



# CONFORMED MINUTES

## THE STATE MINING AND GEOLOGY BOARD

**Will Conduct a Regular Business Meeting on:**

**Thursday, September 18, 2025, at 10:30 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: 296 701 671 935 9** and **Passcode: eA9zw6ch**. You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 775 779 244#**

For questions or comments regarding this Agenda, please contact the Board by email at [smgb@conservation.ca.gov](mailto: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>.



# **PUBLIC MEETING AGENDA**

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

Meeting was called to order by Chair Sheingold at 11:06 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 Members Driscoll, Holst, Kenline, Whyte, Zafir, Vice Chair Jung, and Chair Sheingold present, and a Quorum was declared. Members Landregan and Los Huertos were not in attendance.

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

Chair Sheingold made his general announcements and reviewed the agenda.

**5. Department Reports**

**A. Department of Conservation Report (Tiffany)**

Chief Deputy Director, Gabe Tiffany, expressed appreciation for the Board's earlier discussion on critical minerals, emphasizing its importance and the Department's continued interest in the topic. He also took a moment to recognize Greg Tenorio for his extensive contributions to the Department, describing him as an invaluable resource with deep institutional knowledge, particularly around SMARA and departmental operations.

Tiffany concluded by highlighting the Division of Mine Reclamation's (DMR) Lindsay Whalin and her role in organizing the Good Samaritan Forum.

**B. Division of Mine Reclamation Report (Whalin)**

Lindsay Whalin, Supervisor DMR, opened by thanking Greg Tenorio for his mentorship during her transition from the abandoned mine lands program into the SMARA program. She then previewed the upcoming Good Samaritan Forum scheduled for September 29 - a virtual event focused on new federal liability protections for third parties cleaning up abandoned mines. The U.S. Environmental Protection Agency (EPA) is piloting 15 permits to address long-standing legal barriers under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Clean Water Act. The forum will feature several notable speakers. It is open to the public, with invitations available via email and details to be posted DMR's website.

Whalin also announced a \$150,000 federal grant awarded to DMR and the California Department of Fish and Wildlife (CDFW) to support remediation at a legacy mine in the Sierra Foothills—marking the first such project on CDFW lands. She credited AML Program Manager Kyle Johnson for expanding interagency partnerships.

In SMARA program updates, Whalin reported three administrative penalties issued for the 2023 reporting year, 113 non-filers identified, and 43 formal notices sent. She praised April Balestreri's team for managing enforcement alongside 2024 reporting efforts.

Finally, Whalin highlighted a lead agency outreach effort with DMR, California Geological Survey (CGS), and the Board that launched with a meeting in Merced County. The initiative aims to strengthen SMARA implementation through improved coordination with local agencies, particularly those facing staffing and resource challenges.

C. California Geological Survey Report (Lancaster)

State Geologist Jeremy Lancaster reported that CGS, under contract with the USGS Earth MRI program, is conducting mapping and geochemical studies in the Barstow area to identify lithium-bearing clays such as hectorite within the Miocene Barstow Formation and associated lakebed deposits. The recently published *Geologic Map of the Western Cady Mountains* outlines the region's geologic units and lithium potential. Lancaster concluded that CGS is also performing statewide geochemical reconnaissance to guide future detailed mapping efforts.

6. **Chair Report (Sheingold)**

Chair Sheingold reported on several activities since the last meeting, including a site visit to the Mountain Pass Rare Earth Mine in San Bernardino County and participation in the kickoff of the lead agency outreach program in Merced County. He held multiple meetings with DMR, CGS, and Board staff regarding the outreach effort, attended two critical minerals webinars hosted by Resources for the Future, and participated as an ex officio member in two Critical Minerals Committee meetings. Additionally, he sat in on the public hearing to receive comments related to the recently released Alquist-Priolo Earthquake Fault Zone and Seismic Hazard Zone maps.

7. **Executive Officer Report (Schmidt)**

Executive Officer Jeffrey Schmidt reported that Board staff have been quite busy since the last meeting. Key activities included the inaugural Critical Minerals Committee meeting, a site visit to the Mountain Pass Rare Earth Mine, and participation in the Merced County lead agency outreach. Board staff also co-hosted a public hearing on proposed Alquist-Priolo Earthquake Fault Zone and Seismic Hazard Zone maps, receiving comments from Los Angeles County.

Additionally, the Sacramento Mineral Designation rulemaking was approved by the Office of Administrative Law (OAL) on September 15. In the coming weeks, Board staff plan to withdraw the PRC 2714(f) rulemaking package from the formal process to make revisions based on the public comments received. Progress continues on the lead agency Mining Ordinance Update Project, with current efforts focused on Mendocino, San Bernardino, and Shasta counties, and the City of Susanville. Upcoming work with Humboldt, Merced, and San Diego counties will commence soon. Schmidt concluded by honoring Greg Tenorio's retirement, recognizing his deep expertise and long-standing service.

