for updating the Board’s Mineral Classification and Designation Guidelines to reflect the inclusion of conserving critical minerals.

9. **Presentations, Reports, and Informational Items**

10. **Announcements and Future Meetings**

11. **Adjournment**

THE STATE MINING AND GEOLOGY BOARD

THE BOARD

The State Mining and Geology Board (Board) serves as a regulatory, policy, and appeals body representing the State's interests in the reclamation of mined lands, geology, geologic and seismologic hazards, and the conservation of mineral resources.

The Board was established in 1885 as the Board of Trustees to oversee the activities of the Sate Mineralogist and the California Division of Mines and Geology (now the California Geological Survey). It is second oldest Board in California. Today's Board has nine members appointed by the Governor and confirmed by the State Senate, for four-year terms. By statute, Board members must have specific professional backgrounds in geology, mining engineering, environmental protection, groundwater hydrology and rock chemistry, urban planning, landscape architecture, mineral resource conservation, and seismology, with one member representing the general public.

Mission Statement

The mission of the Board is to provide professional expertise and guidance, and to represent the State's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

STATUTORY AND REGULATORY AUTHORITY

The Board is an independent entity within the Department of Conservation under the Natural Resources Agency and is granted responsibilities and obligations under the following acts:

Surface Mining and Reclamation Act of 1975

Under this Act, Public Resources Code Sections 2710 et seq. and its regulations at 14 California Code of Regulations Section 3500 et seq., the Board provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. SMARA also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act

Under this Act, Public Resources Code Section 2621 through Section 2630, and its regulations at 14 California Code Regulations Section 3600 et seq., the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by Lead Agencies in complying with the provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act

Under this Act, Public Resources Code Section 2690 through Section 2699.6 and its regulations at 14 California Code of Regulations Section 3720 et seq. the Board is authorized to provide policy and guidance through regulations for a statewide seismic hazard mapping and technical advisory program to assist cities, counties, and State agencies in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction or other ground failure, landslides and other seismic hazards caused by earthquakes, including tsunami and seiche threats.

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5) Make all testimony, files, and documents part of the administrative record

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State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814

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Agenda Item No. 7A

September 18, 2025

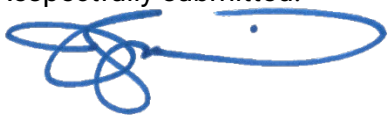
Consideration and Approval of Minutes for the June 19, 2025, Critical Minerals Committee Meeting

INTRODUCTION:
Approve the Conformed Minutes for the State Mining and Geology Board's June 19, 2025, Critical Minerals Committee Meeting.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the Conformed Minutes for the June 19th, Critical Minerals Committee Meeting.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

Publication Date: Friday, June 6th, 2025

DRAFT
CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Critical Minerals Committee Meeting on:

Thursday, June 19, 2025, at 10:00 a.m.

California Natural Resources Headquarters
715 P Street, First Floor Auditorium RM 1-302
Sacramento, California 95814

This meeting will be held in-person and via video conference and will be recorded.

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CALIFORNIA STATE MINING AND GEOLOGY BOARD
EUREKA
EST. 1885

PUBLIC MEETING AGENDA

1. **Call to Order (Kenline)**
   Meeting was called to order by Chair Kenline at 10:00 A.M.

2. **Pledge of Allegiance**
   Executive Officer Jeffrey Schmidt led the Pledge of Allegiance.

3. **Roll Call and Declaration of a Quorum**
   Regulatory Analyst Natalie Decio called roll with Member Driscoll, ex officio Member Sheingold, and Chair Kenline present, and a Quorum was declared. Vice Chair Holst was not in attendance.

4. **Review of the Agenda (Kenline)**
   Chair Kenline reviewed the agenda and noted that although Agenda Item 7 was designated for Consent Items, this was the first Critical Minerals Committee meeting, and there were no consent items requiring action. He also emphasized that Agenda Items 8A and 8B were solely items of discussion. The purpose was to ask questions, gather information, and discuss and consider recommendations that may be brought before the entire Board at a subsequent hearing.

