



Publication Date: Friday, September 4th, 2026

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:
Thursday, September 17th, 2026, at 11:00 a.m.
California Natural Resources Headquarters
715 P Street, First Floor Auditorium RM 1-302
Sacramento, California 95814

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

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: 255 920 349 357 417** and **Passcode: ka2Dq2Rb**. You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 850 526 103#**

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>.



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 (Stevenson)
 - C. California Geological Survey Report (Lancaster)
6. **Chair Report (Sheingold)**
7. **Geologist Report (Fry, Jones)**
8. **Board Committee Reports**
 - A. Critical Minerals (Chair Kenline)
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:
June 18th, 2026
12. **Regular Business Items**
 - A. Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations.
13. **Presentations, Reports, and Informational Items**
 - A. *Financial Assurance Education, Compliance, and Enforcement Update* (Gabe Tiffany, DOC)
 - B. *Mining Ordinance Update Project, Progress Update* (SMGB Staff)
 - C. *SMGB Mine Inspection 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 State Mineralogist and the California Division of Mines and Geology (now the California Geological Survey). It is second oldest Board in California. Today's Board has nine members appointed by the Governor and confirmed by the State Senate, for four-year terms. By statute, Board members must have specific professional backgrounds in geology, mining engineering, environmental protection, groundwater hydrology and rock chemistry, urban planning, landscape architecture, mineral resource conservation, and seismology, with one member representing the general public.

Mission Statement

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

STATUTORY AND REGULATORY AUTHORITY

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

Surface Mining and Reclamation Act of 1975

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

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

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**State Mining and Geology Board
715 P Street, MS 1909
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Agenda Item No. 11A

September 17th, 2026

Consideration and Approval of Minutes for the June 18, 2026, Regular Business Meeting

INTRODUCTION:

Approve the Conformed Minutes for the State Mining and Geology Board's June 18, 2026, 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 June 18th, Regular Business Meeting.

Respectfully submitted:

Jeffrey Schmidt,
Executive Officer



Publication Date: Friday, June 5th, 2026

*****DRAFT*****

CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, June 18th, 2026, at 10:00 a.m.

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

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PUBLIC MEETING AGENDA

1. Call to Order (Sheingold)

The meeting was called to order by Chair Sheingold at 10:00 A.M

2. Pledge of Allegiance

Executive Officer Jeffrey Schmidt led the Pledge of Allegiance.

3. Roll Call and Declaration of a Quorum

Regulatory Analyst Natalie Decio called roll with Members Driscoll, Jung, Landregan, Whyte, Vice Chair Kenline, and Chair Sheingold present, and a Quorum was declared. Members Holst, Los Huertos, and Zafir were not in attendance.

4. Review of the Agenda (Sheingold)

Chair Sheingold reviewed the agenda and shared his regular announcements.

5. Department Reports

A. Department of Conservation Report (Tiffany)

Chief Deputy Director Gabe Tiffany reported that the Department of Conservation (DOC) has launched a new cross-agency collaboration focused on long-term mining policy in California, with particular emphasis on critical minerals and the state's energy transition. The group includes agencies within the California Natural Resources Agency, California Environmental Protection Agency, and GoBiz. They have held one meeting so far, and the effort aims to develop future policy recommendations regarding mining in the state. Tiffany noted this is a new initiative and that more updates will follow.

B. Division of Mine Reclamation Report (Whalin)

Filling in for the Division of Mine Reclamation (DMR) Supervisor, Lindsay Whalin, Chief Deputy Director Gabe Tiffany reported that DMR recently held a surface mining inspection workshop with strong participation from lead agencies. Whalin and Abandoned Mines Unit manager Kyle Johnson also attended federal meetings focused on abandoned mines and emerging technologies for recovering critical minerals from mine waste. The Chair asked about budget impacts, and Tiffany noted that the Board's budget remains unchanged, and that DMR's database modernization will likely be funded and is nearing implementation.

Closing out the discussion, Vice Chair Kenline raised questions about how recovering critical minerals from mine waste would interact with existing SMARA requirements for metallic minerals, especially backfill regulations. Tiffany said these technical and policy issues are exactly what the new cross-agency mining policy effort aims to examine, including potential regulatory or statutory adjustments to support critical mineral supply needs. He agreed to follow up with Kenline for a deeper technical discussion before the next meeting.

C. California Geological Survey Report (Lancaster)

State Geologist Jeremy Lancaster reported that the California Geologic Survey (CGS) has completed the most detailed geologic map of the Sierra Nevada, the first phase of the new Digital Earth Science Atlas. Developed with the USGS over the last five and a half years, the map supports hazard, resource, and planning decisions. He also noted the recent update of Map Sheet 52, which compares permitted aggregate reserves to 50-year demand.

Lancaster informed the Board that the federal Earth MRI program, which has been a major source of funding for California's mineral mapping, will experience a federal budget

reduction after FY-27. He explained that this program has not only supported extensive geological, geophysical, and geochemical investigations but has also allowed CGS to rebuild critical minerals expertise that had been lacking for decades. With the funding drop, CGS's final fully supported project will focus on nickel-cobalt laterite deposits in northern California, conducted jointly with the Oregon Geological Survey. After this project, CGS anticipates shifting from comprehensive, integrated mapping efforts to more limited geochemical reconnaissance due to reduced resources.

During the discussion, Board members asked about access to the Sierra Nevada map, and Lancaster confirmed it is publicly available online at a 1:400,000 scale. Members also sought clarification on the reasons for the federal funding cuts; Lancaster explained that they stem from the expiration of temporary IIJA funding rather than program performance. He noted that several national organizations, including the National Mining Association, are actively advocating for continued or restored funding.