8. **Geologist Report (Fry, Jones)**

Geologist Mallory Jones reported on recent Board staff activities, including finalizing the 2024 inspection reports and cost estimate reviews, meeting with El Dorado County on a proposed new mining operation, and conducting a revegetation survey at the Lapis Sand Mine in collaboration with DMR. Additionally, the Board is processing proposed reclamation plan amendments for the Garnet Pit in Desert Hot Springs and the Spring Valley Quarry in Yuba County. Invoicing for the 2023 inspection cycle and 2024 annual administration fees is also complete, and 2025 inspections are already underway.

Jones also provided an update on the Mining Ordinance Update Project, noting that staff submitted comments on San Bernardino County's draft ordinance and met with Mendocino County's consultant to review their final draft. Additionally, staff met with Calaveras and Monterey counties regarding their ordinance updates, and meetings with Humboldt and San Diego counties have been scheduled for early October. Other activities included attendance at a Bay Conservation and Development Commission (BCDC) sand study meeting, an inspection in Nevada County related to suspected illegal mining and stream alteration, and co-presenting with DMR Supervisor Lindsay Whalin on the Department's outreach efforts.

Senior Geologist Paul Fry concluded the report with details on the Nevada County inspection, as requested by Member Zafir. Fry explained that DMR requested Board staff participation in a multi-agency site inspection at the Yuba River which borders Yuba County. Fry confirmed that no disturbance occurred within Yuba County, where the Board serves as the SMARA lead agency, and therefore no Board action was required. Member Zafir expressed concern about staff participating in inspections outside the Board's jurisdiction without prior legal consultation. Fry acknowledged the concern and agreed to consider that approach in the future.

## **9. Board Committee Reports**

### **A. Critical Minerals (Chair Kenline)**

Committee Chair Kenline reported that the Board unanimously approved the formation of the Critical Minerals Committee on May 15, 2025, in response to increasing federal and state interest in critical minerals. At the committee's first meeting on June 19, 2025, members discussed updating California's mineral conservation policy to include a definition for critical minerals and revising the Mineral Lands Classification and Designation Guidelines. The meeting aimed to gather input from the Department, State Geologist, and the public. The committee recommended staff move forward with drafting a definition and collaborating with the State Geologist on guideline updates. At the most recent meeting, the committee developed an initial draft definition and recommended that staff present it to the full Board and begin planning updates to the Mineral Lands Classification and Designation Guidelines to incorporate critical minerals.

## **10. Ex-Parte Communication Disclosure**

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.

Nothing to report.

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

There were no public comments.

## **12. 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 Regular Business Meeting held on:  
May 15, 2025

Vice Chair Jung motioned to approve the Conformed Minutes, and Member Zafir seconded the motion. The motion passed unanimously.

## **13. Regular Business Items**

- A. Review of staff compliance activities at Pyrite Quarry, summary of Draft Stipulated Order to Comply negotiated with Riverside Mining Ltd., and recommendation for Board to delegate to the Executive Officer, Jeffrey Schmidt, authority to finalize and execute the Stipulated Order to Comply.

Senior Geologist Paul Fry presented an update on staff compliance activities at the Pyrite Quarry, including a summary of the draft Stipulated Order to Comply (SOTC) negotiated with Riverside Mining Limited, the operator. Fry explained that the Board serves as the SMARA lead agency for the site because the City of Jurupa Valley lacks a certified mining ordinance. The 66-acre hard rock quarry has operated since the 1950s and currently maintains \$2.5 million in financial assurances. Following the 2023 and 2024 inspections, staff identified several boundary exceedances and other compliance issues, leading to a 2024 Notice of Violation. The operator subsequently agreed to enter into an SOTC to address these violations.

Fry summarized the order's key provisions, including cessation of unauthorized activities, submission of a survey to confirm boundary limits, coordination with adjacent property owners, updates to the reclamation plan and financial assurance cost estimates, quarterly status reporting, and cooperation with ongoing City of Jurupa Valley litigation regarding imported fill. He emphasized that the SOTC provides an enforceable compliance framework while allowing flexibility for future reclamation plan amendments. Staff recommended that the Board delegate authority to the Executive Officer to finalize and execute the agreement allowing for minor revisions to be made efficiently without returning to the full Board. Fry concluded that this would expedite the resolution of the outstanding compliance issues at the Pyrite Quarry.