5. **Chair Report (Kenline)**
   Chair Kenline reported that at the May 15th Regular Business Meeting, the Board unanimously approved the creation of the Critical Minerals Committee. The committee includes Chair Kenline, members Eric Holst and Alan Driscoll, with Board Chair Larry Sheingold serving as an ex officio member. Chair Kenline highlighted a presentation given at the May 15th Regular Business Meeting from State Geologist Jeremy Lancaster on critical minerals, their uses, and rising demand—encouraging others to view it. He also emphasized the committee's role in addressing California's clean energy goals, which depend on reliable critical mineral supplies. The committee will work with the State Geologist and interested parties to explore key questions about mineral locations, accessibility, and whether current classification guidelines need updating. The aim is to develop findings and recommendations for the Board—topics that will be further explored during the meeting.

6. **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. Speaker testimony is limited to three minutes except by special consent of the Chair.

   Luke Basulto, California Desert Program Manager with the National Parks Conservation Association, urged the Board to help protect the Mojave National Preserve from illegal mining. He raised concerns about a foreign-owned company, Dateline Resources, pursuing rare earth mineral exploration based on an outdated 1985 plan—approved before the preserve's creation and lacking current environmental review. He noted that the Bureau of Land Management had wrongly claimed approval of the project, even though the preserve is managed by the National Park Service and protected by Congress. Basulto cited over $200,000 in damage already caused by the company and called for state intervention, highlighting the site's ecological and cultural importance. He asked the Board to look into the issue.

7. **Consent Items**

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the consent calendar and consider it separately.

There were no consent items requiring action.

8. Discussion Items

A. Consideration of updating state mineral conservation policy to define “critical minerals” using the USGS definition as a baseline. Critical minerals could potentially be defined in the California Code of Regulations through the Administrative Procedures Act.

Board staff’s Geologist, Mallory Jones, presented on the potential update of California’s mineral conservation policy to formally define "critical minerals," using the U.S. Geological Survey (USGS) definition as a baseline. The presentation covered the Board’s statutory authority, background on critical minerals, their importance to California’s clean energy goals, and the current list of 50 critical minerals recognized by the USGS.

Jones highlighted that critical minerals are vital to U.S. economic and national security, with supply chains vulnerable to disruption, and are essential for technologies like wind, solar, and zero-emission vehicles. California is a key player in critical mineral production—leading in rare earths, boron, lithium, and other minerals—while the state’s demand continues to grow in line with ambitious climate targets.

Jones also reviewed how California has historically produced many of these minerals. The presentation concluded with key questions for the committee to consider, such as the purpose and potential impacts of defining critical minerals in the context of conservation in state regulations, opening the floor for further discussion.

Discussion opened with Chair Kenline reflecting on how current mining regulations under SMARA reference various mineral types but do not explicitly define "critical minerals." He suggested that clearly defining critical minerals would help local agencies and planners incorporate them into general plans and land use decisions. He stressed that formal recognition is overdue, given the growing importance of critical minerals for California’s clean energy transition and noted that shortages could lead to inflated prices and hinder decarbonization efforts.

There was one public comment from the Center for Biological Diversity’s Senior Counsel, Lisa Belenky. She supported the idea of creating a California-specific list of critical minerals but cautioned against relying solely on the USGS list, which can be influenced by political factors and may include minerals (like gold) that are not truly critical to the state’s needs. She stressed the importance of a well-considered, transparent process to avoid unintended environmental impacts and expressed concern that such lists could lead to streamlined approvals for mining without adequate safeguards.

The discussion was closed out with Chair Kenline agreeing that California could develop its own criteria for defining critical minerals, considering both need and impact. Ex officio member Sheingold noted that since "critical minerals" is not currently defined in SMARA, the first step should be to create a clear definition, using USGS as a starting point but tailoring it to California’s context. Chair Kenline reiterated that any list should reflect California’s unique priorities and needs, not simply mirror federal lists.

B. Consideration of updating the Board's Mineral Classification and Designation Guidelines to reflect the inclusion of conserving critical minerals.

Board staff's Senior Geologist, Paul Fry, provided a presentation opening a discussion to consider updating the Board's mineral classification and designation guidelines to incorporate conservation of critical minerals. He reviewed the Board's legal authority under Public Resources Code Sections 2761, 2790, and 2791, which allows the State Geologist and Board to classify and designate minerals of statewide or regional significance. Fry identified current challenges, including urbanization, land use restrictions, a lack of awareness among local planners, and increased demand for critical minerals driven by climate goals and supply chain disruptions. He noted that the current guidelines are outdated (over 25 years old) and primarily focus on construction aggregate, while California's climate and clean energy goals are increasing the importance of critical minerals.

SMARA emphasizes mineral extraction and conservation as vital to California's economy and sustainability, and the classification and designation process is designed to inform local agencies for land use planning. He explained how the process identifies significant mineral deposits using the Mineral Resource Zone (MRZ) system and how designated areas must be incorporated into local general plans through mineral resource management policies. Fry recommended the following discussion topics for the committee: updating the guidelines to reflect current state priorities, modernizing criteria and procedures, aligning with federal standards, and improving public access to information, all to better support California's sustainability and resource management goals.

After Fry's presentation, committee members engaged in a discussion about how updating the critical minerals list and guidelines could impact the classification process. State Geologist Jeremy Lancaster explained that incorporating a critical minerals list—whether mirroring the federal list or unique to California—would affect how significance is determined, particularly since assessing threshold values for critical minerals is complex due to limited available data and proprietary concerns. Chair Kenline and others noted the confidentiality issues and historical examples, like the tungsten deposits, that highlight how market conditions and national needs influence resource classification.

The Board's legal counsel, Nicole Rinke, suggested that if it's the current guidelines and not statute requiring the determination of significance, then adopting a regulatory structure that called for the consideration of different information could help address some hurdles in the process. Members also acknowledged the need for better public access to older reports, which are currently hard to find. Member Driscoll also emphasized a point that Lancaster brought up previously; if critical mineral lists are defined in the guidelines, more frequent updates will be necessary to remain relevant, and he asked about potential impacts on CGS' priorities.

Lancaster responded that CGS has primarily focused on aggregates for 50 years but is now shifting toward critical minerals to support California's decarbonization goals. He explained that clearer guidelines and broader funding could streamline classification efforts. Kenline raised the question of whether deviating from the USGS list might affect federal funding, but Lancaster did not foresee an issue if scientific objectivity is maintained. Finally, the committee agreed that staff should draft formal recommendations for further review. There was consensus that the next step is to have

staff prepare proposals for updating the guidelines and defining critical minerals, which the committee could review before sending to the full Board for consideration.

9. Presentations, Reports, and Informational Items

No presentations, reports, or informational items were delivered.

10. Announcements and Future Meetings

The next Regular Business Meeting is scheduled for August 21st while the date of the next Critical Minerals Committee meeting is still to be determined.

11. Adjournment

The June 19, 2025, Critical Minerals Committee meeting was adjourned by Chair Kenline at 10:57 A.M.

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Agenda Item No. 8A September 18, 2025

Discussion Item: Review and possible recommendation of initial definition of "critical minerals."

BACKGROUND:

During the June 19, 2025, Critical Minerals Committee meeting, Board staff presented a proposal to update California's mineral conservation policy to formally define "critical minerals," using the U.S. Geological Survey (USGS) definition as a baseline. The presentation outlined the Board's statutory authority, the significance of critical minerals to national security and clean energy technologies, and California's leadership in producing key minerals such as lithium, rare earth elements, and boron. Defining critical minerals in state regulations could help align policy with California's clean energy transition and provide helpful guidance to local agencies and planners. During the discussion, Committee Chair Kenline and other Committee members expressed support for establishing a California-specific definition that reflects the state's unique priorities and climate goals. Public comment from the Center for Biological Diversity cautioned against relying solely on the federal list, which may include politically influenced or non-essential minerals, and emphasized the need for a transparent, environmentally conscious process. Committee members agreed that a clear, state-tailored definition of critical minerals is a necessary first step, which could alleviate supply disruptions, support responsible conservation and development, and inform future regulatory updates under the Surface Mining and Reclamation Act (SMARA).

