Publication Date: Friday, November 7th, 2025

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, November 20th, 2025, at 10:00 a.m.

California Natural Resources Headquarters
715 P Street, Second Floor RM 2-201
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: 242 484 549 777 9** and **Passcode: kL2EH7Jz.** You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 350 271 93#**

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 (Sheingold)**

2. **Pledge of Allegiance**

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

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

5. **Department Reports**
   A. Department of Conservation Report (Tiffany)
   B. Division of Mine Reclamation Report (Whalin)
   C. California Geological Survey Report (Lancaster)

6. **Chair Report (Sheingold)**

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

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

9. **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.

10. **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.

11. **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:
    September 18, 2025

12. **Regular Business Items**
    A. Consideration and approval of the Garnet Pit's (Mine ID# 91-33-0031) reclamation plan amendment
    B. Review and discussion of San Bernardino County's Draft Updated Mining Ordinance; no formal action will be taken by the Board
    C. Consideration and Approval of the 2024-2025 Annual Report
    D. Consideration and Approval of the 2026 SMGB Meeting Schedule

13. **Presentations, Reports, and Informational Items**
    A. *Mining Ordinance Update Project, Progress Update* (SMGB Staff)

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

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

15. Announcements and Future Meetings

16. 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.

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Agenda Item No. 11A

November 20th, 2025

Consideration and Approval of Minutes for the September 18, 2025, Regular Business Meeting

INTRODUCTION:
Approve the Conformed Minutes for the State Mining and Geology Board's September 18, 2025, Regular Business 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 September 18th, Regular Business Meeting.

Respectfully submitted:

Jeffrey Schmidt,
Executive Officer

Publication Date: Friday, September 5th, 2025

DRAFT
CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

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715 P Street, Second Floor RM 2-302B
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CALIFORNIA STATE MINING AND GEOLOGY BOARD
EUREKA
EST. 1885

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.

During the discussion, 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, but it failed in a roll call vote.

Following the failed substitute motion, the Board returned to Vice Chair Jung's original motion. Member Driscoll seconded it, and the motion passed by majority vote. Chair Sheingold and Member Kenline both affirmed that Holst's input and other interest 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.

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Agenda Item No. 12A

November 20th, 2025

Consideration and Approval of the Garnet Pit's (CA Mine ID# 91-33-0031) Reclamation Plan Amendment.

INFORMATION AND BACKGROUND:

Under the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code Section (PRC) 2710 et seq.), a surface mining operation must have a permit, a reclamation plan and financial assurances approved by its respective lead agency.

Garnet Reclamation, LLC (Operator) operates the Garnet Pit surface mining operation (Mine) located in Palm Springs, California. The State Mining and Geology Board (Board) is the SMARA lead agency for the Mine. In this capacity, the Board is responsible for approving reclamation plans and financial assurances and annually inspecting the mining operation for compliance with SMARA. At the same time, the Board acknowledges that the City of Palm Springs (City) retains its land use authority regarding the site and for insuring conformity with the City's municipal codes.

The Operator is proposing to amend its reclamation plan to revise revegetation methods and performance standards and removes approximately 22 acres of reclaimed mined lands (the central portion of the pit) from the reclamation plan. This reclamation plan amendment (RPA) supplements a previous amendment with altered revegetation requirements acknowledging the post-reclamation inert debris fill operation (IDEFO), as reviewed and/or authorized by the City of Palm Springs, the Colorado River Basin Regional Water Quality Control Basin, and the Riverside County Department of Environmental Health.

Board staff concur with the operator in that the proposed RPA is not a substantial deviation from the existing reclamation plan (14 Cal. Code of Regs. § 3502(d)). The RPA would not increase the disturbance area or depth of mining, would not extend the current termination date, would not substantially affect the approved end use, and would not introduce inconsistencies with previously adopted environmental determinations. Use of mined lands as an IDEFO operation has already been approved by the City, and the Reclamation Plan was previously revised to reflect the change in end use in 2023.

Board staff considers this minor amendment to be eligible for Class 1 and Class 4 exemption under the California Environmental Quality Act (CEQA)for the following reasons:

- CEQA's Class 1 categorical exemption exempts "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." (14 Cal. Code of Regs., Section 15301.) The Operator seeks to amend the approved Reclamation Plan by removing specified reclaimed acreage and permitting natural revegetation processes in lieu of artificial or engineered revegetation methods. The proposed amendment does not authorize, nor would it result in, any expansion of the existing use or operational footprint of the facility. Accordingly, the RPA qualifies for a Class 1 categorical exemption pursuant to the CEQA Guidelines, as it involves negligible or no expansion of an existing use.
- CEQA's Class 4 Categorical exemption consists of "minor public or private alterations in the condition of land, water, and/or vegetation" (14 Cal. Code of Regs., Section 15304.) The RPA would remove certain acreage from the Reclamation Plan and would continue to require reclamation of the other areas but would now provide for natural instead of artificial revegetation. These actions would result in only minor, if any, physical alterations to the Mine site. Therefore, the RPA qualifies for a Class 2 categorical exemption.

DMR RPA COMMENTS:

After the RPA was submitted, DMR conducted its review and, within the 45-day review period, issued comments. The operator then submitted a response to address the concerns identified.

DMR Comment #1:

> "Although a biological report has been provided to support natural recruitment on site, quantitative measures of vegetative cover, density, and species richness were not provided, nor were quantitative standards for success in reference areas. The RPA should be revised to specify quantitative success criteria for cover, density, and species richness for natural recruitment using current sampling techniques of reference areas and/or local recovery rates."

Response to Comment #1:

The operator provided a "Revegetation Supplemental Report" (by Coast Biology, LLC, dated October 14, 2025) that provides updated revegetation success criteria, which will be included as a part of the reclamation plan amendment.

DMR Comment #2:

> "The RPA does not include a noxious weed management plan…The RPA shall include a weed abatement and management plan, regardless of the proposal to remove revegetation requirements."

Response to Comment #2:

The operator provided a "Revegetation Supplemental Report" (by Coast Biology, LLC, dated October 14, 2025) that provides a noxious weed management plan, which will be included as a part of the reclamation plan amendment.

RPA REVIEW TIMELINE:

Date	From	To	Description
4/30/2025	City of Palm Springs	Board staff	Correspondence from City of Palm Springs regarding proposed RPA
5/26/2025	Operator	Board staff	RPA submittal
8/5/2025	Board staff	DMR	RPA submittal to DMR for review and comment under PRC 2772.1
9/30/2025	DMR	Board staff	RPA comment letter
10/14/2025	Operator	Board staff	Operator response to DMR comments
10/17/2025	Board staff	DMR	Response to comments and 30-day Notice of Intent to Approve RPA

SUPPORTING DOCUMENTATION:

The RPA and supporting documents are provided for your review and can be accessed here: https://doc.box.com/s/tmeifafqztb3qh3ypjcokcclawh8fxmi

1. **Correspondence from City of Palm Springs**, dated April 30, 2025.
2. **Garnet Pit RPA Submittal Letter**, "Administrative Minor Reclamation Plan Amendment, Garnet Pit – CA Mine ID 91-33-0031," dated May 26, 2025.
3. **RPA Submittal to DMR**, "Submittal of Reclamation Plan Amendment #4," dated August 5, 2025.
4. **DMR Comment Letter**, "Reclamation Plan Amendment #4 Review, Garnet Pit Mine (CA Mine #91-33-0031), dated September 30, 2025.
5. **Operator Response to DMR Comments**, dated October 14, 2025.
6. **30-Day Notice of Intent to Approve RPA**, "Notice of Intent to Approve Reclamation Plan Amendment #4," dated October 17, 2025.
7. **Garnet Pit RPA #4**, "Garnet Rock Pit, Amended Reclamation Plan, Amendment #4," dated October 2025.

EXECUTIVE OFFICER RECOMMENDATION: The Executive Officer recommends that the Board approve the RPA for the Garnet Pit pursuant to PRC sections 2770, 2772 and 2772.1 and other associated regulations.

SUGGESTED MOTION:

> *Board Chair, based on the information presented to the Board today, I move that the Board approve a Class 1 (Existing Facilities) and Class 4 (Minor Alterations to Land) categorical exemption pursuant to CEQA Guidelines Sections 15301 and 15304, and further approve the Reclamation Plan Amendment (RPA) for the Garnet Pit in accordance with the Surface Mining and Reclamation Act of 1975.*

Respectfully submitted:



_____

Jeffrey Schmidt,
Executive Officer

Agenda Item No. 12B

November 20th, 2025

Review and discussion of San Bernardino County's Draft Updated Mining Ordinance; no formal action will be taken by the Board

INTRODUCTION:

Lead agency mining ordinances must establish procedures for the review and approval of reclamation plans, financial assurances, and the issuance of a permit to conduct surface mining operations. This includes the need for public hearings with at least one necessary for the permit and reclamation plan. A public hearing for approval on the initial financial assurance is also appropriate following approval of the reclamation plan. The local mining ordinance should include aspects addressing inspections, enforcement, record keeping, and mineral resource conservation and management. To assist local agencies in drafting and updating mining ordinances, the State Mining and Geology Board (Board) revised the Mining Ordinance Guidance Document (MOG) in September 2023, incorporating recommended guidance and model language that address major updates as a result of AB 1142 and SB 209 (2017).

Following the drafting or amending of a mining ordinance, the Board certifies lead agency ordinances as being in accordance with state policy if they adequately meet or impose requirements more stringent than the Surface Mining and Reclamation Act of 1975 (SMARA). Additionally, the Board may review an ordinance and provide comment to the Lead Agency for revision prior to certification.

The San Bernardino County's (County) surface mining ordinance was last certified by the Board in 1999. On May 18, 2023, the County contacted the Board to initiate their local mining ordinance update and provided a draft updated mining ordinance for review and comment.

AUTHORITY:

Pursuant to SMARA, Public Resources Code (PRC) Section 2774(a), every lead agency is required to adopt ordinances in accordance with state policy which establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations.

PRC Section 2774.3 states that "the board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with state policy and shall certify the ordinance as being in accordance with state policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the board pursuant to this chapter."

PRC Section 2774.5 states that "if, upon review of an ordinance, the board finds that it is not in accordance with state policy, the board shall communicate the ordinance's deficiencies in writing to the lead agency. Upon receipt of the written communication, the lead agency shall have 90 days to submit a revised ordinance to the board for certification as being in accordance with state policy. The board shall review the lead agency's revised ordinance for certification within 60 days of its receipt."

DISCUSSION:

Over the past two years following the County's submittal of their draft updated mining ordinance, Board staff have provided comments, recommendations and met several times with County staff and their consultant, Land Logistics to confirm the ordinance meets the minimum requirements of SMARA. The Board's legal

counsel also reviewed the updated ordinance. Additionally, the County conducted local outreach with local mine operators and the California Construction and Industrial Materials Association (CalCIMA) to receive feedback and comments throughout the drafting process of their updated mining ordinance.

On October 16, 2025, the County submitted their final draft for review. Board staff provided minor comments and consider the draft updated mining ordinance ready for the Board's review. Board staff request that the Board provide comments on the County's updated mining ordinance, attached.

Ordinance Review Timeline:

Date	From	To	Description
5/18/2023	County	Board staff	County submitted initial draft updated mining ordinance for review
7/21/2023	Board staff	County	Board staff provided first set of comments to the County
9/25/2023	County	Board staff	County submitted second draft for review
10/27/2023	Board staff	County	Board staff provided second set of comments to County
10/2023	-	-	County outreach with local mine operators and CalCIMA
5/30/2025	County	Board staff	County submitted third draft for review
6/24/2025	Board staff	County	Board staff provided third set of comments to the County
10/16/2025	County	Board staff	County submitted final draft for review
11/7/2025	Board staff	County	Board staff and legal counsel met with County staff and counsel to review final ordinance

NEXT STEPS:

Following the Board's review, all comments provided will be transmitted to the County for consideration and revision of their updated mining ordinance. Once revisions are considered, the County will proceed with their local ordinance adoption process. Subsequently, the County will return to the Board to present the adopted ordinance and the corresponding local resolution for Board certification.

ATTACHMENTS:

1. Updated San Bernardino County Mining Ordinance

REFERENCES:

1. Existing San Bernardino County Mining Ordinance
2. Mining Ordinance Guidance Document (MOG)

"ATTACHMENT 1"

CHAPTER 88.03: SURFACE MINING AND LAND RECLAMATION

Section:

88.03.010 Definitions

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88.03.010 Definitions.

(a) Definitions. In addition to the definitions for specific terms listed in SMARA (section 2725, *et seq.*) and State Regulations (sections 3501, 3502 and 3701), as those terms are defined in Subsection 88.03.020(c), and those abbreviated titles and definitions listed in Divisions 1 and 10 of this Development Code, the following definitions shall apply throughout this Chapter:

(1) "CEQA" means the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) and its implementing regulations (14 California Code Regulations section 15000 *et seq*.).
(2) "Claimant" means the applicant for a vested rights determination submitted pursuant to Section 88.03.060.
(3) "DOC" means the California Department of Conservation.
(4) "DMR" means the California Department of Conservation Division of Mine Reclamation and includes the Supervisor of Mine Reclamation.

(5) "Permit" means a permit defined in SMARA section 2732.5 and includes a "Conditional Use Permit" defined by this Chapter and Chapter 85.06 of this Development Code
(6) "SMGB" means the California State Mining and Geology Board.
(7) "Vested right" means the right to conduct a legal nonconforming use of real property if that right existed lawfully before a zoning or other land use restriction became effective and the use is not in conformity with that restriction when it continues thereafter. A vested mining right, in the surface mining context, may include but shall not be limited to: the area of mine operations, the depth of mine operations, the nature of mining activity, the nature of material extracted, the quantity of material available for extraction, and the nature and scope of ancillary processing activities.

88.03.020 Purpose.

(a) Extraction of Minerals Essential to County Economic Well-Being. The County recognizes that the extraction of minerals is essential to the continued economic well-being of the County and its residents and to societal needs and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County further recognizes that the production and development of local mineral resources are necessary to build the state's infrastructure and are vital to reducing transportation emissions that result from the distribution of hundreds of millions of tons of construction aggregates that are used annually in building and maintaining the State.

(b) Surface Mining in Diverse Areas. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and their related specifications may vary accordingly.

(c) Purpose and Intent.

(1) The purpose of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by:

(A) California's Surface Mining and Reclamation Act of 1975 (Public Resources Code section 2710, *et seq.*) ("SMARA");

(B) Public Resources Code section 2207, *et seq.* ("Annual Reporting Requirements"); and

(C) State Mining and Geology Board regulations at California Code of Regulations, Title 14, section 3500, *et seq.* ("State Regulations");

(2) The intent of this Chapter is to regulate surface mining operations to ensure that:

(A) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land use;

(B) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and

(C) That residual hazards to the public health and safety are eliminated.

88.03.030 Incorporation of SMARA and State Regulations.

(a) Incorporation of SMARA and State Regulations. SMARA, the State Regulations, and Annual Reporting Requirements are incorporated by reference into this Chapter, as applicable, recognizing that not all provisions of SMARA, the State Regulations, and Annual Reporting Requirements apply to the exercise of the County's duties under this Chapter.

(b) Conflict Between This Chapter and State Law. To the extent that the provisions of this Chapter are more stringent than corresponding State law provisions, the provisions of this Chapter shall prevail, unless inconsistent with State law.

(c) Amendments. Applicable amendments to SMARA, the State Regulations, and Annual Reporting Requirements shall be deemed automatically incorporated by reference into this Chapter.

88.03.040 Applicability.

(a) Applicability. The provisions of this Chapter shall apply to activities, including surface mining operations and reclamation of mined lands, regulated under SMARA, as may be applicable to public and private property in the unincorporated areas of the County.

(b) Federal Lands. Where surface mining operations occur, or are proposed, partially or entirely on federally managed public lands, the County may accept documents and environmental studies prepared by federal agencies as functionally equivalent to meet the County's requirements under this Chapter, consistent with the 1992 Memorandum of Understanding between the State of California and such federal agencies, and any amendments thereto. A Permit shall not be required for those portions of surface mining operations that require and obtain a federally approved plan of operation, or other federal authorization, to conduct surface mining operation.

(c) Jurisdiction. Whenever a proposed or existing surface mining operation is within the jurisdiction of the County and another public agency, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding with the boundary of the agencies, the evaluation of the proposed or existing operation shall be made by the lead agency in accordance with SMARA Section 2771.

88.03.050 Permit, Reclamation Plan and Financial Assurance Requirements.

(a) Approval of Conditional Use Permit, Reclamation Plan, and Financial Assurance Required. Except as otherwise provided for in this Chapter, and consistent with SMARA, a person shall not conduct surface mining operations unless:

(1) A Permit is obtained from the County;

(2) A reclamation plan has been submitted to and approved by the County; and

(3) A financial assurance for reclamation has been approved by the County.

(b) Exemptions. This Chapter shall not apply to activities that are exempt from SMARA pursuant to SMARA section 2714 and State Regulations section 3505(a).

(c) Vested Rights. Consistent with SMARA Section 2776, a person who conducts surface mining operations pursuant to vested rights, which have been recognized by the County pursuant to this Chapter (as set forth in Section 88.03.060), shall not be required to obtain a Permit. Such operations shall be required to comply with the requirement to have an approved reclamation plan and financial assurance, as otherwise provided for in this Chapter.

88.03.060 Vested Rights Determination.

(a) Purpose.

No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall be required to secure a Permit pursuant to SMARA sections 2770 and 2776 as long as no substantial changes have been made to the operation except in conformance with SMARA. Any person claiming a vested right to conduct surface mining operations in unincorporated San Bernardino County may, to the extent required by applicable law, establish such claim in a public proceeding as provided by this Chapter. In such a proceeding the Claimant shall assume the burden of proof. The County shall recognize prior administrative determinations or confirmations of vested rights (including, but not limited to, those encompassed by a prior reclamation plan approval) consistent with applicable case law.

A person shall be deemed to have a vested right or rights to conduct surface mining operations if, prior to January 1, 1976, the person has, in good faith and

in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations, and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials. Surface mining operations after January 1, 1976, including areas not previously mined or disturbed prior to January 1, 1976, may be recognized as a vested nonconforming use under the doctrine of diminishing assets.

(b) Filing a Request for Determination.

An application for a determination of vested rights shall be initiated by filing a request for determination with the Department, to determine the establishment and/or scope of the vested right. At a minimum, the request for determination shall include the following:

(1) An application made on forms provided by the Department and filed in compliance with Chapter 85.03 (Application Procedures).

(2) An application shall require, at a minimum, each of the elements required by SMARA (SMARA section 2776), State Regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the vested rights determination, to be established at the discretion of the Director in consultation with County Counsel, consistent with SMARA (SMARA section 2776) and interpretative case law.

(3) An application shall be accompanied by a declaration or affidavit attesting to the true and accurate nature of the materials provided and shall include all required information prescribed by the Director, including the following:

(A) Name, address, and telephone number (and name, address, and telephone number of any agent for contact or service of notice, if different) of the Claimant;

(B) Name, address, and telephone number of the property owner if different than (A) above;

(C) Name, address, and telephone number of any lessee, lien holder, or other potential claimant to the vested right asserted;

(D) A map indicating the exact location of the property upon which the vested right is asserted;

(E) A legal description of such property including township and range, metes and bounds, parcel numbers, or other descriptive methods to specifically identify such property;

(F) Copies of all documents which Claimant asserts establish title to such property;

(G) Written statements, with supporting documentation, indicating the basis for the claim of a vested right to conduct surface mining operations upon such property;

(H) Written statements, with supporting documentation, identifying the scope or scale of the vested right claimed;

(I) Copies of, or statements specifically identifying, all local land use or mining ordinances or regulations which either may presently, or have historically, governed conduct of surface mining operations upon such property; and

(J) The names and mailing addresses of the owners of all properties adjacent to the property upon which a vested right is being asserted.

(c) Review and Determination Fees.

Fees for a determination of vested rights shall be established and paid in accordance with Subsection 88.03.070(b).

(d) Processing.

(1) Within 60 business days of submittal of an application for vested rights determination, the Department shall make a determination on whether the application submittal contains the minimum information required pursuant to Subsection 88.030.060(b).

(2) If the Department determines that the request for vested rights determination is not complete, it shall identify and request such information as necessary for a complete application. A new 60-day period begins with each re-submission of an application. Prior to the Department completing a staff report for the public hearing required pursuant to Subsection 88.03.060(e), the Department shall notify the Claimant if it determines that additional evidence may be required to support a recommendation that a vested right exists on some or all of the parcel(s) subject to the vested rights determination. In notifying the Claimant, the Department shall identify any additional evidence requested, and provide a reasonable time, based upon the scope of additional evidence requested, for the Claimant to provide such additional evidence.

(3) The Department shall issue a staff report with recommendations for consideration by the Board and schedule a public hearing before the Board pursuant to Subsection 88.03.060(e), to consider the application. Notice of the public hearing shall comply with Section 86.07.020. The Department shall schedule the public hearing no more than 180 business days after the Department concludes that the application is complete, unless later date is mutually agreed to by the Department and the Claimant or because the Department is required to notify the Claimant that additional evidence may be required to support a vested right pursuant to Subsection 88.03.060(d)(2).

(4) A vested rights determination is not a "project" within the meaning of CEQA and shall not be subject to environmental review under CEQA.

(e) Public Hearing.

(1) A public hearing before the Board, where required, shall be held to consider the vested rights determination in compliance with SMARA (SMARA section 2776) and this Chapter. The decision of the Board shall be final and subject to judicial review in the Superior Court of California.

(f) Evidence.

Relevant evidence in a proceeding for determination of a claim of vested rights shall be written or oral evidentiary statements or material demonstrating or delimiting the existence, nature, and scope of the claimed vested right. Such evidence may include, but is not limited to, evidence of any Permit or authorization to conduct mining operation on the property in question prior to January 1, 1976, mining activity commenced or pursued pursuant to such Permit or authorization, and zoning or land use restrictions applicable to the property in question prior to January 1, 1976. As to any land for which Claimant asserts a vested right to use for surface mining operations, Claimant shall produce evidence demonstrating that the Claimant intended to devote such areas to surface mining operations. Such evidence shall be measured by objective manifestations, and not subjective intent at the time of passage of the law, or laws affecting Claimant's right to continue surface mining operations without a permit.

(g) Determination.

Following the public hearing, the Board shall determine whether the Claimant, by a preponderance of the evidence, has demonstrated a claim for vested rights pursuant to this Chapter. The determination shall, by resolution, identify upon what specific property the vested rights are established and the scope and nature of surface mining operations included within the established vested right.

(h) Effect of Vested Rights Determination.

A final determination by the Board recognizing a claim of vested rights shall constitute acknowledgment that the specific surface mining operations as identified upon the specific property, or properties does not require a permit under SMARA (SMARA section 2770) provided that the vested right has been maintained and no substantial change may be made in such mining operations. If any vested rights identified pursuant to this Chapter are waived or abandoned, the surface mining operations identified shall become subject to the Permit requirements of SMARA.

(i) Other Requirements Applicable to Vested Mining Operations.

All other requirements of SMARA and this Chapter shall apply to vested mining operations. Those operations that are not eligible for a vested right shall be

subject to both a reclamation plan (SMARA section 2770 subsection (b)) and a Permit, as well as all applicable zoning regulations.

(j) Additional Permits.
Should a vested right be granted by the Board, the person shall obtain County approval of a reclamation plan covering the mined lands disturbed subsequent to January 1, 1976. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-SMARA and post-SMARA mining, the reclamation plan shall require reclamation proportional to the disturbance caused by the mining as of January 1, 1976 (*i.e.*, effective date of SMARA).

88.03.070 Permit and Reclamation Plan Application Filing, Processing, and Review.

(a) Application Filing.

(1) Applications for a Permit and/or reclamation plan(s) shall be made on forms provided by the Department and filed in compliance with SMARA, the State Regulations, this Chapter, and Chapter 85.03 (Permit Application and Review Procedures).

(2) The forms governing a Permit and/or reclamation plan application shall require the submittal of information meeting the requirements of SMARA and State Regulations as applicable, including but not limited to SMARA sections 2772-2773, and other information deemed necessary at the Director's discretion to facilitate an expeditious and fair evaluation of the application for a Permit and/or reclamation plan.

(3) As many copies of the application materials as may be required by the Director shall be submitted to the Department. All application materials shall be submitted to the County at one time.

(4) Applications shall be accompanied by the submittal of all required environmental review forms required by the Department to comply with CEQA, and such other information as may be deemed necessary and prescribed by the Director.

(b) Fees.

(1) Establishment of Fees. The County shall establish a schedule of fees which the County deems necessary to cover the reasonable costs incurred in implementing this Chapter (*e.g.*, fees to process applications, annual reports, inspections, monitoring, enforcement, compliance, etc.).

(2) Payment of Fees. Fees shall be paid by surface mining operators at times determined by the County to be appropriate to ensure that reasonable costs of implementing this Chapter are borne by the operators. The estimated fees relating to the processing of applications shall be paid by the applicant at the time of filing of the application and supplemented as

necessary upon completion of processing and review. Excess fees shall be returned to the applicant in accordance with the County Fee Ordinance.

(c) Processing.

(1) Within 30 days of acceptance of an application for a Permit and/or reclamation plan as complete, the Department shall notify the DMR of the filing of the application(s), consistent with the requirements of SMARA section 2772.1(b)(7)).

(2) Whenever surface mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation pursuant to SMARA Section 2770.5 that the application has been received. The County shall not issue or renew the permit until the Department of Transportation has submitted its comments or until 45 days from the date the application for the permit was submitted to the Department of Transportation, whichever occurs first.

(3) The Department shall process the application(s) through environmental review in compliance with CEQA and the County's environmental review guidelines, as applicable.

(4) Subsequent to any applicable review under CEQA and the County's environmental review guidelines, the Department shall prepare a staff report with recommendations for consideration by the Commission.

(5) Before final approval of an application for a reclamation plan, the Director shall:

(A) Certify to the DMR that the reclamation plan complies with the applicable requirements of SMARA; and

(B) Submit the reclamation plan to the DMR for review, consistent with SMARA and subsection 88.03.070(d).

(d) Review by Division of Mine Reclamation.

(1) Prior to approving a reclamation plan, the Department shall follow the process set forth in SMARA section 2772.1 to submit the reclamation plan to the DMR for review, evaluate any written comments received from the DMR within a reasonable amount of time, and prepare a written response describing the disposition of any major issues raised by the DMR, including:

(A) A description of how the Department proposes to adopt DMR's comments to the reclamation plan or detailed description of the

reasons why the Department proposes not to adopt any comments made by the DMR.

(B) The Department shall submit its responses to DMR at least 30 days prior to the intended approval of the application for a reclamation plan.

(2) The Department's staff report to the Commission shall include the Department's written response to the DMR.

(e) Action by Commission. The Commission shall hold a public hearing to consider the proposed Permit and/or reclamation plan. The Commission shall take action to approve, conditionally approve, or deny the Permit and/or reclamation plan consistent with SMARA and this Chapter.

(f) Conditional Approval. If a Permit is being processed concurrently with a reclamation plan, the Commission may conditionally approve the Permit with the condition that the Department shall not issue the Permit until the financial assurance cost estimate for the reclamation plan has been reviewed by the DMR and final action has been taken to approve the financial assurance cost estimate.

(g) Notice of Approved Reclamation Plan Provided to State. Within 30 days of approving a reclamation plan, the Department shall provide the DMR with notice of the approval, consistent with SMARA section 2772.1.

(h) Statement of Responsibility. Before commencing surface mining operations, the operator, as defined by SMARA section 2731, shall sign a statement of responsibility accepting responsibility for reclaiming mined lands in compliance with the approved reclamation plan and in accordance with SMARA subsection 2772(c)(10). The Department shall retain the statement of responsibility in the surface mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a new statement of responsibility in compliance with SMARA subsection 2773.1(c)(i).

(i) Transfer of Ownership. Upon the sale or transfer of ownership of a surface mining operation, and for the purpose of documenting the sale or transfer, a new operator shall submit the following documents to the Department consistent with SMARA subsection 2773.1(c):

(1) A Transfer of Ownership form, which shall be placed in the Department's permanent record for the operation.

(2) A statement of responsibility form, which shall be placed in the Department's permanent record for the operation.

(3) If a surface mining operation is sold or ownership is transferred to another person, the existing financial assurance mechanism shall remain in force and shall not be released by the Department until new financial assurance mechanisms are secured from the new owner and have been

approved by the Department in accordance with SMARA sections 2770, 2773.1, and 2773.4 .

(j) Findings for Issuance of Permits and Approval of Reclamation Plans.

(1) Permits. Before granting or issuing a Permit for surface mining operations, the decision-making body shall make all of the applicable findings required by Chapter 85.06 (Conditional Use Permits/Minor Use Permits).

(2) Reclamation Plans. Before approving a reclamation plan, the decision-making body shall make each of the following findings:

(A) The reclamation plan complies with the applicable requirements of SMARA, including SMARA sections 2772-2773.

(B) The reclamation plan complies with the applicable requirements of the State Regulations, including State Regulations sections 3500-3505 and 3700-3713.

(C) The reclamation plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan (e.g., Policy Plan) and with any applicable resource plan or element.

(D) The reclamation plan has been reviewed in compliance with CEQA and the County's environmental review guidelines, as applicable, and all significant adverse impacts from reclamation are mitigated below a level of significance or to the maximum extent feasible.

(E) The reclamation plan will reclaim the mined lands to a condition that is compatible with the surrounding environment, topography and/or other resources.

(k) Notice of Reclamation Plan Approval.

(1) Upon approval of a reclamation plan, the Department shall record a "Notice of Reclamation Plan Approval" with the County Recorder. The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a Reclamation Plan approved by the County, a copy of which is on file with the Land Use Services Department."

(2) In addition to the information required by subdivision (1), the notice shall also include the name of the owner of record of the surface mining operation, the name of the lead agency, and the acknowledgement signature of the County representative.

(l) Conditions of Approval. Notwithstanding Section 85.03.090, the decision-making body shall, when adopting conditions of approval as part of a Permit or reclamation plan under this Chapter, specify whether the conditions of approval may be amended by the Department or are required to be amended pursuant to Chapter 85.12.

88.03.080 Permit and Reclamation Plan Amendments.

(a) Amendments. An application for approval of an amendment to a previously approved Permit or reclamation plan shall be made in accordance with the provisions of this section. Under no circumstances shall any deviation from the approved Permit or Reclamation Plan be undertaken until the required amendment is approved by the Department pursuant to all applicable sections of this ordinance.

(b) Permit Amendment. Amendments to Permits shall be processed in accordance with Chapter 85.12.

(c) Reclamation Plan Amendment. Amendments to a Reclamation Plan shall be processed in accordance with Chapter 85.12 and pursuant to subdivisions (d)-(f) below. In the event of any conflict between Chapter 85.12 and this section, the provisions of this section shall prevail.

(d) Application Filing. An amendment to a previously approved reclamation plan shall be processed on forms provided by the Department and filed in compliance with this section, as applicable. Applications for amendments shall be reviewed by the Director to determine if the proposed modification constitutes a substantial or non-substantial deviation from the approved reclamation plan.

(e) Substantial Deviations. Pursuant to SMARA section 2777, an operator shall obtain approval of a reclamation plan amendment prior to commencing any activities that constitute a "substantial deviation" from the approved reclamation plan. Deviations from the approved reclamation plan that are determined by the Director to be substantial shall be reviewed and approved by the granting authority for the original reclamation plan, through the same procedure used for the initial approval. Whether a deviation from an approved reclamation plan is a “substantial deviation” or a “non-substantial deviation” shall be governed by subdivision (f) below.

(f) Non-Substantial Deviations. A non-substantial deviation from an approved reclamation plan shall mean any deviation from an approved reclamation plan that is not substantial when considering the factors in State Regulations section 3502(d). An application for a non-substantial deviation shall be reviewed and approved by the Director using the Staff Review without Notice procedures. Notwithstanding any provision to the contrary, the Director shall be required to find that the application for non-substantial deviation will not adversely affect the public health, safety or welfare and the change does not constitute significant

new information requiring recirculation under CEQA. Examples of non-substantial deviations may include, but are not limited to, the following:

(1) Minor changes to contours or final site topography;

(2) Minor changes to existing on-site roads and encroachments directly from the surface mining operation to a public road;

(3) Minor **c**hanges to revegetation plans, including but not limited to substitutions in the type and/or number of plant species, and/or changes in topsoil treatments;

(4) Technological or administrative changes in methods used to achieve reclamation;

(5) Measures which will ensure or maintain public safety (e.g., fences, gates, signs, or hazard removal);

(6) Minor modifications to a previously approved phasing plan; and

(7) Modifications that allow compliance with requirements imposed by other public agencies, provided the requirements are not inconsistent with the previously approved Permit.

88.03.090 Mineral Resource Protection Policies.

(a) Protection of Mines from Incompatible Uses. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Geologist or designated by the SMGB as Mineral Resource Zones (MRZ), as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the Countywide Policy Plan. Before approving a use that would be incompatible with mineral resource protection, conditions of approval shall be applied to encroaching development projects to minimize potential conflicts.

(b) Mapping of Identified Resource Areas. As required by SMARA, the Countywide Policy Plan and resource maps shall be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the SMGB of the information. Land use decisions within the County shall be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas shall be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.

(c) Mineral resources management policies. Within 12 months of receiving mineral information pursuant to SMARA section 2761, and also within 12

months of the designation of an area of statewide or regional significance within its jurisdiction, the County shall, in accordance with state policy, establish mineral resource management within the Countywide Policy Plan (and/or other general or specific plan, as appropriate) and resource maps that protect such mineral resources pursuant to and consistent with SMARA section 2762.

88.03.100 Financial Assurances.

(a) Financial Assurance Required as Condition of Approval. Any person who conducts or intends to conduct surface mining operations shall submit a financial assurance cost estimate for review and approval by the Department pursuant to SMARA section 2773.1. To ensure that reclamation will proceed in compliance with the approved reclamation plan, the County shall require financial assurances of each surface mining operation. Such financial assurances will be released upon satisfactory performance.

(1) Acceptable Types of Financial Assurance. The applicant may post the financial assurance in the form of a surety bond executed by an admitted surety insurer, as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, trust funds, irrevocable letters of credit from an accredited financial institution, or other method acceptable to the Department and the SMGB as specified in State Regulations, and that the Department reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved reclamation plan.

(2) Required Payees. The financial assurance shall be made payable to the County and DOC pursuant to SMARA section 2773.1(a)(5). The financial assurance may be made payable to any federal agency (*e.g.*, Bureau of Land Management, U.S. Forest Service, or National Park Service), where a surface mining operation is required to provide a federal agency a financial assurance pursuant to a federal approval to conduct surface mining operations on federally managed public land.

(b) Purpose of Financial Assurance. A financial assurance shall be required to ensure reclamation is performed in accordance with the surface mining operator's approved reclamation plan, including the following elements as applicable:

(1) Revegetation and landscaping requirements.

(2) Reclamation of aquatic or wildlife habitat.

(3) Reclamation of water bodies and water quality.

(4) Slope stability and erosion and drainage control.

(5) Disposal of hazardous materials.

(6) Removal of equipment and buildings that are not part of an approved end use.

(7) Other measures, if necessary.

(c) Financial Assurance Cost Estimate Review Process.

(1) Cost estimates for the financial assurance shall be submitted to the Department for review and approval.

(2) Prior to approving a financial assurance cost estimate, the Department shall follow the process set forth in SMARA section 2773.4 to submit the financial assurance cost estimate to the DMR, to evaluate and respond to written comments received from the DMR, to engage in consultation with the DMR, if requested, and to notify the DMR of the intent to approve the annual financial assurance cost estimate. If the DMR does not provide any comments within the forty-five (45) day period set by SMARA section 2773.4(C)(1), the Department may assume that the cost estimate is adequate and shall notify the DMR of the intent to approve it in the time set by SMARA section 2773.4(d)(5)(D).

(3) The Department shall approve a financial assurance cost estimate meeting the requirements of this Chapter, SMARA, and State Regulations. The Department shall certify that the financial assurance cost estimate complies with the applicable requirements of SMARA.

(d) Determination of Amount of Financial Assurance Cost Estimate.

(1) A financial assurance cost estimate shall be prepared by the mine operator, a licensed engineer, or other professional experienced in the reclamation of mined lands. The financial assurance cost estimate shall be submitted to the County on the FACE-1 form approved by the SMGB.

(2) The financial assurance cost estimate shall be based on the following, consistent with State Regulations section 3804:

(A) An analysis of physical activities and materials necessary to implement the approved reclamation plan.

(B) The County's unit costs, or costs for third party contracting, for each of the physical activities.

(C) The number of units of each of the physical activities.

(D) A contingency factor of up to ten (10) percent. The contingency factor shall depend on the amount of the direct costs of reclamation and other relevant factors, consistent with the following:

Total Direct Cost ($):	Contingency (%):

0-$500,000	10
$500,000-$5 million	7
$5 million - $50 million	4
Greater than $50 million	2

(3) The financial assurance cost estimate shall not include the cost of completing mining of the site.

(4) In preparing a financial assurance cost estimate, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or DOC may need to contract with a third-party commercial company for reclamation in accordance with the reclamation plan of the mined lands associated with the surface mining operation.

(e) Time Period Financial Assurance Required to Remain in Effect. The financial assurance shall remain in effect for the duration of the surface mining operation and any additional period specified in the reclamation plan for the purpose of monitoring until reclamation is deemed completed (including any maintenance required).

(f) Annual Adjustment in Amount of Financial Assurance. The amount of the financial assurance required of a surface mining operation for any one (1) year shall be reviewed pursuant to SMARA section 2773.4(d) and, if necessary, adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in compliance with the approved reclamation plan. The financial assurance shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. The annual SMARA inspection by the County shall, in most cases, be used to validate the submitted estimate. If revisions to the financial assurance cost estimate are not required, the operator shall explain, in writing, why revisions are not required.

(g) Submittal of Revised Financial Assurance. Revisions to a financial assurance cost estimate shall be submitted to the Director within 30 days after the annual inspection date for approval of the financial assurance cost estimate pursuant to SMARA sections 2773.4(d)(2) and 2773.4(e)(1).

(h) Financial Incapability. If evidence indicates that an operator is financially incapable of completing reclamation in accordance with an approved reclamation plan or may have abandoned the surface mining operation without completing reclamation, the County shall conduct a public hearing before the Commission to determine whether the operator is financially capable of completing reclamation in accordance with the approved reclamation plan or has abandoned the surface mining operation. The hearing shall be noticed to the

operator and the DMR at least 30 days prior to the hearing. The hearing shall be conducted in accordance with SMARA section 2773.1(b)(2).

(i) Release of Financial Assurance. A financial assurance shall no longer be required of a surface mining operation, and shall be released, upon the written concurrence of the Department and the DMR, which shall be forwarded to the operator and the institutions providing or holding the financial assurance mechanism, that reclamation has been completed in accordance with the approved reclamation plan.

(j) Transfer of Financial Assurance. The transfer of a financial assurance upon the sale or change of ownership of a surface mining operation shall be completed in accordance with SMARA section 2773.1(c).

(k) Forfeiture. A forfeiture of a financial assurance, to enable the County to complete reclamation in accordance with an approved reclamation plan, shall occur pursuant to SMARA section 2773.1(b)(2).

88.03.110 Reclamation Standards.

(a) Applicable State Law.

(1) Reclamation plans shall comply with the provisions of SMARA and the State Regulations, as applicable.

(2) Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any amendments to previously approved reclamation plans that constitute a "substantial deviation," shall comply with the reclamation standards established in sections 3700-3713 of the State Regulations, including but not limited to, wildlife habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management.

(b) Phasing of Reclamation.

(1) Reclamation activities shall, when possible given the site conditions, be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again by future surface mining operations. Reclamation may be performed on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County.

(2) Each phase of reclamation shall be specifically described in the reclamation plan and shall include all of the following information:

(A) The anticipated beginning and expected ending dates for each phase, which shall be regarded as non-binding estimates.

(B) All reclamation activities planned.

(C) Criteria for measuring completion of specific reclamation activities.

88.03.120 Interim Management Plans and Idle Mines.

(a) Deadline for Submittal of Interim Management Plan. Within 90 days of a surface mining operation becoming "idle," as defined by SMARA section 2727.1, the operator shall submit to the Department an application for an Interim Management Plan (IMP) in accordance with the provisions of this section, consistent with SMARA section 2770(h)(1).

(b) IMP Submittal Requirements.

(1) The IMP shall fully comply with the requirements of SMARA and all existing Permit conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety.

(2) The IMP shall be submitted on forms provided by the Department and shall be processed as an amendment to the reclamation plan.

(3) An IMP shall not be subject to environmental review under CEQA, consistent with SMARA section 2770(h)(1).

(c) Continuation of Financial Assurance Required. The operator shall maintain a financial assurance at all times while the surface mining operation is idle, or as otherwise required through the approved IMP and consistent with SMARA section 2770(h)(3).

(d) Review by Department and Division of Mine Reclamation. On receipt of a complete IMP, the Department shall provide the IMP to the DMR for review, and the Director shall review and approve the IMP, pursuant to SMARA section 2770(h)(4)-(6). The determination of the Director to approve or deny the IMP shall not require a public hearing. The operator may appeal a Director's denial of an IMP in compliance with Chapter 83.08.

(e) Duration. The IMP may remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:

(1) Renew approval of the IMP for an additional period not to exceed five years, which may be renewed for one additional five-year period at the expiration for the first five-year renewal period, if the Director finds that the operator has fully complied with the provisions of the IMP. The determination by the Director to extend the term of the IMP shall not require a public hearing.

(2) Require the operator to commence reclamation in accordance with the approved reclamation plan; provided, however, that notwithstanding

such a requirement, the surface mining operation shall not be considered abandoned unless: (i) clear and convincing evidence demonstrates that the operator has "abandoned" the surface mining operation as that term is interpreted by applicable law, and (ii) the County has, following a noticed public hearing before the Commission, determined that the surface mining operation has been so abandoned.

(f) Unless review of an IMP is pending before the Director, or an appeal is pending before the Commission or the Board, a surface mining operation which remains idle for over one year after becoming idle without obtaining approval of an IMP shall be considered in violation of this Chapter.

88.03.130 Annual Report.

Surface mining operators shall forward an annual surface mining report to the DMR and to the Department on a date established by the DMR, upon forms furnished by the SMGB. New surface mining operations shall file an initial surface mining report and any applicable filing fees with the DMR within 30 days of initial permit approval, or before commencement of operations, whichever is sooner. Applicable fees, together with a copy of the annual inspection report, shall be forwarded to the DMR at the time of filing the annual surface mining report.

88.03.140 Inspections.

(a) Annual Inspection. The Department shall conduct an annual inspection of a surface mining operation in intervals of no more than 12 months to determine whether the surface mining operation is in compliance with this Chapter. The Department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 88.03.130 (Annual Report).

(b) Eligible Inspectors. Inspections may be made by a State-licensed geologist, State-licensed civil engineer, State-licensed landscape architect, or State-licensed forester, or a qualified Department employee, such as those certified in the Division of Mine Reclamation training programs under SMARA section 2774(d)(3), who is experienced in land reclamation and who has not been employed by the surface mining operation being inspected in any capacity during the previous 12 months. All inspectors conducting annual inspections shall have on file with the County and the Division of Mine Reclamation a current Certificate of Completion of an inspection workshop, and any additional licensing and disciplinary information of the inspector.

(c) Inspection Forms. The annual inspection(s) shall be conducted using a form approved and provided by the SMGB.

(d) Notification of Inspection to State. The Department shall submit the completed inspection form to the DMR within 90 days of completion of the inspection, along with a notice of completion that includes a statement regarding

the surface mining operation's compliance with SMARA, and the information required by SMARA section 2774(b), including any supporting documentation that substantiates the County's findings, and shall forward a copy of the inspection notice and any supporting documentation to the operator. All inspections shall be conducted in accordance with State Regulations.

(e) Payment for Inspection. The operator shall be solely responsible for the reasonable cost of the inspection pursuant to Section 88.03.070(b)(1).

88.03.150 Enforcement.

(a) Compliance Process. The County has primary responsibility for enforcing this Chapter. The County shall enforce this Chapter consistent with SMARA sections 2715, 2774.1 and 2774.2, and as provided for herein.

(b) Notice of Violation. If the Director determines, based upon an annual inspection or otherwise confirmed by an inspection, that a surface mining operation is not in compliance with this Chapter, the County shall send the operator a notice of violation by personal service or certified mail. The notice of violation shall describe the violation and specify the actions that the operator shall take to correct the violation.

(c) Time for Correction. If the time to correct the violation will exceed 30 days, the operator and Director may, pursuant to SMARA section 2774.1(a)(2), enter into a stipulated order to comply that specifies an agreed-upon time for correcting the violation(s) specified in the notice of violation.

(d) Order to Comply.

(1) If the violation continues beyond 30 days after the service of a notice of violation or the operator does not commit to enter into a stipulated order to comply within 30 days of being served with the notice of violation, the Director may issue an order to comply by personal service or certified mail requiring compliance with this Chapter, and consistent with SMARA section 2774.1(a)(3)(A).

(2) An order to comply shall specify (i) those aspects of the surface mining operation which are not in compliance with this Chapter, (ii) a time for compliance that is reasonable taking into account the seriousness of the alleged violation and any good faith efforts by the operator to comply with applicable requirements, and (iii) the actions and legal processes required to correct the violation. If an operator does not have an approved reclamation plan or financial assurance, an order to comply may direct that all surface mining activities shall cease, consistent with SMARA section 2774.1(a).

(3) An order to comply shall take effect 30 days following the service of the order unless within those 30 days the operator appeals the order to the Commission. Such an appeal shall be noticed and heard at a public

hearing within 45 days of the filing of the appeal or a longer period as mutually agreed upon by the operator and the County.

(e) Denial of Appeal. An operator whose appeal pursuant to subdivision (d)(3) has been denied shall not be removed from the list published by the Division of Mine Reclamation pursuant to SMARA section 2717(b) if, within 10 working days of the denial of the appeal, the operator enters into a stipulated order to comply, which includes a stipulated schedule for compliance, with the Director that is consistent with the order to comply upheld by the Commission.

(f) Administrative Penalty

(1) An operator who violates or fails to comply with an order to comply issued by the Director after the order's effective date, or who fails to submit a report or pay annual fees to the County as required by SMARA section 2207, shall be subject to an order by the Director imposing an administrative penalty of not more than five thousand dollars ($5,000) per day, assessed from the original date of non-compliance with this Chapter and consistent with SMARA Section 2774.1(f).

(A) In determining the amount of the administrative penalty, the Director shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.

(B) An order imposing an administrative penalty shall be effective upon issuance of the assessment and payment shall be made to the County within 30 days, unless the operator appeals to the Board or the superior court for review of the order pursuant to SMARA section 2774.2. An order shall be served by personal service or by certified mail.

(C) Within 30 days of the issuance of an order setting administrative penalties, the operator may petition the Board for review of the order. The Board may affirm, or set aside, in whole or in part, by its own order of the Director imposing administrative penalties. Any order of the Board shall be served by certified mail upon the operator and shall become effective upon the issuance thereof unless the operator petitions the superior court for review. Payment of an effective order for administrative penalties shall be made to the County within 30 days of service of the order. All appeal procedures shall be in accordance with SMARA section 2774.2.

(g) Imminent and Substantial Endangerment. If the County determines that the surface mine is not in compliance with this Chapter, so that the surface mine

presents an imminent and substantial endangerment to the public health or the environment, the County may seek an order from a court of competent jurisdiction enjoining that operation.

88.03.160 Permit Revocation or Suspension.

(a) Any Permit granted under the provisions of this Chapter shall be subject to revocation or suspension by the Commission, in accordance with the procedures set forth in section 86.09.170.

(b) A revocation or involuntary modification of a Permit is appealable in compliance with Chapter 86.08. Where allowed by law, including SMARA, a further appeal may be taken by the operator to the SMGB.

88.03.170 Post-Approval Procedures.

(a) Unless otherwise provided, the procedures and requirements in Division 6 of this Development Code related to Permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Permits and reclamation plans.

88.03.180 Renewable Energy Generation Facilities.

(a) The construction and operation of a renewable energy generation facility on disturbed mined lands, including all foundations and other installations, facilities, buildings, accessory structures, and other improvements to the land that are related to the generation of energy, shall be considered an interim use for the purposes of this Section and shall not require an amendment to an approved reclamation plan if all of the following are met:

(1) The renewable energy generation facility will not adversely affect the completion of reclamation in accordance with the surface mining operation's approved reclamation plan.

(2) The permit conditions of the renewable energy generation facility address and eliminate any potentially adverse impacts on the surface mining operation.

(3) The operating permit for renewable energy generation facility includes both of the following:

(A) An approved closure and decommissioning plan that will not affect the manner in which reclamation will be achieved pursuant to this Chapter.

(B) A separate financial assurance mechanism that the County determines to be sufficient to perform the removal of the renewable energy generation facility.

(4) The closure and decommissioning of the renewable energy generation facility will occur prior to the later of the following:

(A) The expiration of the Permit for the surface mining operation.

(B) The completion of reclamation in accordance with the surface mining operation's approved reclamation plan.

(5) All required permits for the construction and related land improvements for the renewable energy generation facility have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, CEQA.

(b) Approvals and action on renewable energy generation facilities shall comply with the following requirements:

(1) Prior to approving an operating permit for renewable energy generation facility subject to this Section, the County shall submit the operating permit application with all associated maps and plans to the DMR for review.

(2) The Supervisor of the DMR shall have 30 days from receipt of the application with associated documents to prepare written comments if the Supervisor chooses.

(A) The Supervisor of the DMR may provide comments relating to whether the renewable energy generation facility meets the criteria set forth in paragraph (1) to (4), inclusive of Subdivision (a).

(4) The Department shall prepare a written response to the Supervisor's comments and submit its response to the Supervisor of the DMR at least 30 days prior to approval of the operating permit for renewable energy generation facility.

(c) Copies of all approved permits and associated documents shall be submitted to the Department and the Supervisor of the DMR as an addendum to the approved reclamation plan no less than 30 days prior to the commencement of land improvements associated with the renewable energy generation facility.

(d) For purposes of this section, "renewable energy generation facility" means a solar photovoltaic, solar thermal under 50 megawatts, or wind energy generation facility.

88.03.190 Certification and Recertification of Mining Ordinances.

(a) Upon adoption of a new mining ordinance, or amendment of an existing mining ordinance, the County shall, within 30 days of such action, provide written notice of the complete text of the resulting mining ordinance to the SMGB, to enable the SMGB to review the ordinance in accordance with SMARA sections 2774.3, 2774.5(a) and 2774.5(b).

(b) A new mining ordinance, or an amendment to an existing mining ordinance, of the County shall not be considered to be in accordance with state policy until the mining ordinance is certified by the SMGB. Until the County has a certified ordinance, no person shall initiate a surface mining operation unless a reclamation plan has been approved by SMGB or as amended by SMGB.

Agenda Item No. 12C

November 20th, 2025

Consideration and Approval of the 2024 – 2025 Annual Report

INTRODUCTION:

The 2024 – 2025 *Annual Report of the State Mining and Geology Board* (Annual Report) is prepared for both the State Legislature and the Governor, as is provided for in statute pursuant to PRC Section 2717. Reporting periods follow the State's fiscal year calendar from July 1st of one year to June 30th of the following year.

This Annual Report summarizes activities and actions set forth by the SMGB during the 2024 – 2025 reporting period and also presents "legislative recommendations" where the SMGB believes improvements can be made for the future well-being of the State's people and wise use of its natural resources under the Surface Mining and Reclamation Act of 1975 (SMARA).

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 2024-2025 Annual Report and direct the Executive Officer to distribute the report to the Governor and legislature as appropriate.

Respectfully submitted:



_____

Jeffrey Schmidt,

Executive Officer

ATTACHMENTS:

1. 2024-2025 Annual Report

"ATTACHMENT 1"

Honorable Members of the State Legislature and Governor Newsom,

The 2024 - 2025 Annual Report covers the reporting period from July 1st, 2024, through June 30th, 2025, and is submitted by the California State Mining and Geology Board to both the State Legislature and the Governor pursuant to *Public Resources Code section 2717*. This report serves as an overview of the Board, its statutory and regulatory mandates, its activities, and its legislative recommendations.

The Board believes that the regulation of the surface mining industry, the reclamation of mined lands, the dissemination of earthquake and seismic hazard information, and the prudent use of State's natural resources is an ongoing and essential process crucial to the economy, the infrastructure, and the people of the State of California.

Respectfully submitted on behalf of the State Mining and Geology Board,

Jeffrey Schmidt
Executive Officer
State Mining and Geology Board

State Mining and Geology Board



2024 - 2025 Annual Report

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STATE MINING AND GEOLOGY BOARD

THE BOARD

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

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.

MEMBERSHIP

Pursuant to *Public Resources Code sections 660 and 662*, the Board is composed of nine members appointed by the Governor and confirmed by the State Senate for four-year staggered terms. Each Board member must have a specific professional background in one of the following:

- Geology
- Mining Engineering
- Environmental Protection
- Groundwater Hydrology and Rock Chemistry
- Local Government
- Landscape Architecture
- Mineral Resource Conservation
- Seismology
- Public Member

Board members during the reporting period.

SPECIALTY	MEMBER NAME
Non-specialized public member	Larry Sheingold, Chair
Landscape Architect	Stephanie Landregan
Mining Engineer with background and experience in mining in California	George Kenline
Environmental protection or the study of ecosystems	Eric Holst
Registered Geologist with background and experience in mining geology	Dyan Whyte
Mineral resource conservation, development, or utilization	Alan Driscoll
Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology	Zia Zafir
Groundwater hydrology, water quality, or rock chemistry	Marc Los Huertos
Representative of local government with background and experience in urban planning	Fred Jung, Vice-Chair

COMMITTEES

To enable the Board to meet its responsibilities more effectively, the following standing committees have been established to gather information and formulate recommendations on a variety of topics:

- Policy and Administration
- Geohazards
- Mineral Conservation
- Surface Mining and Reclamation Act Compliance
- Critical Minerals

STAFF

The day-to-day activities of the Board are managed by:

- Jeffrey Schmidt, Executive Officer
- Paul Fry, Senior Geologist
- Mallory Jones, Geologist
- Natalie Decio, Regulatory Analyst

HISTORY

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 and the Division of Mine Reclamation). It is the second oldest Board in California.

KEY STAKEHOLDERS

Key stakeholders include:

- City and County Lead Agencies with jurisdictions over zoning ordinances, building codes, and general plans
- Geological, geophysical, and engineering consulting community
- Environmental, land use, and conservation groups
- Teachers and educational and academic institutions
- Contractors and developers
- Surface mining industry
- Realtors, insurers, and homeowners
- Natural Resources Agency
- Department of Conservation
- California Geological Survey
- Division of Mine Reclamation
- Seismic Safety Commission
- Board for Professional Engineers, Land Surveyors and Geologists
- State Water Board and Regional Water Quality Control Boards
- Metropolitan Water District of Southern California
- Bay Conservation and Development Commission
- Board of Forestry
- State Legislature

BOARD MEETINGS

Pursuant to *Public Resources Code Section 668,* the Board held regular business meetings or standing committee meetings six times during the reporting period. All meetings were held in a hybrid in-person/virtual format. Attendance at these meetings averaged around fifty participants. Among its activities, the Board received briefings from the Department of Conservation, the Division of Mine Reclamation, and the California Geological Survey. The Board also hosts a speaker series during our regular meetings that brings in members of the industry to present on various topics related to mining, mineral conservation, geohazards, the environment and redevelopment of formerly mined lands.

STATUTORY AND REGULATORY AUTHORITY

The Board operates 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 (SMARA)

Pursuant to *Public Resources Code sections 2710* and its regulations at *14 California Code of Regulations Section 3500*, the Board manages a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Surface Mining and Reclamation Act also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act (APA)

Pursuant to *Public Resources Code sections 2621 through 2630* and its regulations at *14 California Code Regulations Section 3600*, 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 to comply with provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act (SHMA)

Pursuant to *Public Resources Code sections 2690 through 2699.6 and its regulations at 14 California Code of Regulations section 3720,* 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.

LEAD AGENCY RESPONSIBILITIES

The primary entity responsible for the Surface Mining and Reclamation Act administration, compliance, and enforcement, is the local lead agency, typically, the city or county where the surface mining is taking place. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the lead agency; therefore, the lead agency is responsible for assuring that all surface mine operations within its jurisdiction are in full compliance with these provisions. Specific duties of lead agencies which are charged with the primary administration and enforcement of the Surface Mining and Reclamation Act are to:

- Review and approve reclamation plans that meet the minimum requirements established by the Surface Mining and Reclamation Act and the Board’s reclamation performance standards for surface mines
- Approve financial assurances, subject to annual review, that are sufficient to pay for the

costs of reclamation of the lands disturbed by surface mining operations according to the requirements of the approved reclamation plan

- Approve local land use permits for surface mining operations
- Conduct an annual inspection of each surface mine to confirm that the operation complies with the requirements of the Surface Mining and Reclamation Act and its approved reclamation plan, and to remedy the situation if the operation is not in compliance
- Issue Administrative Penalties to operators who do not come into compliance
- Maintain a surface mining ordinance that is in accordance with the Surface Mining and Reclamation Act
- Incorporate mineral resource management plans into their general plans and conserve mineral lands "classified" or "designated" within the lead agency's jurisdiction

Should a lead agency fail to bring a surface mining operation into compliance, statute allows the Supervisor of the Division of Mine Reclamation to commence enforcement. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the Supervisor. The Division is also responsible for providing technical reviews of reclamation plans and financial assurances to lead agencies to ensure that the requirements of the Surface Mining and Reclamation Act have been addressed in the reclamation plans prior to their formal approval by the lead agency.

Under the Surface Mining and Reclamation Act, the Board is provided authority to hear appeals of enforcement actions taken by the Supervisor against surface mine operators, as well as appeals of certain decisions made by a lead agency regarding reclamation plans and financial assurances. In addition, the Board is provided authority to exercise a lead agency's powers, in whole or in part with exception to local land use and other regulatory permitting, when a lead agency's actions are in violation of the statute, or if the lead agency defaults on its responsibilities and obligations. The Board also reviews lead agency ordinances that establish local permit and reclamation procedures to determine whether each ordinance is in accordance with State policy for reclamation of surface mining operations and for conservation of mineral resources.

The Surface Mining and Reclamation Act affects ninety-six jurisdictions comprised of forty-one cities and fifty-seven counties.

The Board served as the lead agency under the Surface Mining and Reclamation Act for forty-nine individual surface mining operations during the reporting period including:

- Twenty located within two counties (El Dorado County and Yuba County)
- Eight located within six cities (Richmond, Marina, Jurupa Valley, Desert Hot Springs, Palm Springs, and Santa Paula)
- Seven marine sand and oyster shell mining operations located within the jurisdiction of the San Francisco Bay Conservation and Development Commission
- Fourteen borrow pits located appurtenant to the Colorado River Aqueduct operated by the Metropolitan Water District of Southern California (Riverside County and San Bernardino County).

The following table lists the surface mines where the Board exercised lead agency authority:

SMGB SMARA LEAD AGENCY SURFACE MINES				
CA ID No.	**Mine Name**	**Status**	**Primary Commodity**	**Local Lead Agency**
91-07-0006	Richmond Quarry	Active	Recycled Aggregates	City of Richmond
91-09-0001	Bear Creek Quarry	Active	Aggregates	County of El Dorado
91-09-0002	Weber Creek Quarry	Closed – Reclamation in Progress	Aggregates	County of El Dorado
91-09-0003	Diamond Quarry	Active	Aggregates	County of El Dorado
91-09-0004	Chili Bar Slate Mine	Active	Slate	County of El Dorado
91-09-0005	Cool Cave Quarry	Active	Aggregates	County of El Dorado
91-09-0006	Timm Mine	Active	Gold	County of El Dorado
91-09-0009	Somerset Sand Pit	Active	Sand	County of El Dorado
91-09-0010	Lawyer Pit	Closed – Reclamation in Progress	Decomposed Granite	County of El Dorado
91-09-0012	Snows Road Quarry	Active	Sand and Gravel	County of El Dorado
91-09-0015	Marin Quarry	Active	Aggregates	County of El Dorado
91-27-0006	Lapis	Closed - Reclamation in Progress	Sand	City of Marina
91-33-0002	Avalon Mine	Closed - Reclamation in Progress	Aggregates	City of Jurupa Valley
91-33-0003	Super Creek Quarry	Active	Decorative Stone	City of Desert Hot Springs
91-33-0029	Philadelphia Mine	Closed – Reclamation in Progress	Recycled Aggregates	City of Jurupa Valley
91-33-0031	Garnet Pit	Active	Sand and Gravel	City of Palm Springs
91-33-0062	Pyrite Quarry	Active	Aggregates	City of Jurupa Valley
91-38-0001	Alcatraz, Point Knox	Active	Marine Sand	San Francisco Bay Conservation and Development Commission (BCDC)
91-38-0002	Point Knox Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0003	Point Knox South	Active	Marine Sand	San Francisco BCDC
91-38-0004	Alcatraz South Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0005	Suisun Bay	Active	Marine Sand	San Francisco BCDC
91-38-0007	Suisun Bay Middleground	Active	Marine Sand	San Francisco BCDC
91-38-0011	Marine Oyster Shell	Active	Marine Oyster Shells	San Francisco BCDC

SMGB SMARA LEAD AGENCY SURFACE MINES				
91-56-0034	Santa Paula Materials	Active	Sand and Gravel, Fill Dirt	City of Santa Paula
91-58-0001	Western Aggregates	Active	Sand and Gravel	County of Yuba
91-58-0002	Knife River Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0003	Cal Sierra Development	Active	Gold, Silver	County of Yuba
91-58-0004	Sperbeck Quarry	Idle	Aggregates	County of Yuba
91-58-0006	Teichert Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0011	Dantoni Pit	Idle	Sand and Gravel	County of Yuba
91-58-0013	Parks Bar Quarry	Active	Aggregates	County of Yuba
91-58-0019	Teichert Marysville	Idle	Sand and Gravel	County of Yuba
91-58-0022	Long Bar Property	Active	Sand and Gravel	County of Yuba
91-58-0025	Simpson Lane	Idle	Sand	County of Yuba
91-70-0001	Metropolitan Water District (x14 borrow pits)	Active	Aggregates	Counties of Riverside and San Bernardino

Lead Agency Annual Surface Mine Inspections

Board staff conducted annual on-site inspections for each of the forty-nine surface mining operations under the Board's SMARA lead agency authority during the reporting period. Conditions observed during the annual inspection and documented in the surface mining inspection report by the Board inspector, are the basis to determine ongoing compliance with SMARA. The determination of compliance includes assessing the operations' physical and environmental conditions and general conformance relative to the approved reclamation plan and administrative compliance with SMARA. Board staff conduct inspections consistent with the "Guidance Document for Surface Mine Inspectors," dated January 2018 by the Department of Conservation's Division of Mine Reclamation.

Lead Agency Annual Financial Assurance Reviews

Financial assurance cost estimates are required of mining operations under the Board's SMARA lead agency authority to ensure funding is available to complete reclamation in accordance with the surface mining operation's approved reclamation plan. Board staff annually review each surface mining operations Financial Assurance Cost Estimate (FACE) to determine that they are adequate, complete, and consistent with SMARA. Board staff also ensure operators post a financial assurance mechanism equal to or greater than the FACE amount.

Enforcement

Pursuant to Public Resources Code sections *2270, 2770, 2773.1, 2774.1, 2774.2, 2774.5, 2775, 2796.5 and California Code of Regulations sections 3696.5, 3810, and 3940,* the Board may enforce the annual reporting requirements and other provisions of the Surface Mining and Reclamation Act.

Board staff proactively identified issues at several operations and worked with operators with the intent to mitigate potential violations. In addition, Board staff consulted with other local, state, and federal agencies to inform them of potential compliance issues not directly related to SMARA. In some instances, Board staff conducted inspections with staff from other regulatory entities.

The Board issued a Notice of Violation (NOV) to the operator of the Pyrite Quarry (91-33-0062) on July 2, 2024, for conducting mining activities outside of the approved reclamation boundary. Following issuance of the 2024 NOV, the Board and the Operator agreed to terms and timelines to address the violations identified during 2023 and 2024 inspections and entered into a Stipulated Order to Comply (SOTC). The SOTC adequately addressed the remaining SMARA violations within a reasonable timeframe. No fines or penalties were assessed with regards to the Pyrite Quarry to date.

Additional formal enforcement notices or orders were not required, and no fines or penalties were assessed during the reporting period for the other forty-eight operations under the Board's lead agency jurisdiction.

Surface Mining Ordinances

Pursuant to *Public Resources Code section 2774.3*, the Board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with State policy and shall certify the ordinance as being in accordance with State policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the Board pursuant to this chapter.

The Board engaged with Mendocino, San Bernardino, and Shasta counties to update their respective local mining ordinances, advancing the Board's comprehensive statewide effort to bring local mining ordinances into state compliance.

Annual Mine Fee Schedule

Pursuant to *Public Resources Code (PRC) section 2207(d)(1)* the Board imposes an annual reporting fee on, and method for collecting annual fees from, each active and idle surface mining operation. *PRC section 2207(d)* also states that, starting in fiscal year 2020 – 2021, the maximum fee for any single mining operation may not exceed ten thousand dollars ($10,000) annually and may not be less that one hundred dollars ($100) annually. The maximum annual fees are adjusted for cost of living as measured by the California Consumer Price Index.

Pursuant to *PRC section 2207(d)(2)(A)* a schedule of fees shall be calculated on an equitable basis reflecting the size and type of the operation. *PRC section 2207* further states that the fee schedule must provide for the collection of the amount specified in the Governor's proposed Budget for the Department of Conservation's costs in implementing the section and the Surface Mining and Reclamation Act.

In addition, *PRC 2207(d) (3)* outlines the amount of revenue to be generated by the fee schedule. The total revenue generated by the reporting fees may not exceed and may be less than eight million dollars ($8,000,000). This amount shall be adjusted for the cost of living each fiscal year. Cost of living adjustments are addressed in *California Code of Regulations section 3698* and allow for increases to help maintain adequate funding for the Surface Mining and Reclamation Act programs within the Department. The cost-of-living adjustment, or rate of inflation, is measured by the consumer price index.

PRC Section 2207(d)(4)(A) also requires the reporting fee revenue be deposited in the Mine Reclamation Account for carrying out the provisions of the Surface Mining and Reclamation Act.

These provisions include the classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance reviews, surface mine inspections, and enforcement.

The annual fee was adjusted during the reporting period and met the requirements above.

ALQUIST-PRIOLO ACT RESPONSIBILITIES

Pursuant to *Public Resources Code section 2622(b),* the State Geologist shall compile maps delineating earthquake fault zones. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

Alquist-Priolo maps released during the reporting period included:

- The San Andreas Fault Zone in the San Mateo, Woodside, Palo Alto, and Mindego Hill 7.5-Minute Quadrangles in San Mateo and Santa Clara Counties
- The San Andreas Fault Zone in the Burnt Peak, Lake Hughes, and Del Sur 7.5-Minute Quadrangles in Los Angeles County
- The Paxton Ranch and Salt Wells Valley Fault Zones, with Modifications to the Airport Lake and Little Lake Fault Zones in the White Hills, Burro Canyon, Ridgecrest North, Lone Butte, Westend, Spangler Hills West, Spangler Hills East, and Christmas Canyon 7.5-Minute Quadrangles in Inyo, Kern, and San Bernardino Counties

SEISMIC HAZARD ZONE RESPONSIBILITIES

Pursuant to *Public Resources Code section 2696(a) and (b),* the State Geologist shall compile maps identifying seismic hazard zones, and upon completion, submit them to the Board for approval. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

No seismic hazard zone maps were released during the reporting period.

MINERAL CONSERVATION AND RECLAMATION RESPONSIBILITIES

As California's population continues to grow, its communities face increasingly difficult land use decisions. The production of mineral resources necessary to support the expanding population must compete with other land uses such as agriculture, timber production, urban development, renewable energy, recreation, and conservation. The rapid growth of many communities and the incompatibility of mining with most other land uses often results in conflicts within those communities. Often, the mineral resource is needed for the very use which threatens it. For example, construction grade aggregate deposits, which are necessary for construction and repair of roads, housing, and commercial development, often are built over before the resource can be extracted.

To address this issue, the Surface Mining and Reclamation Act provides a method by which mineral lands may be "Classified" by the State Geologist and "Designated" by the Board. These Classification and Designation processes are methods by which an inventory of the State's most valuable mineral deposits are designated as significant resources for local communities to consider in their land-use decision making.

Classification and Designation Reports

Pursuant to *Public Resources Code section 2790*, after receipt of mineral information from the State Geologist pursuant to *section 2761 (d),* the Board may, by regulation adopted after a public hearing, designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries of the geographic areas.

There were no mineral land classification reports completed during the reporting period.

Mineral Resource Management Plans

Pursuant to *Public Resources Code section 2762*, a lead agency shall, in accordance with State policy, establish mineral resource management policies to be incorporated in its general plan to recognize mineral information classified by the State Geologist and transmitted by the Board, assist in the management of land use that affects access to areas of statewide and regional significance and emphasize the conservation and development of identified mineral deposits.

The Board reviewed and provided comments to the following local jurisdictions on their updated Mineral Resource Management Plans:

- The City of Marysville
- The City of Wildomar
- The County of Contra Costa
- The County of San Luis Obispo

REGULATORY RESPONSIBILITIES

Pursuant to *Public Resources Code (PRC) section 2755,* the Board has statutory authority to adopt, amend, or repeal regulations that establish State policy for the reclamation of mined lands within California. Currently, the Board is involved in rulemaking activities to update regulations related to comprehensive changes to the Surface Mining and Reclamation Act from the signing of AB 1142 and SB 209 in 2016.

The Board worked on the following regulatory projects:

- Drafted proposed regulations for establishing annual reporting and fees for geothermal lithium brine operations (*Public Resource Code Section 2207*).
- Proposed regulations that detail the procedures needed to apply for an exemption for surface mining operations of infrequent nature that involve minor surface disturbances (*Public Resources Code Section 2714 (f)*). These proposed regulations also detail the administrative record, public hearing procedures, and effect of exemption determination.
- Proposed regulations that provide a description of the locations of mineral resource areas designated to be of regional significance within the Greater Sacramento Area Production-Consumption Region (GSA), El Dorado, Nevada, Placer, Sacramento, Solano, Sutter, Yolo and Yuba counties.
- Initial pre-rulemaking activities to define critical minerals and updating of the Guidance for Classification and Designation of Mineral Resources.

BOARD OUTREACH

During the reporting period, the Board and/or Board staff participated in the following public outreach programs:

- Board staff participated with the Division of Mine Reclamation (DMR) to conduct a surface mine inspection workshop for lead agency mine inspectors. The training included educating participants about the Board and current reforms made to the Surface Mining and Reclamation Act.
- Board staff participated with DMR in their "Coordinated Outreach to Lead Agencies". The project is designed to foster relationships between the Department and SMARA lead agencies.
- Board staff hosted outreach workshops for the Mining Ordinance Update Project with the California County Planning Directors Association, the California Construction and Industrial Materials Association (CalCIMA), and the Rural County Representatives of California.
- Board staff held one on one meetings with the following counties regarding updating their local mining ordinances: Calaveras, Humboldt, Inyo, San Diego, Santa Clara, Sonoma, and Ventura.
- Board staff met with the El Dorado County Planning Department to update them on the Board's SMARA lead agency activities within the county and discussed a potential new mining operation.
- Board staff met with representatives of Rio Tinto, an international mining company, to discuss the status of their mining operations located in Kern and Inyo counties and the challenges they face with tariffs and air quality regulations.
- Board staff met with the Women of CalCIMA Committee to discuss the Board's annual inspection process.
- Board staff presented at Calvine High School's "Dream it, be it" program describing educational and career paths for becoming a geologist. The program is hosted by Soroptimist International of the Americas whose members volunteer to improve the lives of women and girls through programs leading to social and economic empowerment.
- The Board held public hearings to receive comments on the Sacramento Production Consumption Region Mineral Designation and PRC 2714(f) Exemption rulemaking packages.
- The Board held a public hearing to receive comments on the Preliminary Review Maps of proposed revised Alquist-Priolo Earthquake Fault Zones for the following:
    - The San Andreas Fault Zone in the San Mateo, Woodside, Palo Alto, and Mindego Hill 7.5-Minute Quadrangles in San Mateo and Santa Clara Counties
    - The San Andreas Fault Zone in the Burnt Peak, Lake Hughes, and Del Sur 7.5-Minute Quadrangles in Los Angeles County
    - The Paxton Ranch and Salt Wells Valley Fault Zones, with Modifications to the Airport Lake and Little Lake Fault Zones in the White Hills, Burro Canyon, Ridgecrest North, Lone Butte, Westend, Spangler Hills West, Spangler Hills East, and Christmas Canyon 7.5-Minute Quadrangles in Inyo, Kern, and San Bernardino Counties

BOARD WORK

- The Board elected a new Vice-Chair.
- The Board declined to hear an appeal due to jurisdictional issues for the City of Pacifica's denial of an amended reclamation plan for the Rockaway Quarry.
- Board staff attended the San Francisco Bay Conservation and Development Commission's Marine Mining Sand Study Working Group for Lease Renewal.
- Per Assembly Bill 580, the Board's authority as a SMARA lead agency for the Metropolitan Water District was extended, and the sunset date was moved to 2051.
- Board staff conducted a site visit to the Atolia Exploratory Drilling Project in Johannesburg, CA, to confirm the completion of activities authorized under the granted PRC 2714(f) exemption.
- The Board updated the Mining Ordinance Guidance Document to include a section to assure that all surface mining ordinances, both new and amended, will be submitted, reviewed, and certified by the Board to remain in compliance with state policy. This addition will help lead agencies be aware of their responsibilities to submit their ordinances to the Board.
- The Board received a Reclamation Plan Amendment submittal for Garnet Pit (CA Mine ID# 91-33-0031), for which it serves as the lead agency under SMARA.
- The Board updated the New Mining Operation Report and 2024 Annual Report Forms.
- The Board established a 'Critical Minerals Committee' during its May 15, 2025, Regular Business Meeting in response to the growing demand for critical minerals and to uphold its responsibility for mineral resource conservation, development, and environmental protection. The committee's purpose is to represent the state's interests by evaluating current regulations, assessing the conservation and availability of critical minerals, identifying potential vulnerabilities, considering input from interested parties, and, when appropriate, making recommendations to the Board.

LEGISLATIVE RECOMMENDATIONS

Pursuant to *Public Resources Code Section 2717*, the Board is required to report to the Governor and Legislature and, on an annual basis, offer legislative recommendations for consideration regarding the Surface Mining and Reclamation Act.

- Establish consequences and/or penalties for lead agencies that are subject to assumption of authority by the State due to inadequate regulatory oversight, as outlined in Public Resources Code (PRC) Section 2774.4(e).

- Establish strategies and incentives to encourage lead agencies to retain or regain their mine oversight responsibilities, thereby strengthening local accountability and regulatory consistency.

Rationale:
PRC Section 2774.4(e) allows the State to assume certain responsibilities from lead agencies that fail to adequately implement and enforce the Surface Mining and Reclamation Act (SMARA). However, the statute currently lacks specific penalties or consequences for lead agencies that are taken over due to inadequate regulatory oversight.

Establishing clear consequences and/or penalties would:

- Encourage greater accountability and diligence for lead agencies to fulfill their regulatory duties.
- Reinforce the importance of consistent and effective oversight of mining operations to protect public health, safety, and the environment.
- Strongly deter chronic noncompliance and promote proactive improvement in local program administration.
- Support the State's efforts to maintain a uniform and effective statewide regulatory framework under SMARA.

This recommendation aims to strengthen the integrity of the SMARA program by ensuring that lead agencies are held responsible for maintaining adequate oversight standards.

The Board will draft language and assist in the legislative process should the legislature decide to pursue this action.

ADDENDUM: MEETING MINUTES REFERENCE

To provide additional context and a comprehensive view of the work conducted during the reporting year, we invite you to review the meeting minutes from this period. These documents offer detailed insights into discussions, decisions, and progress made throughout the year.

Access the meeting minutes here:
https://doc.box.com/s/4mywo5sctdg6qb4mmfey45p3aivrjanq

Agenda Item No. 12D

November 20th, 2025

Consideration and Approval of the 2026 SMGB Meeting Schedule

INTRODUCTION
Adopt the 2026 meeting calendar.

BACKGROUND
Public Resources Code (PRC) Section 668 provides that the State Mining and Geology Board (SMGB) hold its meetings at such times and at such places as it shall determine. The SMGB is required to hold a minimum of six meetings annually, to be held in locations appropriate to the subject matter to be considered.

NOTICE DATES
Notice of regular business meetings, special meetings, and committee meetings are made pursuant to Government Code Section 11120 et seq., the Bagley-Keene Open Meetings Act, Government Code Section 11345.4, and the Administrative Procedures Act. Notices will be posted electronically on the SMGB's website and provided to all SMGB members, the Director of the Department of Conservation, the State Geologist, the Assistant Director of the Division of Mine Reclamation, and any other interested person, at least 10 days prior to each regular business meeting.

DISCUSSION
A meeting schedule for 2026, as presented, proposes twelve (12) regular SMGB meetings throughout the year. Approval of the SMGB's 2026 meeting calendar does not prohibit the SMGB from deferring and/or rescheduling certain meeting dates should circumstances warrant such action.

RECOMMENDATION
The Executive Officer recommends that the SMGB adopt a 12-meeting calendar for 2026 in order to provide the flexibility to defer scheduled meetings if feasible. The SMGB may approve meeting locations in advance with this proposed schedule or leave locations "open" until later dates.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board adopt the proposed Regular Business Meeting calendar for 2026.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

California
Department of Conservation
State Mining and Geology Board

State Mining and Geology Board
2026 Meeting Schedule

JANUARY 15, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JANUARY 02, 2026
CLOSING DATE: JANUARY 09, 2026

FEBRUARY 19, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: FEBRUARY 06, 2026
CLOSING DATE: FEBRUARY 13, 2026

MARCH 19, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: MARCH 06, 2026
CLOSING DATE: MARCH 13, 2026

APRIL 16, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: APRIL 03, 2026
CLOSING DATE: APRIL 10, 2026

MAY 21, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: MAY 08, 2026
CLOSING DATE: MAY 15, 2026

JUNE 18, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JUNE 05, 2026
CLOSING DATE: JUNE 12, 2026

JULY 16, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JULY 03, 2026
CLOSING DATE: JULY 10, 2026

AUGUST 20, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: AUGUST 07, 2026
CLOSING DATE: AUGUST 14, 2026

SEPTEMBER 17, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: SEPTEMBER 04, 2026
CLOSING DATE: SEPTEMBER 11, 2026

OCTOBER 15, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: OCTOBER 02, 2026
CLOSING DATE: OCTOBER 09, 2026

NOVEMBER 19, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: NOVEMBER 06, 2026
CLOSING DATE: NOVEMBER 13, 2026

DECEMBER 17, 2026 **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: DECEMBER 04, 2026
CLOSING DATE: DECEMBER 11, 2026

Agenda Item No. 13A

November 20th, 2025

Presentation: ***Mining Ordinance Update Project, Progress Update***
by: SMGB staff

INFORMATION:

Board staff will provide a brief update on the Mining Ordinance Update Project, highlighting progress made with the first group of lead agencies in the established review order. The presentation will also include a status report on the Mining Ordinances currently under review.