Board members discussed the SOTC, with questions focusing on the stormwater pond's compliance status and the handling of imported fill material. Fry clarified that the depth of the stormwater pond has not been verified against the reclamation plan, and coordination is underway with the Regional Water Quality Control Board, the Department of Toxic Substances Control, and the City of Jurupa Valley to ensure appropriate corrective actions. Regarding imported fill, Fry explained that related activities fall under the City's regulatory authority and are the subject of ongoing litigation between the City and the operator.

The discussion concluded with the operator's legal counsel expressing appreciation for staff collaboration and confirming support for the SOTC. Vice Chair Jung then motioned to delegate authority to the Executive Officer to finalize and execute the SOTC drafted for the Pyrite Quarry. Member Driscoll seconded the motion, and the motion carried unanimously.

B. Review of initial definition of "critical minerals," with possible action by the Board.

Geologist Mallory Jones presented a draft definition of "critical minerals" to the Board for review and discussion. The draft stems from a June 2025 committee meeting, where members emphasized the importance of a California-specific definition to support national security, clean energy goals, and the state's leadership in mineral production. Staff developed the draft in collaboration with Committee Chair Kenline and CGS, using federal definitions as a starting point and incorporating public feedback.

The proposed definition describes a critical mineral as a nonfuel mineral vital to California's economic security or energy transition, particularly if it is vulnerable to supply chain disruption or essential to domestic manufacturing. It may also include minerals listed by the federal government as critical to national defense or economic interests. Jones noted that this is an initial step in the pre-rulemaking process, intended to guide public engagement and further refinement. Jones concluded with opening the floor up to

discussion and seeking direction from the Board on whether to initiate pre-rulemaking activities or revise the draft for future consideration.

In reviewing the Critical Minerals Committee's recommendation, the full Board also discussed and responded to points made during the committee meeting. Vice Chair Jung expressed strong support for moving forward with the draft definition, emphasizing that while concerns exist, they can be addressed during the public engagement and rulemaking process. He cautioned against overanalyzing and delaying progress and formally moved to direct staff to initiate pre-rulemaking activities. Member Holst acknowledged the need to move forward but raised concerns with the current draft. He proposed an alternate definition that more closely aligns with federal language while incorporating California-specific priorities, particularly climate goals. Holst read his alternate definition aloud and introduced a substitute motion directing staff to initiate pre-rulemaking activities based on it. After discussion, Member Whyte seconded the substitute motion. Members Holst and Whyte voted in favor of initiating pre-rulemaking based on the alternate definition while Members Driscoll, Kenline, Zafir, Vice Chair Jung, and Chair Sheingold voted against. The motion failed, 2–5.

Following the failed substitute motion, the Board returned to Vice Chair Jung's original motion to initiate pre-rulemaking activities based on the definition presented by Board staff. Member Driscoll seconded it, and the motion passed 5-2 with Members Driscoll, Kenline, Zafir, Vice Chair Jung, and Chair Sheingold voting in favor while Members Holst and Whyte voted against. Chair Sheingold and Member Kenline both affirmed that Holst's input and other interested parties' concerns would be considered as the process moves forward, ensuring that the definition continues to evolve through public and Board engagement.

C. Proposal of plan for updating the Board's Mineral Classification and Designation Guidelines to reflect the inclusion of conserving critical minerals with possible action by the Board.

Senior Geologist Paul Fry presented a plan of action to update the Board's Mineral Classification and Designation Guidelines to incorporate the conservation of critical minerals. The current guidelines, last formalized in 2000 through Special Publication 51, support the implementation of SMARA by guiding the classification of mineral lands and informing local agencies' mineral resource conservation. Fry emphasized the need to modernize the guidelines considering evolving challenges such as urbanization, land use constraints, and limited awareness of critical mineral resources. The proposal, developed following direction from the June 2025 Critical Minerals Committee meeting, outlines a collaborative three-phase plan.

Phase one involves a joint effort between Board staff, CGS, and legal counsel to review the existing guidelines and develop a timeline for the update. Phase two includes drafting revisions, presenting them to the Critical Minerals Committee, and conducting public outreach and pre-rulemaking engagement. Phase three would incorporate feedback, finalize the draft, and bring it back to the Board for approval before initiating formal rulemaking. Fry concluded by recommending that the Board direct staff to proceed with the proposed plan or, alternatively, return the plan for further development and future consideration.

Board members discussed the need to update the guidelines, noting that the effort originated from growing interest in critical minerals but would ultimately serve to

modernize the 25-year-old document as a whole. Fry explained that current guidelines focus primarily on construction aggregates and lack reference to critical minerals, and the update would expand their scope to address a broader range of resources in line with evolving state and federal priorities. Following the discussion, Vice Chair Jung moved to approve the proposed plan of action, and Member Zafir seconded the motion. The motion passed unanimously among present members.