The Department of Interior (DOI) and the Department of Energy (DOE) definitions for critical minerals used as a baseline are as follows:

DOI Definition from E.O. 13817 (2017):

"A non-fuel mineral or mineral material essential to the economic or national security of the United States, the supply chain of which is vulnerable to disruption, and that serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for the economy or national security."

DOE Definition from the 2020 Energy Act:

"Any mineral, element, substance, or material that has been designated as critical by the Secretary of the Interior, acting through the Director of the U.S Geological Survey (USGS); or

Any non-fuel mineral, element, substance, or material that the Secretary of Energy determines:

- *Has a high risk of supply chain disruption, and*
- *Serves an essential function in one or more energy technologies (such as those used to produce, transmit, store, or conserve energy)."*

STATUTORY AUTHORITY:

PRC Section 672: The Board shall represent the state's interest in the development, utilization, and conservation of the mineral resources of the state and the reclamation of mined lands, as provided by law, and federal matters pertaining to mining, and shall determine, establish, and maintain an adequate surface mining and reclamation policy.

PRC Section 2759: The state policy shall be continuously reviewed and may be revised. During the formulation or revision of the policy, the Board shall consult with, and carefully evaluate the recommendations of, the supervisor, any district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

PRC Section 2760: The Board shall not adopt or revise the state policy, unless a public hearing is first held respecting its adoption or revision. At least 30 days prior to the hearing, the Board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

DISCUSSION:
Considering issues specific to California, Board and California Geological Survey (CGS) staff drafted a definition of critical minerals, using the federal definitions as a starting point, for the purposes of discussion.

Suggested language for the Committee's consideration is as follows:

> ***"Critical mineral"*** *means a non-fuel mineral or mineral material that is vital to the economic security and energy transition interests of the State of California, and is vulnerable to supply chain disruption, or serves an essential function in the manufacturing of a domestic product. Such a mineral may also be on current lists of critical minerals or materials designated by the federal government as essential to the economic security or national defense of the United States.*

EXECUTIVE OFFICER RECOMMENDATION:
The Executive Officer requests that the Committee recommend this definition of "critical minerals" for the Board's consideration or provide direction to staff to bring this back for further discussion.

SUGGESTED MOTION:

> *Committee Chair and Members, considering the information before the Committee today, I move to recommend the definition of "critical minerals" as discussed today for the Board's consideration.*

OR

> *Committee Chair and Members, considering the information before the Committee today, I move to direct staff to revise the draft definition of "critical minerals" to consider the recommendations provided today and return for further discussion at the next CMC.*

Respectfully submitted:



_____
Jeffrey Schmidt,
Executive Officer

REFERENCES:

- Critical Minerals Committee Meeting (6/19/2025): 8A EO Report
- Department of the Interior 2025 Draft List of Critical Minerals
- Critical Minerals in California Building the Supply Chain for Tomorrow
- What are Critical Materials and Critical Minerals?
- Global Critical Minerals Outlook 2024 Market Review
- What Are Critical Minerals, and Why Are They So Important?
- The Hard Math of Minerals

Agenda Item No. 8B September 18, 2025

Discussion Item: Proposal of plan for updating the Board's Mineral Classification and Designation Guidelines to reflect the inclusion of conserving critical minerals.

BACKGROUND:

The "Guidelines for Classification and Designation of Mineral Lands" (Guidelines) were previously formalized in Special Publication 51 and last updated in January 2000. The purpose of the Guidelines is to help implement the Surface Mining and Reclamation Act (SMARA) by providing the State Geologist with direction in carrying out mineral resource classification of lands in California that are threatened by uses that would be incompatible with or would preclude mining. In addition, these Guidelines describe how the State Mining and Geology Board (Board) may elect to designate mineral areas of statewide or regional significance. Classification is the process of identifying lands containing significant mineral deposits. Designation is the formal recognition by the Board, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance. The objective of classification and designation processes is to ensure, through appropriate lead agency policies and procedures, that mineral deposits of statewide or of regional significance are conserved and available when needed.

During the June 19, 2025, Critical Minerals Committee meeting, Senior Geologist, Paul Fry, gave a presentation proposing to update the Guidelines to reflect the growing importance of critical minerals. He emphasized the need to modernize the 25-year-old Guidelines, which currently focus on construction aggregate conservation, and to better align with California's climate and clean energy goals. Fry also highlighted challenges such as urbanization, land use constraints, and lack of awareness among local planners, all of which limit access to important mineral resources.

Fry explained the Board's authority under Public Resources Code Sections 2761, 2790, and 2791, and described how the classification and designation process informs local planning through identification of significant mineral deposits. He recommended updating the criteria to align with both federal standards and provide information that will support California's sustainability goals.

Committee members discussed the implications of incorporating critical minerals into the classification process. State Geologist Jeremy Lancaster noted that defining threshold values for critical minerals is complex due to limited data and confidentiality concerns. Legal counsel Nicole Rinke suggested that if significance determinations are governed by Guidelines rather than statute, regulatory updates could provide needed flexibility.

Board Members also acknowledged the need to improve public access to historical mineral resource reports and discussed how revisiting those reports remains relevant today. Lancaster affirmed CGS's shift in focus from aggregates to critical minerals and noted that clearer Guidelines and broader funding could support these efforts. The committee concluded by directing staff to draft recommendations for updating the Guidelines and to bring back for committee review.

DISCUSSION:

The current Guidelines have not been updated since January 2000, and do not recognize or define "critical minerals." Updating the Guidelines may also allow for better alignment with federal standards for mineral resource assessments conducted by the State Geologist.

***Plan of Action for Updating the Mineral Classification and Designation Guidelines**:*
Board staff have devised a plan of action which is structured into three distinct phases.

- ***Phase 1** entails a comprehensive review of the existing Guidelines, identification of potential updates, and collaboration between Board staff and the California Geological Survey (CGS), culminating in a legal review of the proposed revisions.*

- ***Phase 2** focuses on the development of a draft update, beginning with preparation of the draft, followed by review by the Critical Minerals Committee (CMC), and subsequent presentation to the Board.*

- ***Phase 3** initiates pre-rulemaking activities, including public outreach to engage interested parties and solicit feedback. This feedback will be incorporated into the final draft, which will then be presented to both the CMC and the Board. Upon completion of these steps, the process will advance to the formal rulemaking stage. This phased approach is designed to ensure a transparent, collaborative, and legally compliant update to the Guidelines.*

Additional Considerations:
- *The current Guidelines, outlined in Special Publication 51 contain both regulatory and procedural elements.*
- *It may be necessary to incorporate the full document by reference within the regulations.*
- *The updated Guidelines should maintain flexibility to accommodate California's evolving needs.*
- *The Guidelines and regulations must be developed in alignment with the enabling statutes.*

EXECUTIVE OFFICER RECOMMENDATION:
The Executive Officer requests that the Committee recommend this plan for updating the Guidelines for the Board's consideration or provide direction to staff to bring this back for further discussion.

SUGGESTED MOTION:

Committee Chair and Members, considering the information before the Committee today, I move to recommend this plan for updating the Guidelines for the Board's consideration.

OR

Committee Chair and Members, considering the information before the Committee today, I move to recommend staff bring this back for further discussion.

Respectfully submitted:



_____
Jeffrey Schmidt,
Executive Officer

ATTACHMENTS:

- Plan of Action Flow Chart

REFERENCES:

- Guidelines For Classification and Designation of Mineral Lands
- Critical Minerals Committee Meeting (6/19/2025): 8B EO Report

Attachment: Flowchart

Mineral Classification and Designation Guidelines Update

COLLABORATION





- **Interested Parties**

+



- **Board Staff**
- **Critical Minerals Committee (CMC)**
- **State Mining and Geology Board (Board)**

+



- **California Geological Survey (CGS)**

Mineral Classification and Designation Guidelines Update: Plan of Action