6. Chair Report (Sheingold)

The Chair reported on an outreach trip to Visalia in Tulare County with department staff to meet with the Tulare County lead agency and discuss SMARA compliance. The visit helped clarify expectations and strengthen communication. He also participated in an interagency meeting with the Energy Commission, Land Use and Climate Innovation, and GO-Biz, where the group discussed shared priorities and the importance of critical minerals in meeting state goals. Further collaboration on this topic is anticipated.

7. Executive Officer Report (Schmidt)

Executive Officer, Jeffrey Schmidt, provided an update on ongoing Board activities. Draft mineral designation language for the Merced, Saugus–Newhall, and San Fernando Valley areas has been completed and is ready for Board review, and work has begun on the Temescal Valley designation. Staff have reviewed public comments for the 2714(f) rulemaking, prepared responses, and updated the regulatory text, which is now under legal review.

On May 21, CGS released preliminary Alquist-Priolo earthquake fault zone and seismic hazard zone technical reports, beginning a 90-day review period. A public comment meeting is planned for July 30. Staff are also coordinating with CGS to update the Mineral Classification and Designation Guidelines, with the Critical Minerals Committee expected to meet next month. Schmidt finally noted challenges related to the Governor's July 1 return-to-office mandate, as Board staff are currently without permanent office space. Efforts to secure space are ongoing.

8. Geologist Report (Fry, Jones)

Senior Geologist Paul Fry reported that all but one inspection report for the current cycle has been completed, along with annual financial assurance reviews. A more comprehensive update on the 2025 inspection cycle will be provided at the next meeting. Fry briefed the Board on the Spring Valley Quarry, where staff and legal counsel are reviewing a reclamation plan amendment, CEQA initial study, and vested rights determination submitted by the operator.

Regarding the Pyrite Quarry, staff's January 2026 inspection found no new violations and noted site improvements. The operator is addressing boundary encroachments, has submitted an interim financial assurance estimate now under DMR review, and is continuing work related to stormwater pond management and ongoing litigation with Jurupa Valley.

He also highlighted recent coordination efforts, including outreach and training events, work with Merced County on its mining ordinance update, ongoing collaboration with CGS on the mineral guideline's revisions, and participation in DOC's AI Integration Working Group.

Following Fry's report, Vice Chair Kenline asked for clarification on the Spring Valley Quarry's vested rights. Fry confirmed Yuba County issued a final determination in 2021 and that the operator's reclamation plan amendment is intended to align operations with those vested rights. Kenline also asked about the Board's role in reviewing the amendment; Fry explained that legal counsel is helping determine the amendment type and ensuring compliance with SMARA and relevant case law.

Regarding the Pyrite Quarry, Kenline questioned how out-of-bounds areas would be reclaimed. Fry noted the upper encroachment was minor and surficial, and current surveys show slopes still meet reclamation standards.

Kenline then asked how the Board verifies general plan updates that incorporate new mineral maps. Fry explained that staff monitor CEQA filings, including general plan updates, and recently ensured the City of Marysville incorporated newly designated areas. He noted that staff plan to resume more active monitoring of mineral resource management plans with hopes that the Board will discuss how best to implement this as the mineral guideline updates move forward.

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.

No ex-parte communications disclosed.

10. Public Comment Period

Adam Harper with California Construction and Industrial Materials Association (CalCIMA) announced that Assembly Concurrent Resolution (ACR) 157 will be heard on the Assembly floor on June 22 and encouraged board members to tune in. This measure would commemorate the 50th anniversary of the Surface Mining and Reclamation Act of 1975. He also commended the Map Sheet 52 report and suggested that the Mineral Resources Committee consider how to communicate its findings to local agencies, noting several jurisdictions with limited permitted reserves. He emphasized that clearer outreach could help local governments use the map effectively in planning and offered CalCIMA's support in those efforts.

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:

March 12th, 2026

Member Jung moved to adopt the minutes, and Vice Chair Kenline seconded the motion. Members Driscoll, Jung, Whyte, Vice Chair Kenline, and Chair Sheingold voted in favor; Member Landregan abstained; Members Holst, Los Huertos, and Zafir were absent. The motion passed with five votes in favor and one abstention.

12. Regular Business Items

A. Consideration of preliminary regulatory language and approval to start pre-rulemaking activities for the Board's designation of mineral lands in Merced County

Geologist Mallory Jones provided an overview of SMARA's mineral classification and designation framework, emphasizing the Board's authority under PRC sections 2755 and 2790 and the role of designation in conserving significant mineral resources amid increasing urbanization.

Jones summarized CGS's Special Report 252, which identifies ten MRZ-2 sectors in Merced County recommended for designation. These proposed designations would conserve an estimated 1.9 billion tons of concrete aggregate resources. She displayed the sector maps that would be incorporated by reference into the regulations and noted that the preliminary language, drafted in coordination with DOC, would create a new section in the California Code of Regulations.

She explained that pre-rulemaking activities will include workshops with affected lead agencies and the public to gather information needed for the formal rulemaking package. Jones emphasized that this is the earliest stage of the process and that additional public meetings will occur during formal rulemaking.

Following the presentation, Member Landregan moved that the Board approve the preliminary regulatory language for the Board's designation of mineral lands in Merced County and direct Board staff to proceed with the pre-rulemaking activities. Member Jung seconded the motion. Members Driscoll, Jung, Landregan, Whyte, Vice Chair Kenline, and Chair Sheingold voted in favor. The motion passed unanimously.

B. Consideration of preliminary regulatory language and approval to start pre-rulemaking activities for the Board's termination of some previously designated mineral lands in the Saugus-Newhall and San Fernando Valley Production Consumption Regions

Geologist Mallory Jones explained the Board's authority under PRC 2793 to terminate designations when mineral deposits are depleted, or land uses have become incompatible. She summarized CGS Special Report 254 (2021), which reevaluated aggregate resources in the Saugus-Newhall and San Fernando Valley production consumption regions and recommended boundary revisions due to urbanization. No new mineral lands were identified.

Jones reviewed proposed map updates and regulatory language changes. In the San Fernando Valley, certain areas would be fully terminated, resulting in a reduction of designated acreage, though the regulatory text remains largely unchanged aside from updated introductions and maps. In the Saugus-Newhall region, some designated areas would be partially terminated and split into new subsectors to reflect current conditions.

If ultimately adopted, the terminations would remove approximately 126 acres of designated land in the San Fernando Valley and about 1,630 acres in the Saugus-Newhall region. Jones emphasized that this stage is preliminary and intended to support outreach workshops, gather information for the formal rulemaking documents, and assess potential impacts.

Following the presentation, members asked for clarification on what makes previously designated mineral lands "incompatible with mining." Jones explained it generally reflects urbanization or zoning changes that prevent future extraction. Members also expressed concern about dwindling aggregate supplies, increased disaster-related demand, and local planning decisions that overlook mineral resources. Jones and Fry emphasized that while

SMARA requires lead agencies to consider mineral resources, designation does not prevent development; it simply ensures mineral impacts are addressed during CEQA review.

Members discussed the Board's role in commenting on CEQA projects and the need for improved monitoring and updated mineral guidelines. Questions were also raised about the purpose of terminating designations and whether CEQA applies. Jones noted terminations remove Board involvement, but classified mineral information still remains for local planning; Fry added terminations are recommended when CGS finds areas already developed with incompatible land uses and are no longer realistically mineable.

CalCIMA's Adam Harper closed out the discussion with support of terminating unmineable lands, stressing that accurate designations are essential for realistic resource planning and future permitting. He highlighted regional aggregate shortages, infrastructure needs, and the importance of clearer communication with local agencies.

Member Jung then moved to approve the preliminary regulatory language for the Board's termination of some previously designated mineral lands in the Saugus-Newhall and San Fernando Valley Production Consumption Regions and direct Board staff to proceed with the pre rulemaking activities. Vice Chair Kenline seconded the motion. Members Driscoll, Jung, Landregan, Whyte, Vice Chair Kenline, and Chair Sheingold all voted in favor. The motion passed unanimously.

13. Presentations, Reports, and Informational Items

A. V-Eagle Critical Materials Project (Richard Dunham, President & Co-Founder, VTRU Corporation)

Richard Dunham, President and Co-founder of VTRU Corporation, described his company's commercial-scale rare-earth element separation technology and its relevance to current global supply chain challenges. He emphasized the significant gap in U.S. processing capacity, noting that over 90% of rare earths are refined overseas and that critical materials like zirconium and hafnium—used in nuclear, semiconductor, and defense applications—are currently sourced only from China and Russia.

Dunham explained that VTRU's technology separates mixed rare-earth oxides into high-purity individual elements needed for magnets, electronics, energy systems, and defense components. The process is commercially proven overseas and would be deployed in the U.S. for the first time. VTRU does not mine or handle radioactive feedstock; all materials are preprocessed and FEOC-compliant. The company is exploring the Mojave-Barstow region for a separation facility due to its infrastructure, transportation access, and suitability for large-scale chemical processing.

He outlined the anticipated facility design and operations: no tailings, no radioactive materials, limited emissions, water recycling, solar energy integration, and 24/7 operation. The project involves a two-phase investment of roughly \$1.25 billion and would create about 150 permanent technical and engineering jobs. Dunham emphasized that midstream processing is the key missing link in the domestic critical minerals supply chain and that VTRU's project aims to address that vulnerability by establishing U.S.-based refining capability.

Following the presentation the Board had a number of questions. Members asked about the safety and sourcing of VTRU's feedstock; Dunham confirmed all materials would arrive preprocessed and free of radioactive elements. Questions about site selection and

permitting led Dunham to highlight the Mojave–Barstow region’s infrastructure, workforce, and transport advantages despite California’s stricter regulations.

Members also asked about facility scale, production capacity, and traffic impacts. Dunham described an 8,000-metric-ton annual operation requiring roughly 180–240 acres, with efforts to rely on rail and minimize community disruption. He noted the process involves standard chemical handling and no radioactive waste.

Final questions focused on comparisons to other U.S. processors and the market for VTRU’s products. Dunham emphasized that all separation would occur in-house and that the company aims to support domestic manufacturing, especially as China’s tightening export controls may limit U.S. access to critical minerals.

B. Mining Ordinance Update Project, Progress Update (SMGB Staff)

Regulatory Analyst Natalie Decio provided an update on the Board’s mining ordinance update project. In Group 0 Solano and San Benito counties have fully completed and certified ordinance updates. San Bernardino’s update is finished and in the local adoption process with a Planning Commission hearing expected in July. Shasta and Mendocino are mostly complete with Shasta County’s expected to be brought to the Board for comments in an upcoming regular business meeting.

In Group 1, biweekly meetings continue with Humboldt and San Diego counties, and Merced County has now joined the group. A kickoff workshop was held in April, and regular meetings have begun with good progress.

For Group 2, Plumas County has already reached out and scheduled a kickoff meeting for next week while engagement letters for Ventura, Inyo, and Tulare counties are prepared work will begin later this year.

14. Executive Session (Closed to the Public)

No executive session was held.

15. Announcements and Future Meetings

Executive Officer Schmidt announced that the Critical Minerals Committee will meet on July 16. He also announced that a July 30 hearing will be held to gather public comments on the preliminary review maps for the proposed Alquist-Priolo Earthquake Fault Zones and proposed Seismic Hazard Zones, followed by a regular Board meeting on August 20.

16. Adjournment

Member Landregan motioned to adjourn, and the June 18, 2026, regular business meeting was unanimously adjourned at 12:23 p.m.

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Agenda Item No. 12A

September 17th, 2026

Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations.

INTRODUCTION:

The proposed regulations detail the procedures needed to apply for an exemption for surface mining operations of infrequent nature that involve minor surface disturbances under Public Resources Code (PRC) Section 2714(f). These proposed regulations also detail the administrative record, public hearing procedures, and effect of an exemption determination.

After the State Mining and Geology Board's (Board's) initial review and approval, the rulemaking package was submitted to the Office of Administrative Law (OAL) in January 2025. In September 2025, the rulemaking package was withdrawn from OAL review, so staff could address substantive public comments and refine the regulatory text. Board staff now present the responses to comments and updated regulatory language for the Board's review and approval for resubmittal to OAL.

STATUTORY AND REGULATORY AUTHORITY:

Under the authority of PRC section 2755, the Board is proposing to adopt sections 4050-4060 of Article 17, Title 14, Division 2, Chapter 8, Subchapter 1 of the California Code of Regulations (CCR). The proposed regulations implements, interprets, and makes specific PRC Section 2714(f).

BACKGROUND AND DISCUSSION:

The Surface Mining and Reclamation Act of 1975 (SMARA) was enacted into law to create and maintain an effective and comprehensive surface mining and reclamation policy in California. SMARA lead agencies, comprised of cities, counties, the San Francisco Bay Conservation and Development Commission, and the Board, have the principal responsibility to implement and administer SMARA within their respective jurisdictions.

SMARA provides that surface mining operations shall not be conducted "unless a permit is obtained from, a Reclamation Plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency" (PRC section 2770(a)). SMARA requires at least one public hearing for the approval of a mining permit, pursuant to PRC section 2774(a). Prior to or at the time of approval, the lead agency must also comply with the California Environmental Quality Act (CEQA). Lead agencies often combine the approval of a mining permit and applicable CEQA documents with the approval of a Reclamation Plan and/or related approvals.

The exemption process provides an opportunity to perform "surface mining operations that the Board determines to be of an infrequent nature and that involve only minor surface disturbances" without having to meet these SMARA requirements (PRC section 2714(f)). SMARA exempts other activities from its purview, most of which describe projects or activities that include what may appear to be mining or earth moving activities that are a component of a larger permitted project. For example, one exemption applies to excavations or grading associated with farming (PRC Section 2714(a)). Another exempts excavations or grading to obtain materials for roadbed construction and maintenance for certain timber operations (PRC Section 2714(k)(1)). Others outright

exempt traditional surface mining operations under a certain size (PRC Section 2714(d)) or the mining of a particular mineral such as salt or other minerals from sea or bay water (PRC Section 2714(g)). As extensive as the list of exemptions under PRC section 2714 might be, generating a list of every situation involving surface mining operations that might best be exempt from SMARA is problematic. Currently, no statutory or regulatory process for seeking an exemption from the Board under PRC section 2714(f) exists. The lack of procedures and instructions describing the exemption request process leads to case-by-case evaluation, which can be problematic and difficult.

The intent of this rulemaking is to standardize the exemption application process by clearly stating the procedures required for each request for exemption and ensuring that each request receives the same diligent and comprehensive evaluation by the Board before the determination of exemption is made.

HISTORY OF REGULATORY DEVELOPMENT AND PUBLIC ENGAGEMENT:

Development of the proposed 2714(f) exemption regulations has involved extensive public outreach and iterative refinement over several years. Since December 2021, substantial input has been received from Board members, agencies, interested parties, and the public through workshops, informational briefings, and formal hearings. This outreach and participation have informed each stage of regulatory development, including the drafting, revision, and updating of procedural requirements. The following table summarizes the key milestones, Board actions, and public engagement activities that have occurred throughout the development of the regulatory package.

May 2021	Concerns raised during a Board meeting about whether certain projects were appropriately exempt from SMARA revealed gaps and inconsistencies in how PRC 2714(f) was being interpreted. This discussion prompted the Board to consider the need for procedures governing exemption determinations.
August 2021	Board directed staff to develop 2714(f) regulations.
March and August 2022	The Board conducted pre-rulemaking workshops to discuss the purpose of the proposed regulatory action and concepts for draft regulatory language. Over 80 persons participated in the workshops including SMARA lead agency staff, mine operators, mining industry consultants and association representatives, other state government staff, and members of the public.
April 2023	The Board reviewed and approved preliminary draft regulatory language.
August 2024	Board staff presented updated regulatory text to the Board, and additional public comments were received.
October 2024	The Board approved a rulemaking package and directed staff to proceed with the formal rulemaking process.
January - March 2025	Board staff submitted the regulatory package to OAL, initiating the formal public comment period, during which over 1,500 written comments were received.
September 2025	Due to the number of substantive comments received, additional time was needed to address them and update the regulatory text; therefore, the Board elected not to proceed with the 2714(f) rulemaking package and withdrew it from OAL consideration.

Agenda Item 12A: Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations.

September 17, 2026

COMMENTS AND UPDATED TEXT:

During the formal rulemaking process, numerous comments were received by the public. To adequately review and address the substantial comments, the Board moved forward with a decision not to proceed with the PRC 2714(f) Exemption Regulations rulemaking package on September 30, 2025. This was published in the October 10, 2025, California Regulatory Notice Register. Since then, Board staff have reviewed and drafted responses to the substantive comments and updated the preliminary language for new CCR sections 4050-4060 to address them. Today, Board staff are now bringing the summary of comments, responses to comments and revised regulatory text before the Board for re-consideration and approval for initiation of a new rulemaking process. Should the text be approved today, Board staff would prepare the rulemaking package for future Board consideration and submittal to the Office of Administrative Law.

A summary of the comments and responses to comments are detailed below.

Comment Topic	Summary of Comment	Board Response & Text Updates
Public Notice Requirements	Commenters requested longer and broader noticing, including notice to tribes, property owners, and local communities.	"Section 4057 Public Hearing for Exemption Determination" was updated and now includes a 30-day notice period. Noticing will follow Bagley Keene, CEQA, and SMARA requirements.
Hearing Location	Comments urged holding hearings locally rather than in Sacramento and expanding opportunities for participation.	The Board will retain case by case discretion to select hearing locations to balance procedural requirements and practical considerations. Bagley Keene already governs written and oral comment procedures.
Definitions of "Infrequent Nature" and "Minor Surface Disturbance"	Many commenters asked for clear or quantifiable definitions to avoid inconsistent application.	The proposed regulations remain procedural, consistent with the statute's intent to allow Board discretion. The Board is electing not to define these statutory terms.
Permitting and CEQA Compliance	Commenters sought assurance that CEQA review and local permitting would not be bypassed.	A new section added, "4052 Permitting and CEQA Compliance", clarifies that all exemption requests must comply with CEQA, as applicable, and that exemptions do not replace local permits. In nearly all cases, local agencies are the CEQA lead agency, with the Board acting as a responsible agency.
Tribal Consultation (AB 52)	Commenters requested early and formal tribal notification and consultation.	Updated text in "Section 4051 Pre-submittal Consultation", requires CEQA compliance including tribal consultation.

Agenda Item 12A: Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations.

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Written Findings	Commenters requested written determinations explaining exemption decisions.	"Section 4059 Notification of Board Determination" was updated and requires written findings that state the specific facts relied upon for exemption determinations.
Scope and Limitations of the Exemption	Commenters raised concerns that the exemption could be applied too broadly, potentially reducing public oversight and affecting sensitive environmental or cultural resources, while others urged using it more generously to reduce regulatory burden.	Exemptions remain limited in scope and do not replace local permitting or CEQA. The Board's discretion to determine qualifying activities is explicitly granted by statute and is consistent with SMARA's intent.
Inspection Requirements	Concerns were raised about oversight gaps and responsibility for inspection costs.	Exempt operations are not subject to annual inspections, but discretionary inspections may occur and results are publicly available. Costs are covered by the Mine Reclamation Account (MRA).
Lead Agency Engagement / Pre-Consultation	Commenters requested stronger coordination with local agencies.	"Section 4051 Pre-submittal Consultation" was updated. Pre consultation meeting establishes roles and ensures CEQA/SMARA/local compliance. Regulations clarify that local agencies are the permitting authority.
Cost, Fairness, and Transparency	Concerns addressed public cost burdens and transparency in the exemption process.	Cost recovery comes via the MRA account. Exemption process does not grant mining permission—local permits still required. Public hearings and CEQA processes ensure transparency.

EXECUTIVE OFFICER RECOMMENDATION:

Approve the updated regulatory text for the proposed SMARA 2714(f) exemption regulations and direct Board staff to proceed with updating the associated rulemaking documents.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the Board today, I move that the Board approve the preliminary regulatory language and prepare the rulemaking package for future Board consideration.

Respectfully submitted:



Jeffrey Schmidt
Executive Officer

Attachments:

1. **Strikethrough/Underline Version** of Proposed Regulatory Language for CCR sections 4050-4060
2. **Clean Version** of Proposed Regulatory Language for CCR sections 4050-4060

Text of Proposed Regulations (Original)**California Code of Regulations****Title 14. Natural Resources****Division 2. Department of Conservation****Chapter 8. Mining and Geology****Subchapter 1. State Mining and Geology Board****Article 17. Surface Mining Operations of Infrequent Nature That Involve Minor Surface Disturbances**

§ 4050 Purpose of Regulations. The regulations contained in this article set forth the procedures that the State Mining and Geology Board (Board) shall use for the determination of exemptions pursuant to Public Resources Code (PRC) section 2714(f).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4051 Pre-submittal Consultation. The project proponent shall request a pre-submittal consultation, [by email or certified mail](#), prior to submitting the exemption application. The Board's Executive Officer shall consult with the project proponent, the Surface Mining and Reclamation Act (SMARA) lead agency, and the land use agency with jurisdiction while considering an exemption requested under PRC section 2714(f). Topics of discussion will include the following:

- a) The scope, nature, and intent of the proposed surface mining operation.
- b) The amount and type of mineral commodity or materials that will be produced as well as the proposed method of production or exploration.
- c) The project's environmental review under California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) as part of the lead agency permitting process, [including identification of the CEQA lead agency and early initiation of tribal and other consultations, as required.](#)
- d) The condition in which the site will be left that minimizes adverse effects on the environment, protects public health and safety, and that is readily adaptable to the designed use or readily adaptable to alternative land uses.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), [Sections 21000, 21080.3.1, 21080.3.2, and 21084.3 Public Resources Code.](#)

§ 4052 Permitting and CEQA Compliance. [The Board's determination of an exemption pursuant to PRC 2714\(f\) does not alter the requirement to obtain necessary permits. When making 2714\(f\) determinations, the Board, shall adhere to and fully implement all applicable requirements of CEQAthe California Environmental Quality Act. For nearly all projects, the local permitting agency will be the CEQA lead agency, and the Board will be a CEQA responsible agency.](#)

Authority: Section 2755, Public Resources Code. Reference: [Section 21000, Public Resources Code.](#)

§ 40532 Eligibility-Applicability for Exemption. Only activities that constitute a surface mining operations under SMARA that the Board determines to be of an infrequent nature and that involves only minor surface disturbances shall be eligible will be considered for the an exemption under PRC 2714(f).

Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2735 Public Resources Code.

§ 40543 Filing a Request for a Determination of Exemption. A request for exemption under PRC section 2714(f) shall be initiated by filing a request for determination of exemption with the Board. The request for determination of exemption shall include the following information:

- a) Name, address, telephone number, and email address of:
 1. The applicant and any agent for contact of service;
 2. The subject property owner(s);
 3. Any lessee or lien holder to the surface mining operation;
 4. The land use agency with jurisdiction;
 5. The SMARA lead agency with jurisdiction;
 6. Each mining operation, including their California mine identification number, located within 60 miles of the proposed surface mining operation;
 7. The owners of properties contiguous to the surface mining operation;
- ~~a. Name, address, telephone number, and email address of the applicant and any agent for contact of service;~~
- ~~b. Name, address, telephone number, and email address of the subject property owner(s);~~
- ~~c. Name, address, telephone number, and email address of the mineral rights owner(s);~~
- ~~d. Name, address, telephone number, and email address of any lessee or lien holder to the surface mining operation;~~
- ~~e. Name, address, telephone number, and email address for the land use agency with jurisdiction;~~
- ~~f. Name, address, telephone number, and email address for the SMARA lead agency with jurisdiction;~~
- ~~g. Name, address, telephone number, email address, and California mine identification number for each mining operation located within 60 miles of the proposed surface mining operation;~~
- ~~h. Name, address, telephone number, and email address of the owners of properties contiguous to the surface mining operation;~~
- ~~i. b) A map, prepared by an appropriately qualified professional, indicating the location, the latitude and longitude, and the boundaries and the limits of the surface mining operation and acreage;~~
- ~~j. c) A legal description of such property comprising the surface mining operation, such as township and range, metes and bounds, parcel numbers, or other descriptive methods to specifically identify such property;~~
- ~~k. d) The Any land use agency permit documents for the surface mining operation, including, to the extent applicable, CEQA and/or NEPA review documentation prepared for the project, or any other evidence of the right to operate such as by specific zoning or ordinance;~~

- l- e) Copies of any other public agency permits associated with the surface mining operations and a statement regarding the current status of required permits which have not yet been obtained;
- m- f) Lead agency staff reports concerning the approval or impacts of the surface mining operation and meeting minutes of any public hearings related to the lead agency's consideration or approval of the permit to conduct the surface mining operation;
- n- g) The time frame planned for the proposed surface mining operations, including the start date and the estimated schedule of completion, and whether period of inactivity would occur;
- o- h) Approximate volume and type of material to be removed from the surface mining operation;
- p- i) Approximate volume of the topsoil proposed to be disturbed or salvaged by the surface mining operation and final disposition;
- q- j) Approximate volume of the overburden proposed to be disturbed or salvaged by the surface mining operation and final disposition;
- r- k) Approximate volume of residual mining waste and final disposition following the surface mining operation;
- s- l) Grading plans showing current topography and proposed final elevations of mined lands; and
- t- m) A declaration or affidavit attesting to the true and accurate nature of the materials and information provided pursuant to this section.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 40554 Initial Review of a Request for a Determination of Exemption. The Board's Executive Officer shall initially evaluate whether the request for determination of exemption contains the minimum applicable information specified in section 40543 of this article and shall also determine if the request for exemption is complete within thirty days of receipt of the filing. If the Board's Executive Officer determines that the request for exemption does not contain sufficient information to meet the requirements of section 40543, the request shall be rejected and the deficiencies in the request shall be identified by the Board's Executive Officer in written correspondence to the applicant. The applicant may address the deficiencies and may resubmit the request for a determination of exemption.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 40565 Administrative Record. The administrative record before the Board shall consist of the applicable documents specified in section 40534, Board staff reports, related materials other persons may have submitted to the Board during its consideration of the request for exemption, and any other materials the staff of the Board considered in reviewing the request.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 40576 Public Hearing for Exemption Determination. No determination of exemption shall be made by the Board without a public hearing and an opportunity for the applicant, the lead agency, any interested persons, and the public to comment. A 30-day Notice of the public hearing will be provided to those identified in 40534(ag)(6) and (ah)(7) and posted upon the Board's website. The public hearing shall be held by the Board within ~~ninety~~ 90 days of the Executive Officer's determination that the request is complete and, at its discretion, within the county where the exemption is claimed or within the county of the Board's offices (County of Sacramento).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 40587 Hearing Procedures.

(a) The public hearing should proceed in the following manner:

- {1.} Review of the Executive Officer's informational report and the administrative record;
- {2.} Statements on behalf of the applicant;
- {3.} Statements on behalf of the land use and SMARA lead agency;
- {4.} Statements on behalf of the public;
- {5.} Rebuttal on behalf of the applicant;
- {6.} Rebuttal on behalf of the land use and SMARA lead agency;
- {7.} Rebuttal on behalf of the public;
- {8.} The Board may ask questions of Board staff, the applicant, the land use and SMARA lead agency and members of the public as part of its deliberations. The Board shall, upon a motion, determine by a vote whether the surface mining operation is exempt from SMARA pursuant to PRC section 2714(f). The determination shall identify the specific facts that support or deny the exemption. The Board may also, within its discretion, choose to continue the request to a future Board meeting; and
- {9.} Motion to close the public hearing.

(b) Notwithstanding the above, the Chair of the Board may, in the exercise of their discretion, determine the order of the proceedings, provide for additional testimony, or provide for additional rebuttal.

(c) The Chair of the Board may impose reasonable time limits upon statements and presentations.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 40598 Notification of Board Determination. Notification of the Board's determination, which includes findings stating the specific facts relied on to make its determination, shall be made by certified mail to the lead agency and the project proponent within 15 days following the public hearing at which the decision is made and shall be posted upon the Board's website.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 406059 Effect of a Determination of Exemption. Under PRC section 2714(f), a determination of exemption by the Board exempts the surface mining operation from the requirements of SMARA (PRC sections 2710 et. Seq.), only to the extent it is operated consistent with the request for exemption, the Board's approval of the exemption, and all applicable public agency permits. The applicant shall notify the Board within 30 days of any future modification to the surface mining operation. The Board may conduct periodic inspections of the surface mining operation. The Board shall notify the operator and the lead agency at least five days prior to conducting an inspection of the surface mining operation. ~~If surface mining operations are modified or conducted inconsistent with the submitted documents under California Code of Regulations, Title 14, Section 4053, the Board may, within its discretion, require the steps outlined in this Article to be repeated, including resubmittal of documentation and a public hearing to reconsider its prior determination of exemption.~~ If surface mining operations are modified or conducted in a manner inconsistent with the documents submitted under California Code of Regulations, Title 14, Section 4054, the Board may, at its discretion, require the steps outlined in this Article to be repeated—including resubmittal of documentation and a public hearing to reconsider its prior exemption determination—and/or pursue other remedies to ensure compliance with SMARA, including but not limited to issuing a cease-and-desist order for surface mining operations.

Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2715, 2774.1 Public Resources Code.

Text of Proposed Regulations (Original)**California Code of Regulations****Title 14. Natural Resources****Division 2. Department of Conservation****Chapter 8. Mining and Geology****Subchapter 1. State Mining and Geology Board****Article 17. Surface Mining Operations of Infrequent Nature That Involve Minor Surface Disturbances**

§ 4050 Purpose of Regulations. The regulations contained in this article set forth the procedures that the State Mining and Geology Board (Board) shall use for the determination of exemptions pursuant to Public Resources Code (PRC) section 2714(f).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4051 Pre-submittal Consultation. The project proponent shall request a pre-submittal consultation, by email or certified mail, prior to submitting the exemption application. The Board's Executive Officer shall consult with the project proponent, the Surface Mining and Reclamation Act (SMARA) lead agency, and the land use agency with jurisdiction while considering an exemption requested under PRC section 2714(f). Topics of discussion will include the following:

- a) The scope, nature, and intent of the proposed surface mining operation.
- b) The amount and type of mineral commodity or materials that will be produced as well as the proposed method of production or exploration.
- c) The project's environmental review under California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) as part of the lead agency permitting process, including identification of the CEQA lead agency and early initiation of tribal and other consultations, as required.
- d) The condition in which the site will be left that minimizes adverse effects on the environment, protects public health and safety, and that is readily adaptable to the designed use or readily adaptable to alternative land uses.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Sections 21000, 21080.3.1, 21080.3.2, and 21084.3 Public Resources Code.

§ 4052 Permitting and CEQA Compliance. The Board's determination of an exemption pursuant to PRC 2714(f) does not alter the requirement to obtain necessary permits. When making 2714(f) determinations, the Board, shall adhere to and fully implement all applicable requirements of CEQA. For nearly all projects, the local permitting agency will be the CEQA lead agency, and the Board will be a CEQA responsible agency.

Authority: Section 2755, Public Resources Code. Reference: Section 21000, Public Resources Code.

§ 4053 Applicability for Exemption. Only activities that constitute surface mining operations under SMARA will be considered for an exemption under PRC 2714(f).

Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2735 Public Resources Code.

§ 4054 Filing a Request for a Determination of Exemption. A request for exemption under PRC section 2714(f) shall be initiated by filing a request for determination of exemption with the Board. The request for determination of exemption shall include the following information:

- a) Name, address, telephone number, and email address of:
 - 1. The applicant and any agent for contact of service;
 - 2. The subject property owner(s);
 - 3. Any lessee or lien holder to the surface mining operation;
 - 4. The land use agency with jurisdiction;
 - 5. The SMARA lead agency with jurisdiction;
 - 6. Each mining operation, including their California mine identification number, located within 60 miles of the proposed surface mining operation;
 - 7. The owners of properties contiguous to the surface mining operation;
- b) A map, prepared by an appropriately qualified professional, indicating the location, the latitude and longitude, and the boundaries and the limits of the surface mining operation and acreage;
- c) A legal description of such property comprising the surface mining operation, such as township and range, metes and bounds, parcel numbers, or other descriptive methods to specifically identify such property;
- d) Any land use agency permit documents for the surface mining operation, including, to the extent applicable, CEQA and/or NEPA review documentation prepared for the project, or any other evidence of the right to operate such as by specific zoning or ordinance;
- e) Copies of any other public agency permits associated with the surface mining operations and a statement regarding the current status of required permits which have not yet been obtained;
- f) Lead agency staff reports concerning the approval or impacts of the surface mining operation and meeting minutes of any public hearings related to the lead agency's consideration or approval of the permit to conduct the surface mining operation;
- g) The time frame planned for the proposed surface mining operations, including the start date and the estimated schedule of completion, and whether period of inactivity would occur;
- h) Approximate volume and type of material to be removed from the surface mining operation;
- i) Approximate volume of the topsoil proposed to be disturbed or salvaged by the surface mining operation and final disposition;
- j) Approximate volume of the overburden proposed to be disturbed or salvaged by the surface mining operation and final disposition;

k) Approximate volume of residual mining waste and final disposition following the surface mining operation;

l) Grading plans showing current topography and proposed final elevations of mined lands; and

m) A declaration or affidavit attesting to the true and accurate nature of the materials and information provided pursuant to this section.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4055 Initial Review of a Request for a Determination of Exemption. The Board's Executive Officer shall initially evaluate whether the request for determination of exemption contains the minimum applicable information specified in section 4054 of this article and shall also determine if the request for exemption is complete within thirty days of receipt of the filing. If the Board's Executive Officer determines that the request for exemption does not contain sufficient information to meet the requirements of section 4054, the request shall be rejected and the deficiencies in the request shall be identified by the Board's Executive Officer in written correspondence to the applicant. The applicant may address the deficiencies and may resubmit the request for a determination of exemption.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4056 Administrative Record. The administrative record before the Board shall consist of the applicable documents specified in section 4054, Board staff reports, related materials other persons may have submitted to the Board during its consideration of the request for exemption, and any other materials the staff of the Board considered in reviewing the request.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4057 Public Hearing for Exemption Determination. No determination of exemption shall be made by the Board without a public hearing and an opportunity for the applicant, the lead agency, any interested persons, and the public to comment. A 30-day Notice of the public hearing will be provided to those identified in 4054(a)(6) and (a)(7) and posted upon the Board's website. The public hearing shall be held by the Board within 90 days of the Executive Officer's determination that the request is complete and, at its discretion, within the county where the exemption is claimed or within the county of the Board's offices (County of Sacramento).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4058 Hearing Procedures.

a) The public hearing should proceed in the following manner:

1. Review of the Executive Officer's informational report and the administrative record;

2. Statements on behalf of the applicant;

3. Statements on behalf of the land use and SMARA lead agency;

4. Statements on behalf of the public;

5. Rebuttal on behalf of the applicant;

6. Rebuttal on behalf of the land use and SMARA lead agency;

7. Rebuttal on behalf of the public;

8. The Board may ask questions of Board staff, the applicant, the land use and SMARA lead agency and members of the public as part of its deliberations. The Board shall, upon a motion, determine by a vote whether the surface mining operation is exempt from SMARA pursuant to PRC section 2714(f). The determination shall identify the specific facts that support or deny the exemption. The Board may also, within its discretion, choose to continue the request to a future Board meeting; and

9. Motion to close the public hearing.

b) Notwithstanding the above, the Chair of the Board may, in the exercise of their discretion, determine the order of the proceedings, provide for additional testimony, or provide for additional rebuttal.

c) The Chair of the Board may impose reasonable time limits upon statements and presentations.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4059 Notification of Board Determination. Notification of the Board's determination, which includes findings stating the specific facts relied on to make its determination, shall be made by certified mail to the lead agency and the project proponent within 15 days following the public hearing at which the decision is made and shall be posted upon the Board's website.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4060 Effect of a Determination of Exemption. Under PRC section 2714(f), a determination of exemption by the Board exempts the surface mining operation from the requirements of SMARA (PRC sections 2710 et. Seq.), only to the extent it is operated consistent with the request for exemption, the Board's approval of the exemption, and all applicable public agency permits. The applicant shall notify the Board within 30 days of any future modification to the surface mining operation. The Board may conduct periodic inspections of the surface mining operation. The Board shall notify the operator and the lead agency at least five days prior to conducting an inspection of the surface mining operation. If surface mining operations are modified or conducted in a manner inconsistent with the documents submitted under California Code of Regulations, Title 14, Section 4054, the Board may, at its discretion, require the steps outlined in this Article to be repeated—including resubmittal of documentation and a public hearing to reconsider its prior exemption determination—and/or pursue other remedies to ensure compliance with SMARA, including but not limited to issuing a cease-and-desist order for surface mining operations.

Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2715, 2774.1 Public Resources Code.



Agenda Item No. 13A

September 17th, 2026

Presentation: *Financial Assurance Education, Compliance, and Enforcement Update*
by: Gabe Tiffany, DOC

INFORMATION:

Deputy Director Gabe Tiffany will present an informational overview of the Division of Mine Reclamation's (Division) Financial Assurance Education, Compliance, and Enforcement efforts. The presentation will discuss the Division's Notice to Operators (NTO), released to lead agencies and operators on September 4, 2026, and efforts to assist operators and lead agencies with education and compliance relating to SMARA's initial and annual financial assurance cost estimate and financial assurance mechanism requirements. A copy of the Division's NTO is available at the following link:

<https://www.conservation.ca.gov/dmr/Documents/Notice%20to%20Operators%20of%20Education%20C%20Compliance%20and%20Enforcement%20Efforts%20by%20DMR.pdf>



Agenda Item No. 13B

September 17th, 2026

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

INFORMATION:

SMGB staff will provide an update on the Mining Ordinance Update Project, reporting on progress with the first and second group of lead agencies, as well as the status of current ordinance reviews.



Agenda Item No. 13C

September 17th, 2026

Presentation: *SMGB Mine Inspections Update*
by: SMGB Staff

INFORMATION:

SMGB staff will provide a presentation covering updates on annual inspections, including an overview of inspection procedures and the approval process for Financial Assurances. The presentation will also discuss mines under SMGB SMARA authority and summarize both informal and formal enforcement actions taken during the previous (2025) inspection cycle.