D. Election of the Board's Vice-Chair

The Board proceeded with its annual election of Vice Chair. Although Vice Chair Jung had initially expressed interest, he withdrew his candidacy and nominated Member Kenline, acknowledging his effective leadership on the Critical Minerals Committee. Member Kenline accepted the nomination, noting his willingness to serve if needed. With no other nominations, the Board voted, and Member Kenline was unanimously elected Vice Chair by all members present.

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

A. Acknowledgment of Greg Tenorio (DOC Legal) and Rick Wilson (CGS) (DOC, CGS, and SMGB staff)

Chair Sheingold recognized Greg Tenorio with an acknowledgement honoring his service. He praised Greg as a modern-day “keeper of the code” for his deep knowledge of SMARA and his role in guiding rulemaking efforts. Several colleagues, including Paul Fry, Adam Harper (CalCIMA), Nicole Rinke, and Board Members Kenline and Zafir, expressed appreciation for Greg’s mentorship, institutional knowledge, and thoughtful contributions to policy and enforcement. They highlighted his impact on the program, his collaborative approach, and his role in shaping more constructive regulatory processes. Greg responded with gratitude, reflecting on his career in mining and policy, his time supporting COVID-19 contact tracing, and his appreciation for the relationships and progress made. He encouraged continued implementation and improvement of the work he helped advance. The Board and staff wished him well in retirement, many joking about joining him on the mountain biking trails.

Following Greg’s recognition, Chair Sheingold noted that an acknowledgement for Rick Wilson was also planned but would be presented at the next Board meeting as Wilson was unable to attend today.

B. Report on Board Staff's Mountain Pass Mine Site Visit (SMGB Staff)

Senior Geologist Paul Fry provided an overview of a recent visit to the Mountain Pass Mine in San Bernardino County, North America’s only rare earth element mine operated by MP Materials. Located southeast of Las Vegas, the mine produces several rare earth products derived from the mineral bastnäsite, including bastnäsite concentrate, neodymium praseodymium carbonate, neodymium oxide, and praseodymium oxalate. Board Chair Sheingold, Member Kenline, and staff toured the site on July 1, where MP Materials representatives discussed the mine’s history, current surface mining operations, and downstream processing activities conducted both onsite and at a related facility in Texas. The tour included a view of the open pit, overburden piles, and processing plant, illustrating the complexity of the beneficiation process. Fry noted that MP Materials faces economic challenges related to international trade and tariffs but continues to pursue investments aimed at producing rare-earth magnets domestically. The mine currently supports approximately 650 jobs, with an estimated operational life extending to 2056 and ongoing exploration to expand production.



Following the presentation, Board members discussed the mine's geology, mineral production, and regulatory oversight. Member Kenline provided historical context and noted that Mountain Pass is currently in full production, processing some materials on-site and others at MP Materials' Texas facility. He added that the company has partnered with General Motors, Apple, and the U.S. Department of Defense to strengthen domestic supply chains and reduce dependence on Chinese processing. Member Holst asked whether the visit was purely informational or if any requests were made of the state. Fry explained that while the visit was primarily informational, the operator raised concerns about delays by San Bernardino County in completing required SMARA inspections and financial assurance reviews. Board staff subsequently followed up with the county to stress the importance of timely compliance and noted that updates to the county's mining ordinance should help ensure regular inspections and prompt financial assurance evaluations in the future.

**15. Executive Session (Closed to the Public)**

No executive session was held.

**16. Announcements and Future Meetings**

The next Regular Business Meeting is tentatively scheduled for October 16, 2025.

**17. Adjournment**

With a unanimous vote, Chair Sheingold adjourned the September 18, 2025, Regular Business Meeting at 12:56 P.M.

# 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 State 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.

## **GENERAL PROCEDURAL INFORMATION ABOUT BOARD MEETINGS**

The Board is governed by the Bagley-Keene Open Meeting Act that requires the Board to:

- 1) Publish an Agenda at least ten days in advance of any meeting
- 2) Describe in the Agenda specific items to be transacted or discussed
- 3) Refuse to add an item no later than ten days prior to any meeting and republishing of the agenda
- 4) Call a closed session by the Chair to discuss litigation and other matters
- 5) Make all testimony, files, and documents part of the administrative record

Other Agenda material and reports will be available approximately one week prior to the scheduled Board meeting. All Board related information is available at <https://www.conservation.ca.gov/smgb>.

The Board encourages the submittal of comments, written material, or technical reports thirty days prior to the applicable Board meeting. All such material concerning any matters on the agenda can be submitted to: [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov) or addressed to:

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

Following the Board meetings, links to presentations and meeting recordings will be available upon request: [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov)